

# VILLAGE OF LONE ROCK

## ZONING ORDINANCE

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Adopted: September 9<sup>th</sup>, 2008

Technical Assistance Provided By:

**SOUTHWESTERN WISCONSIN REGIONAL  
PLANNING COMMISSION**

# **Zoning Ordinance, Village of Lone Rock**

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## **SECTION 1.0: INTRODUCTION**

### **1.01 AUTHORITY**

These regulations are adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Village Board of Lone Rock, Wisconsin, does ordain as follows:

### **1.02 PURPOSE**

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

### **1.03 INTENT**

It is the general intent of this Ordinance to:

- (a) Regulate and restrict the use of all structures, lands, and waters;
- (b) 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;
- (c) Secure safety from fire, flooding, panic, and other dangers;
- (d) Provide adequate light, air, sanitation, and drainage;
- (e) Facilitate the adequate provision of public facilities and utilities;
- (f) Stabilize and protect property values;
- (g) Further the appropriate use of land and conservation of natural resources;
- (h) Preserve and promote the beauty of the community;
- (i) Implement the community's comprehensive plan or plan components;
- (j) Provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

### **1.04 ABROGATION AND GREATER RESTRICTIONS**

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

### **1.05 INTERPRETATION**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

### **1.06 SEVERABILITY**

If any section, clause, provision, or portion of this Ordinance is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

### **1.07 REPEAL**

This ordinance repeals and replaces the previous Village of Lone Rock Zoning Ordinance, adopted May 12, 1987. All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

## **1.08 TITLE**

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, VILLAGE OF LONE ROCK, WISCONSIN."

## **1.09 EFFECTIVE DATE**

This Ordinance shall be effective after a public hearing, adoption by the Village Board of Trustees, and publication or posting as provided by law.

Date of Adoption: \_ \_ \_ \_ \_

# **SECTION 2.0: GENERAL PROVISIONS**

## **2.01 JURISDICTION**

The jurisdiction of this Ordinance shall include all lands and waters within the corporate limits of the Village of Lone Rock.

## **2.02 VILLAGE PLAN COMMISSION**

The Village Plan Commission is hereby authorized to carry out the intent of the Comprehensive Plan and Village of Lone Rock Zoning Ordinance. The make up of the commission and its powers and duties shall be prescribed by Chapter 62.23 of the Wisconsin Statutes.

## **2.03 ZONING ADMINISTRATOR**

The office of Zoning Administrator is designated as the administrative and enforcement officer for the provisions of this Ordinance. The duties of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, after on-site inspection, all approvals required by this Ordinance. The Zoning Administrator shall investigate all complaints, give notice of violations, issue orders to comply with the zoning ordinance, and assist the Village Attorney in the prosecution of ordinance violators. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

## **2.04 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 a zoning permit, and without full compliance with the provisions of this Ordinance and all other applicable Village, County, and State regulations.

## **2.05 ZONING APPROVALS**

- (a) Zoning approval shall be required for all new structures, exterior renovation, interior alterations, demolition, placement of signs, and changes in land use unless specifically accepted by this Ordinance. Applications for zoning approval shall be made to the Zoning Administrator and shall include the following where appropriate:
  - (1) Name and addresses of the applicant, owner of the site, architect, professional engineer, or contractor.
  - (2) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of employees; the zoning district within which the



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subject site lies.

- (3) Site Plan showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the site plan shall show the location, and use of any abutting lands and their structures within forty (40) feet of the subject site.
- (4) Additional information as may be required by the Village Plan Commission or the Village Zoning Administrator.
- (b) Zoning Approval shall be granted or denied in writing by the Zoning Administrator within thirty (30) days. All permits are reviewed and approved/denied by the Village Board. The approval shall expire within one (1) year unless substantial work has commenced. Any approval given in conflict with the provisions of this Ordinance shall be null and void.

## **2.06 ZONING/BUILDING PERMIT FEE**

A fee is required for all zoning/building permits, with payment due at time of application. The amount of the fee is set by the Village Board and is based on the type of construction.

## **2.07 USES NOT REQUIRING ZONING APPROVAL**

- (a) Any small, movable accessory structure or construction such as birdhouses, pet houses, play equipment, arbors; said minor structures shall be limited to sixteen (16) square feet in floor space.
- (b) Private sidewalks and driveways poured or formed patios, decks, and walkways that do not exceed six (6) inches in height above ground level.

## **2.08 SITE RESTRICTIONS**

- (a) **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low 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 this community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he/she bases their conclusions that the land is not suitable for certain uses. The applicant shall have an opportunity to appeal a finding of such unsuitability to the Board of Zoning Appeals if he/she so desires. Thereafter, the Zoning Administrator may affirm, modify, or withdraw the determination of unsuitability.
- (b) **Street Frontage.** All lots shall abut upon a public street, and each lot shall have an absolute minimum frontage of forty (40) feet, except in the B-1 Retail Business District where the minimum frontage shall not be less than twenty-five (25) feet.
- (c) **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.
- (d) **Dedicated Street.** No zoning approval shall be granted 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.
- (e) **Water Supply and Sewage Disposal.** All new principal structures shall be served by public water and sewer systems where available.
- (f) **Foundation Required.** All principal structures shall be built or placed on a permanent foundation that meets the requirements of the Wisconsin Administrative Code, Chapter ILHR 21, except for manufactured home units located within an approved and licensed manufactured home park.
- (g) **State and County Regulations.** More restrictive standards regarding building setback and property access may be imposed by state and county regulations in certain circumstances where lots abut on state or county highways.



## 2.09 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- (a) **Principal Uses.** Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in a designated district.
- (b) **Accessory Uses.** Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry other than a permitted home occupation. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's, itinerant agricultural laborer's, and watchman's quarters not for rent; private swimming pools; and private emergency shelters.
- (c) **Conditional Uses.** Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and recommendation by the Village Plan Commission, with final approval by the Village Board, in accordance with Section 4.0 of this Ordinance.
- (d) **Unclassified Uses.** Unclassified or Unspecified Uses may be permitted by the Village Board provided that such uses are similar in character to the principal uses permitted in the district.
- (e) **Temporary Uses.** Temporary Uses, such as shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning Commission.

## 2.10 MOBILE HOMES

No mobile homes built prior to June 15, 1976 or that otherwise fail to comply with all manufactured home construction and safety standards established under 242 USC Sec. 5401, et seq., other than non-conforming structures, shall be permitted to be used as permanent residences within the Village. (See also Sections 3.05 and 8.0.) Also refer to separate Village Home Manufactured Ordinance for additional requirements pertaining to manufactured homes. These mobile home units shall lose their nonconforming status and must be removed from the Village if vacant or unoccupied for more than sixty (60) days.

## 2.11 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for structure or use shall be used for any other structure or use.

## 2.12 VIOLATIONS

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Board of Trustees, the Zoning Administrator, the Village Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

## 2.13 PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than twenty dollars (\$20) or more than two-hundred dollars (\$200) and costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.



## SECTION 3.0: ZONING DISTRICTS

### 3.01 ZONING DISTRICTS DESIGNATED

For the purpose of this Ordinance, the Village of Lone Rock is hereby divided into the following zoning districts:

- (a) R-1: Single Family Residential District
- (b) R-2: Multiple Family Residential District
- (c) R-3: Manufactured Home Residential District
- (d) B-1: Retail Business District
- (e) B-2: Neighborhood Business District
- (f) B-3: Wholesale and Service Business
- (g) B-4: Highway Business District
- (h) M-1: Industrial District
- (i) A-1: Agricultural District
- (j) CON: Conservancy District
- (k) PUD: Planned Unit Development District

### 3.02 DISTRICT BOUNDARIES

- (a) **Zoning Map.** The boundaries of These Districts are hereby established as shown on a map entitled "Zoning Map, Village of Lone Rock, Wisconsin" which accompany and are part of this Ordinance. A certified copy of the zoning map shall be adopted and approved with the text as part of this Ordinance and shall bear upon its face the attestation of the Village Clerk and shall be available to the public in the office of the Village Clerk. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.
- (b) **Boundary Lines.** Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the zoning map.
- (c) **Vacation.** Vacation of public streets and alleys shall cause the vacated land to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (d) **Annexations and Consolidations.** Annexations to or consolidations with the Village subsequent to the effective date of this Ordinance shall be placed in the A-1 Agricultural District unless the annexation ordinance places the land in another district. Within ninety (90) days, the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

### 3.03 R-1: SINGLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Purpose.** The R-1 Single Family Residential District is primarily intended to provide for low density, detached single-family homes.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1 District:
  - (1) Single family detached residences.
  - (2) Horticulture and gardening, but not including commercial greenhouses.
  - (3) Essential facilities and services.
  - (4) Community living arrangements that have a capacity for eight (8) or fewer persons and not closer than one-quarter (1/4) mile from a similar facility.
  - (5) Foster family care.
  - (6) Accessory uses and buildings as follows:
    - a. Private garages and carports for up to three (3) cars for each residential parcel with a maximum of eight-hundred-sixty-four (864) square feet, provided that no such garage shall be erected prior to the construction of the principal building to which it is accessory.



- b. Paved parking areas when located on the same lot and not including the conduct of business, except as permitted household occupation or conditional use.
  - c. Gardening, tool and storage sheds incidental to the residential use, not to exceed one hundred-ninety (190) square feet.
  - d. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
  - e. Signs as permitted by Village ordinances.
- (c) **Conditional Uses.** The following are permitted as conditional uses in the R-1 District:
- (1) Elementary and secondary schools and churches.
  - (2) Farm buildings on an existing farm, provided farm buildings shall be kept at least two-hundred (200) feet from the nearest residence on a non-farm lot.
  - (3) Boarding, rooming, lodging, and bed and breakfast houses.
  - (4) Community living arrangements that have a capacity for nine (9) or more persons.
- (d) **Lot, Yard and Building Requirements.** Within the R-1 District, the following standards shall apply:
- (1) **Lot Width.** Minimum sixty-five (65) feet.
  - (2) **Lot Depth.** Minimum one-hundred (100) feet.
  - (3) **Lot Area.** Minimum eight-thousand-five-hundred (8,500) square feet.
  - (4) **Building Coverage.** For lots ranging from eight-thousand-five-hundred (8,500) square feet to ten-thousand (10,000) square feet: thirty-five (35) percent maximum building coverage. For lots larger than ten-thousand (10,000) square feet: thirty (30) percent maximum building coverage.
  - (5) **Principal Building:**
    - a. **Front Yard.** Minimum twelve (12) feet.
    - b. **Side Yards.** Minimum twelve (12) feet on each side.
    - c. **Rear Yards.** Minimum twenty-five (25) feet.
    - d. **Building Height.** Maximum thirty-five (35) feet, and no more than two and one-half (2 1/2) stories.
    - e. **Building Area.** Each side of a dwelling shall be a minimum of twenty (20) feet in dimension but not less than nine-hundred (900) square feet total floor area.
  - (6) **Accessory Building:**
    - a. **Front Yard.** Minimum twelve (12) feet.
    - b. **Side Yards.** Minimum ten (10) feet.
    - c. **Rear Yard.** Minimum three (3) feet.
    - d. **Building Height.** Maximum twenty-five (25) feet.
    - e. **Roof Overhang.** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch front and rear overhang. (See Figure 7)

### 3.04 R-2: MULTIPLE-FAMILY RESIDENTIAL DISTRICT

- (a) **Purpose.** The R-2 Multiple-Family Residential District is primarily intended to provide for one or two family residences or apartment housing within the Village limits of Lone Rock.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-2 District:
  - (1) One or two-family residential units.
  - (2) Horticulture and gardening, but not including commercial greenhouses.
  - (3) Charitable or non-profit institutions and facilities.
  - (4) Essential facilities and services.
  - (5) Accessory uses; permitted uses in the R-1 District.
- (c) **Conditional Uses.** The following uses of land are permitted as conditional uses in the R-2 District:
  - (1) Multi-family residential buildings.
  - (2) Rooming and boarding houses.



- (3) Public buildings, except sewage plants, garbage incinerators, warehouses, shops and storage yards.
  - (4) Clubs, lodges, and meeting places of a non-commercial nature.
  - (5) Community living arrangements, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the indigent, and similar institutions (CBRF).
  - (6) Historic sites.
  - (7) Day care facilities.
  - (8) Libraries, museums and art galleries.
  - (9) Hospitals and clinics.
  - (10) Funeral homes.
  - (11) Cemeteries.
  - (12) 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.
  - (13) Home occupations and professional offices, subject to conditions set forth under Section 3.03; and all conditional uses in the R-1 District.
  - (14) Condominiums
- (d) **Lot, Yard and Building Requirements.** Within the R-2 District, the following standards shall apply:
- (1) **Lot Width.** Minimum sixty-five (65) feet.
  - (2) **Lot Depth.** Minimum one-hundred (100) feet.
  - (3) **Lot Area: Single-Family.** Minimum seven-thousand-five-hundred (7,500) square feet.  
**Lot Area: Two-Family.** Minimum ten-thousand (10,000) square feet.  
**Lot Area: Multi-Family.** Minimum fifteen-thousand (15,000) square feet, with three-thousand-five-hundred (3,500) square feet per efficiency unit, four-thousand (4,000) square feet per one-bedroom unit, and four-thousand-five-hundred (4,500) square feet per two-bedroom unit.
  - (4) **Building Coverage.** For lots ranging from eight-thousand-five-hundred (8,500) square feet to ten-thousand (10,000) square feet: thirty-five (35) percent maximum building coverage. For lots larger than ten-thousand (10,000) square feet: thirty (30) percent maximum building coverage.
  - (5) **Principal Building:**
    - a. **Front Yard.** Minimum twelve (12) feet.
    - b. **Side Yards: Single-Family.** Minimum ten (10) feet on each side.  
**Side Yards: Two-Family.** Minimum ten (10) feet on each side.  
**Side Yards: Multi-Family.** Minimum fifteen (15) feet on each side.
    - c. **Rear Yards.** Minimum twenty (20) feet.
    - d. **Building Height.** Maximum forty (40) feet, and no more than three (3) stories.
    - e. **Floor Area:**
      - Single-Family.** Each side of a dwelling shall be a minimum of twenty (20) feet in dimension but not less than nine-hundred (900) square feet total floor area.
      - Multi-Family.** Minimum six-hundred (600) square feet/unit for an efficiency. Minimum seven-hundred (700) square feet/unit for a one-bedroom.
      - Minimum eight-hundred (800) square feet/unit for a two-bedroom.
  - (6) **Accessory Building:**
    - a. **Front Yard.** Minimum twelve (12) feet.
    - b. **Side Yards.** Minimum ten (10) feet.
    - c. **Rear Yard.** Minimum three (3) feet.
    - d. **Building Height.** Maximum twenty-five (25) feet.
    - e. **Roof Overhangs.** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch



front and rear overhang. (See Figure 7)

### 3.05 R-3: MANUFACTURED HOME RESIDENTIAL DISTRICT

- (a) **Purpose.** The R-3 Manufactured Home Residential District is intended to provide areas for planned manufactured home parks within the Village of Lone Rock.
- (b) **Permitted Uses.** Manufactured home parks that are developed exclusively for manufactured home usage with the exception of community buildings, laundry facilities, or other common use buildings which are ancillary to the residential use of the development.
- (c) **Conditional Uses.** Day Care facilities.
- (d) **Regulations and Standards.** For regulations and standards that apply to the Manufactured Home District, refer to Section 8.0 (manufactured home park requirements).

### 3.06 B-1: RETAIL BUSINESS DISTRICT

- (a) **Purpose.** The purpose of the B-1 District is to encourage the grouping of compatible businesses that will aid in further developing the downtown area as a retail service center.
- (b) **Permitted Uses.** The following uses of land are permitted in the B-1 District:
  - (1) Art and school supply stores.
  - (2) Automotive servicing repairs and sales.
  - (3) Antique shops.
  - (4) Appliance stores.
  - (5) Barber shops and beauty parlors.
  - (6) Banks and other financial institutions.
  - (7) Business and professional offices.
  - (8) Candy and ice cream stores.
  - (9) Caterers.
  - (10) Churches.
  - (11) Clothing repair shops.
  - (12) Cocktail lounges, clubs and taverns, with permit by Village Board.
  - (13) Delicatessens.
  - (14) Department stores, variety stores.
  - (15) Drug stores.
  - (16) Dwelling units above the ground floor.
  - (17) Electrical supply.
  - (18) Food stores.
  - (19) Funeral homes.
  - (20) Furniture stores.
  - (21) Government and cultural uses.
  - (22) Hotels and motels.
  - (23) Jewelry stores.
  - (24) Medical and dental clinics.
  - (25) Newspaper offices.
  - (26) Opticians and optical stores.
  - (27) Paint stores, retail only.
  - (28) Parking facilities.
  - (29) Photographic studios.
  - (30) Small animal hospitals.
  - (31) Tourist information and hospitality centers.
  - (32) Upholsterer's shops.
  - (33) Utilities and essential services.
  - (34) Other similar retail uses not specifically listed above which are compatible with established uses on adjoining properties, with approval of the Plan Commission.



- (c) **Conditional Uses.** None
- (d) **Lot, Yard and Building Requirements.** Within the B-1 District, the following standards shall apply:
  - (1) **Lot Width: Fireproof Construction.** Minimum twenty-five (25) feet.  
**Lot Width: Non-Fireproof Construction.** Minimum forty-five (45) feet.
  - (2) **Lot Area.** Minimum eight-thousand-five-hundred (8,500) square feet.
  - (3) **Principle Building:**
    - a. **Front Yard.** None.
    - b. **Side Yards: Fireproof Construction.** None.  
**Side Yards: Non-Fireproof Construction.** Minimum eleven (11) feet.
    - c. **Rear Yards.** Minimum twenty-five (25) feet.
    - d. **Building Height.** Maximum forty (40) feet, and no more than three (3) stories.
  - (4) **Accessory Building:**
    - a. **Front Yard.** Minimum twenty-five (25) feet.
    - b. **Side Yards.** Minimum ten (10) feet.
    - c. **Rear Yards.** Minimum three (3) feet.
    - d. **Building Height.** Maximum twenty-five (25) feet.
    - e. **Roof Overhangs.** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch front and rear overhang. (See Figure 7)
  - (5) **Extensions of Structures into required yards:**
    - a. The following extensions shall be permitted into required yards:
      - 1. Canopies and marquee in the Business Districts 6 feet (not permitted in interior side yards)
      - 2. Cornices and similar extensions one (1) foot
      - 3. Open fireproof fire escapes three (3) feet
      - 4. Eaves two (2) feet
    - b. The following restrictions shall apply to the permitted extensions:
      - 1. Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level
      - 2. Canopies shall in no case extend nearer than three (3) feet back of the face of a curb.
  - (6) **Extensions of structures over sidewalks**  
 In the B-1 Retail Business District, canopies attached to business structured at the front property line shall be permitted to extend over the sidewalk. A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structured shall be revocable as provided in Chapter 86.04, Wis. Stats.

### 3.07 B-2: NEIGHBORHOOD BUSINESS DISTRICT

- (a) **Purpose.** The B-2 Neighborhood Business District is intended to provide for selected convenience stores and professional offices that are often located near residential neighborhoods and that would not be detrimental to the residential environment.
- (b) **Permitted Uses.** The following uses are permitted in the B-2 District:
  - (1) Barber shops and beauty shops.
  - (2) Convenience grocery stores.
  - (3) Drug stores.
  - (4) Dwelling units above the ground floor.
  - (5) Florists.



- (6) Hobby shops.
- (7) Medical and dental clinics.
- (8) Professional offices.
- (9) Self-service Laundromats, dry cleaning establishments.
- (10) Other similar retail uses not specifically listed above which are compatible with established uses on adjoining properties, with approval of the Plan Commission.

(c) **Conditional Uses.** The following are permitted as conditional uses within the B-2 District:

- (1) Funeral homes.
- (2) Government and cultural uses.
- (3) Health and recreation clubs.
- (4) Utilities and essential services.

(d) **Lot, Yard and Building Requirements.** Within the B-2 District, the following standards shall apply:

- (1) **Lot Width.** Minimum sixty (60) feet.
- (2) **Lot Area.** Minimum six-thousand (6,000) square feet.
- (3) **Principal Building:**
  - a. **Front Yard.** Minimum twenty-five (25) feet
  - b. **Side Yards.** Minimum ten (10) feet.
  - c. **Rear Yards.** Minimum twenty-five (25) feet.
  - d. **Building Height.** Maximum thirty-five (35) feet, and no more than two and one-half (2 1/2) stories.
- (4) **Accessory Building:**
  - a. **Front Yard.** Minimum twenty-five (25) feet.
  - b. **Side Yards.** Minimum ten (10) feet.
  - c. **Rear Yards.** Minimum three (3) feet.
  - d. **Building Height.** Maximum twenty-five (25) feet.
  - e. **Roof Overhangs.** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch front and rear overhang. (See Figure 7)
- (5) **Extensions of Structures into required yards:**
  - a. The following extensions shall be permitted into required yards:
    - 1. Canopies and marquee in the Business Districts six (6) feet (not permitted in interior side yards)
    - 2. Cornices and similar extensions one (1) foot
    - 3. Open fireproof fire escapes three (3) feet
    - 4. Eaves two (2) feet
  - b. The following restrictions shall apply to the permitted extensions:
    - 1. Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level
    - 2. Canopies shall, in no case, extend nearer than three (3) feet back of the face of a curb.
- (6) **Extensions of structures over sidewalks**  
 In the B-1 Neighborhood Business District, canopies attached to business structured at the front property line shall be permitted to extend over the sidewalk. A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structured shall be revocable as provided in Chapter 86.04, Wis. Stats.

### 3.08 B-3: WHOLESALE AND SERVICE BUSINESS DISTRICT

- (a) **Purpose.** The purpose of the B-3 District is to provide an area for wholesale and service businesses that have large land area requirements. It is intended that the uses permitted in this



district will not detract from the potential of revitalizing the downtown business district.

- (b) **Permitted Uses.** The following uses are permitted in the B-3 District:

- (1) Agricultural services.
- (2) Automotive repair, services, and garages.
- (3) Bowling alleys.
- (4) Essential facilities and services, utilities.
- (5) General building contractors; general contractors--heavy construction; special trade contractors.
- (6) Handball, and racquetball clubs.
- (7) Lawn and garden services.
- (8) Miscellaneous repair services.
- (9) Motor freight transportation and warehousing.
- (10) Pool halls.
- (11) Retail trade-- boat dealers, building materials, lawn and garden supply. Manufactured home dealers, motor vehicle dealers, recreation and utility trailer dealers.
- (12) Wholesale trade, durable goods and non-durable goods.

- (c) **Conditional Uses.** The following are permitted as conditional uses in the B-3 District:

- (1) Other land extensive business uses not specifically listed above that are consistent with the purpose and intent of this district, with approval of the Plan Commission.

- (d) **Lot, Yard and Building Requirements.** In residential Districts, except for corner lot, required setbacks shall be modified in the following cases:

Where fifty (50) percent or more of the frontage on a block is occupied by residence having setbacks less than that required by this Chapter, setback on each remaining lot shall be determined in accordance with the following rule. The front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of the proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this Chapter. Within the B-3 District, the following standards shall apply:

- (1) **Lot Width.** Minimum sixty-five (65) feet.
- (2) **Lot Area.** Minimum eight-thousand-five-hundred (8,500) square feet.
- (3) **Principal Building:**
  - a. **Front Yard.** Minimum twenty-five (25) feet
  - b. **Side Yards.** Minimum ten (10) feet.
  - c. **Rear Yards.** Minimum twenty-five (25) feet.
  - d. **Building Height.** Maximum seventy-five (75) feet, and no more than three (3) stories.
- (4) **Accessory Building:**
  - a. **Front Yard.** Minimum twenty-five (25) feet.
  - b. **Side Yards.** Minimum ten (10) feet.
  - c. **Rear Yards.** Minimum three (3) feet.
  - d. **Building Height.** Maximum twenty-five (25) feet.
  - e. **Roof Overhangs.** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch front and rear overhang. (See Figure 7)

### 3.09 B-4: HIGHWAY BUSINESS DISTRICT

- (a) **Purpose.** The purpose of the B-4 District is to provide for principally motor vehicle oriented or dependent commercial activities that cater to the traveling public, and require larger land areas than can normally be found in the downtown business district. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street



parking.

- (b) **Permitted Uses.** The following uses are permitted in the B-4 District:

- (1) Convenience stores.
- (2) Motels.
- (3) Restaurants and drive-in establishments serving food or beverages.
- (4) Tourist information and hospitality centers.

- (c) **Conditional Uses.** The following uses are permitted as conditional uses in the B-4 District:

- (1) Any other highway commercial activities similar to above that cater to the traveling public.
- (2) Bowling alleys.
- (3) Car washing and upholstery shops.
- (4) Farm machinery and equipment sales and service.
- (5) Food locker plants.
- (6) Lumber yards.
- (7) Small motor sales and/or service.
- (8) Vehicle sales.
- (9) Veterinary clinics.
- (10) Wholesaling and warehousing.
- (11) Greenhouses and outdoor landscaping sales.
- (12) Service stations and automobile repair businesses.

- (d) **Lot, Yard and Building Requirements.** Within the B-4 District, the following standards shall apply:

- (1) **Lot Width.** Minimum eighty (80) feet.
- (2) **Lot Area.** Minimum twelve-thousand (12,000) square feet.
- (3) **Principal Building:**
  - a. **Front Yard.** Minimum fifty (50) feet.
  - b. **Side Yards.** Minimum twenty (20) feet.
  - c. **Rear Yards.** Minimum forty (40) feet
  - d. **Building Height.** Maximum fifty (50) feet, and no more than three (3) stories.
- (4) **Accessory Building:**
  - a. **Front Yard.** Minimum twenty-five (25) feet.
  - b. **Side Yards.** Minimum ten (10) feet.
  - c. **Rear Yards.** Minimum three (3) feet.
  - d. **Building Height.** Maximum twenty-five (25) feet.
  - e. **Roof Overhang.** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch front and rear overhang. (See Figure 7).
- (5) **Extensions of Structures into required yards:**
  - a. The following extensions shall be permitted into required yards:
    1. Canopies and marquee in the Business Districts six (6) feet (not permitted in interior side yards)
    2. Cornices and similar extensions one (1) foot
    3. Open fireproof fire escapes three (3) feet
    4. Eaves two (2) feet
  - b. The following restrictions shall apply to the permitted extensions:
    1. Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level
    2. Canopies shall, in no case, extend nearer than three (3) feet back of the face of a curb.

- (6) **Extensions of structures over sidewalks**

In the B-1 Highway Business District, canopies attached to business structured at



the front property line shall be permitted to extend over the sidewalk. A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structured shall be revocable as provided in Chapter 86.04, Wis. Stats.

### 3.10 M-1: INDUSTRIAL DISTRICT

- (a) **Purpose.** The purpose of the M-1 District is to provide appropriate areas within the Village limits for manufacturing and related activities that strengthen the Village's economic base and that are not incompatible with other land uses in the Village.
- (b) **Permitted Uses.** The following uses are permitted in the M-1 District:
  - (1) Freight yards, freight terminals, and trans-shipment depots.
  - (2) Inside storage, warehousing.
  - (3) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textile, and wood.
  - (4) Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food (except cabbage, fish, and pea vining), instruments, jewelry, pharmaceuticals, tobacco, and toiletries.
  - (5) Other similar uses not specifically listed.
- (c) **Conditional Uses.** The following are permitted as conditional uses in the M-1 District:
  - (1) Disposal areas, incinerators and sewage disposal plants.
  - (2) Dwelling for a watchman employed on the premises and members of his family.
  - (3) Manufacturing establishments that require outside storage areas that may be objectionable to surrounding land uses. The Village Board may require solid fencing or evergreen plantings to screen objectionable outside storage areas from other properties or from the public right-of-way.
- (d) **Prohibited Uses.** The following uses are not permitted within the M-1 District:
  - (1) Abattoirs, except for slaughter of poultry.
  - (2) Acid manufacture.
  - (3) Cement, lime, gypsum, or plaster-of-paris manufacture.
  - (4) Dead animal reduction or dumping.
  - (5) Distillation of bones.
  - (6) Explosives manufacture or storage.
  - (7) Fat rendering.
  - (8) Fertilizer manufacture.
  - (9) Glue manufacture.
  - (10) Junk yards.
  - (11) Petroleum refining.
  - (12) Residential (other than watchman residence), educational, or institutional uses.
  - (13) Uses in conflict with village or state ordinances governing nuisances.
- (e) **Lot, Yard and Building Requirements.** Within the M-1 District, the following standards shall apply:
  - (1) **Lot Width.** Minimum one-hundred (100) feet.
  - (2) **Lot Area.** Minimum twenty-thousand (20,000) square feet.
  - (3) **Building Coverage.** Maximum fifty (50) percent.
  - (4) **Principal Building:**
    - a. **Front Yard.** Minimum twenty-five (25) feet.
    - b. **Side Yards.** Minimum twenty (20) feet.
    - c. **Rear Yards.** Minimum twenty-five (25) feet.



d. **Building Height.** Maximum seventy-five (75) feet, and no more than three (3) stories.

(5) **Accessory Building:**

- a. **Front Yard.** Minimum twenty-five (25) feet.
- b. **Side Yards.** Minimum ten (10) feet.
- c. **Rear Yard.** Minimum twenty-five (25) feet.
- d. **Building Height,** Maximum twenty-five (25) feet.

- (f) **Required Buffer Strips.** Where the M-1 Industrial District abuts a residential district or adjoins along a street line opposite a residential district, a buffer strip of not less than fifteen (15) feet in width as measured at right angles to the lot line shall be provided. Plant materials at least six (6) feet in height of such variety and growth habits as to provide a year-round effective visual screen when viewed from the residential district shall be planted within the buffer strip. Fencing may be used in lieu of planting materials to provide said screening. The fencing shall be not less than five (5) or more than ten (10) feet in height, and shall be of such materials as to effectively screen the industrial area. No exterior storage of any material or accessory uses is allowed within the buffer strip.

### 3.11 A-1: AGRICULTURAL DISTRICT

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

- (b) **Permitted Uses.** The following are permitted uses in the A-1 District:

- (1) Forestry and forest management.
- (2) General crop farming, including floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, viticulture, and similar agricultural uses.
- (3) Greenhouses.
- (4) One single-family dwelling per parcel.
- (5) Roadside stands for the sale of farm products produced on the premises, not exceeding one per farm. Any such stand shall conform to the setback, sign, and other provisions of this Ordinance.

- (c) **Conditional Uses.** The following are permitted as conditional uses in the A-1 District:

- (1) Livestock and poultry raising (except for commercial operations), beekeeping, dairying, game management, other animal raising and management activities.
- (2) Sale and service of machinery used in agricultural production.
- (3) The storage and sale of seed, feed, fertilizer, and other products essential to farm production.
- (4) Utility uses except transmission corridors.
- (5) Veterinary services for farm animals.
- (6) Similar agriculturally-related business uses.

- (d) **Lot, Yard and Building Requirements.** Within the A-1 District, the following standards shall apply:

- (1) **Lot Width.** None.

- (2) **Lot Area.** Minimum one (1) acre.

(3) **Principal Building:**

- a. **Front Yard.** Minimum fifty (50) feet
- b. **Side Yards.** Minimum fifty (50) feet.
- c. **Rear Yards.** Minimum fifty (50) feet.
- d. **Building Height.** Maximum of two (2) times their distance from the nearest lot line.

(4) **Accessory Building:**

- a. **Front Yard.** Minimum fifty (50) feet
- b. **Side Yards.** Minimum fifty (50) feet.



- c. **Rear Yards.** Minimum fifty (50) feet.
  - d. **Building Height.** Maximum of two (2) times their distance from the nearest lot line.
  - e. **Roof Overhangs.** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch front and rear overhang. (See Figure 7)
- (e) **Standards for Rezoning.** Decisions on petitions for rezoning land from the A-1 Agricultural District shall be based on findings that consider the following:
- (1) Adequate public facilities to serve the development are present or will be provided.
  - (2) The land is suitable for development.
  - (3) The development is designed to minimize the potential for conflict with remaining agricultural uses in the area.
  - (4) The development is consistent with the Village Comprehensive Development Plan.

### 3.12 CON: CONSERVANCY DISTRICT

- (a) **Purpose.** This district is intended to preserve the natural state of scenic areas in the Village and to prevent the uncontrolled, uneconomical spread of residential or other development, and to help discourage intensive development of marginal lands, particularly flood-plain lands and steep slopes, as to prevent hazards to public and private property.
- (b) **Permitted Uses.** The following are permitted uses in the CON District:
- (1) Flood mitigation facilities.
  - (2) Forestry and the management of woodlands.
  - (3) Hiking trails and bridle paths.
  - (4) Hunting, fishing, and trapping.
  - (5) Management of wildlife, including waterfowl, fish, and other similar lowland animals.
  - (6) Park and recreation areas.
  - (7) Preservation of areas of scenic, historic, or scientific value.
  - (8) Wildlife preserves.
  - (9) Uses similar and customarily incidental to any of the above uses.
- (c) **Conditional Uses.** The following are permitted as conditional uses in the CON District:
- (1) Essential services and facilities.
  - (2) Non-residential buildings and structures used solely in conjunction with permitted or approved conditional use.
- (d) **Lot, Yard and Building Requirements.** There are no lot size, and other dimensional standards applicable in the conservancy district. Buildings or other structures must conform to the setback requirements of the abutting districts and the floodplain requirements, if applicable.

### 3.13 PUD: PLANNED UNIT DEVELOPMENT DISTRICT

- (a) **Purpose.** The Planned Unit Development (PUD) District is established to promote improved environmental design and innovative uses of land in the Village of Lone Rock. 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 and well-planned developments with relationship to public services, energy efficiency, and community appearance consistent with the overall intent of this Ordinance and the Comprehensive Plan of the Village of Lone Rock.
- (b) **Permitted Uses.** Any permitted or conditional use in any of the other Districts in this Ordinance may be permitted subject to the criteria listed below, but such conditions or requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.
- (1) **Lot, Building, Yard, and Parking Requirements.** In the Planned Unit Development District, there shall be no specific lot area, lot width, yard, height, parking and open space requirements,



but such requirements as are made a part of an approved development plan shall be construed to be and enforced as a part of this Ordinance.

- (2) **Criteria for Approval.** As a basis for determining the acceptability of application for zoning to the Planned Unit Development District, the following criteria shall be applied to the proposed development plan:

- (a) The proposed development shall be compatible with the physical nature of the site with particular concern for preserving natural features, existing vegetation, and topography.
- (b) The proposed development shall be an asset to the community aesthetically. The buildings and uses shall blend in with the surrounding neighborhood.
- (c) The proposed development shall not create a traffic or parking demand incompatible with existing or proposed facilities. The width and location streets, other paving, and lighting should be appropriate to the uses proposed. In no case shall standards be less than that necessary to ensure public safety as determined by the Village.
- (d) The proposed development shall not place avoidable stress on the Village's water supply, sanitary sewer, and storm water drainage systems.
- (e) The proposed development shall make adequate provisions for the permanent preservation and maintenance of open space.

(c) **Procedure.**

- (1) **Pre-Application Conference.** Prior to the official submission of the application for the approval of a Planned Unit Development District, the owner or owner's agent making such application shall meet with the Village Plan Commission to discuss the scope and proposed nature of the contemplated development and the approval process.
- (2) **General Development Plan.** The procedure for rezoning to the Planned Unit Development District shall be the same as for any other Zoning District change (Section 10.0), except that in addition a General Development Plan shall be submitted to the Village Plan Commission. The General Development Plan of the proposed project shall be presented at a scale of one (1) inch equals (=) one-hundred (100) feet and shall show at least the following information:
  - (a) The pattern of public and private roads, driveways, and parking facilities.
  - (b) A description of land uses and building types, size, and arrangements.
  - (c) A utility feasibility analysis.
  - (d) The location of recreational and open space areas reserved or dedicated to the public.
  - (e) General landscape treatment.
  - (f) The plan for phasing the development.
  - (g) Any other data required by the Village Plan Commission or Board.
- (3) Upon final approval and adoption of the zoning change to the Planned Unit Development District, all plans submitted as well as other commitments, restrictions, and other factors pertinent to assuring that the project will be carried out as presented, shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans.
- (4) **Specific Implementation Plan.** Detailed plans are not required to be completed at the time the zoning is approved; however, the review process may be made faster by doing so. Before any building permit is issued, the Plan Commission shall review and approve a Specific Implementation Plan. The applicant shall file the following with the Plan Commission:
  - (a) A final plat of the entire development area showing detailed lot layout, intended uses of each parcel, public dedication, public and private streets, driveways, walkways, and parking facilities.
  - (b) The location and treatment of open space areas.
  - (c) The arrangement of building groups other than single family residences and all final landscape plans.
  - (d) Architectural drawings and sketches illustrating the design of proposed structures.



- (e) A utility plan locating all utility installations.
  - (f) A storm-water drainage and erosion control plan.
  - (g) Agreements, by-laws, provisions, or covenants that govern the organizational structure, use, maintenance, and continued protection of the Planned Unit Development.
- (5) At a regular meeting, the Plan Commission shall approve or require changes consistent with the approved General Development Plan. Upon final approval of the Specific Implementation Plans, they shall be filed with the Zoning Administrator and shall be referred to in regard to enforcement or modification of the development plans. All covenants, restrictions, or contractual agreements with the Village shall be recorded with the Register of Deeds before final issuance of building permits.
- (d) **Modifications.** Any subsequent change of use of any parcel of land or addition or modification of any approved development plans shall be submitted to the Plan Commission for approval. Minor changes can be granted administratively by the Plan Commission. Major changes shall require a public hearing preceded by a Class 1 Notice.
- (e) **Expiration.** If substantial development progress has not occurred within one (1) year of a PUD approval, the Village Board, following a Plan Commission recommendation, may revoke the PUD approval and revert the site zoning to its previous zoning district classification.

## SECTION 4.0: CONDITIONAL USES

### 4.01 STATEMENT OF PURPOSE: CONDITIONAL USES

The development and execution of this section is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

### 4.02 PERMITS

The Village Board may require the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

### 4.03 APPLICATION

Applications for zoning permits for conditional uses shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:

- (a) Name and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (b) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
- (c) Site Plan showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the site plan shall show the location,



- and use of any abutting lands and their structures within forty (40) feet of the subject site.
- (d) Additional Information as may be required by the Village Plan Commission, Village Board or Zoning Administrator.

#### 4.04 HEARINGS

The Village Plan Commission shall hold a public hearing upon each conditional use application giving Class 2 Notice thereof and written notice shall be given to all abutting and opposite property owners of record.

#### 4.05 REVIEW AND APPROVAL

- (a) **Standards.** The Village Planning Commission and Board shall use the following standards when reviewing applications for conditional use:
- (1) That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or reduce the values of other property, or endanger the public health, safety, morals, comfort or general welfare.
  - (2) That adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.
  - (3) That the conditional use conforms to all applicable regulations of the district in which it is located.
  - (4) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property or uses permitted in the district.
  - (5) That the conditional use conforms to the purpose and intent of the Village land use plans.
- (b) **Application of Standards.** When applying the above standards to any new construction of a building or an addition to an existing building, the Village Board and Plan Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (c) **Conditions.** Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Village Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
- (d) **Compliance.** Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in other sections of this ordinance.
- (e) **Approval.** Following the public hearing and review of the conditional use application, the Planning Commission shall make a recommendation to the Village Board to approve, disapprove, or further conditionally approve the application. A simple majority approval by the Village Board constitutes final approval of the conditional use.

#### 4.06 DENIAL

No application for a conditional use which has been denied wholly or in part by the Village Board shall be resubmitted for a period of one (1) year from the date of the denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Village Board.

#### 4.07 COMPLAINTS REGARDING CONDITIONAL USES

The Village Board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of



any violation of a condition imposed prior to or after approval of violation of any other provision of this Code. Upon written complaint by any citizen or official, the Village Board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Village Board may, in order to bring the subject conditional use into compliance with the standards or conditions previously imposed by the Village Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that the standards will be met, the Village Board may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Village Board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.

#### **4.08 RECORD KEEPING**

Records of all Village Planning Commission and Village Board actions approving conditional uses shall be maintained by the Zoning Administrator and shall be referred to in regard to enforcement and modification of conditional use approvals.

### **SECTION 5.0: TRAFFIC VISIBILITIES, LOADING, PARKING, AND ACCESS**

#### **5.01 TRAFFIC VISIBILITY**

- (a) No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of two and one-half (2 1/2) feet and ten (10) feet above the plane through the mean curb-grades within the triangular space formed by any two (2) existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of twenty-five (25) feet from their intersection. (Refer to Figure 5 in Appendix.)
- (b) In the Case of Arterial Streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.

#### **5.02 LOADING REQUIREMENTS**

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

#### **5.03 PARKING REQUIREMENTS**

- (a) **Design Standards.** In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:
  - (1) Adequate Access to a public street shall be provided for each parking space, and driveways shall be at least ten (10) feet wide for parking areas for less than ten (10) vehicles and twenty (20) feet for parking lots for ten (10) or more vehicles.
  - (2) Size of each parking space shall be not less than one-hundred-eighty (180) square feet exclusive of the space required for ingress and egress.
  - (3) Location to be on the same lot as the principal use or not over four-hundred (400) feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district, and no residential driveway shall be closer than eight (8) feet from



- any lot line except on cul-de-sacs.
- (4) Curbs or Barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (b) **Lighting.** Any lighting used to illuminate an off-street parking area shall be shaded or diffused in order to direct the light away from adjoining properties and adjoining streets.
- (c) **Surfacing.** All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking areas for more than five (5) vehicles shall be paved and have the aisles and spaces clearly marked.
- (d) **Number.** The number of parking stalls required for various uses is as follows:
  - (1) Single-family dwellings: two (2) stalls for each dwelling unit.
  - (2) Multi-family dwellings (housing for the elderly exempted): two (2) stalls for each dwelling unit.
  - (3) Hotels, motels: one (1) stall for each guestroom plus one (1) stall for each three (3) employees.
  - (4) Hospitals, clubs, lodges, sororities, dormitories, lodging and boarding houses: one (1) stall for each two (2) beds plus one (1) stall for each three (3) employees.
  - (5) Rest and nursing homes: one (1) stall for each five (5) beds plus one (1) stall for each three (3) employees.
  - (6) Medical and dental clinics: three (3) stalls for each doctor.
  - (7) Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly: one (1) stall for each five (5) seats.
  - (8) Colleges, secondary and elementary schools: one (1) stall for each two (2) employees plus one (1) stall per student auto permitted.
  - (9) Restaurants, bars, places of entertainment, repair shops, retail and service stores: one (1) stall for each one-hundred (100) square feet of floor area,
  - (10) Manufacturing and processing plants, laboratories, and warehouses: one (1) stall for each three (3) employees.
  - (11) Financial institutions, business, governmental, and professional offices: one (1) stall for each two-hundred (200) square feet of floor area, plus one (1) stall for each two (2) employees.
  - (12) Funeral homes: one (1) stall for each four (4) seats plus one (1) stall per vehicle used in the business.
  - (13) Bowling alleys: five (5) stalls for each alley.
- (e) **Combined Uses.** Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (f) **Uses Not Listed.** In the case of structures or uses not mentioned, the provision for a use that is similar shall apply.

#### 5.04 DRIVEWAYS

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

- (1) Islands between driveway openings in business and industrial areas shall be provided with a minimum of twelve (12) feet between all driveways and six (6) feet at all lot lines.
- (2) Openings for vehicular ingress and egress shall not exceed twenty-four (24) feet at the street line and thirty (30) feet at the roadway.

#### 5.05 HIGHWAY ACCESS

- (a) **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed right-of-way of any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the



existing or proposed right-of-way of the following:

- (1) Arterial streets intersecting another arterial street within one-hundred (100) feet of the intersection of the right-of-way lines.
  - (2) Streets intersecting an arterial street within fifty (50) feet of the intersection of the right-of-way lines.
- (c) **Barriers.** Access barriers such as curbing, fencing, ditching, landscaping, or other topographic barriers may be required to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways as deemed necessary by the Village Board.
- (d) **Temporary Access.** Temporary access to the above right-of-ways may be granted by the Village Board after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary and revocable and subject to any conditions required, and shall be issued for a period not to exceed twelve (12) months.

## 5.06 STORAGE AND PARKING OF RECREATIONAL VEHICLES

- (a) **Definitions-Recreational Vehicles.** For purposes of this Section, the following definitions shall apply:
- (1) **Recreational Vehicle.** Recreational vehicle means any of the following:
    - a. **Travel Trailer.** A vehicular, portable structure built on a chassis and on wheels; that is, between ten (10) and thirty-six (36) feet long, including the hitch, and eight (8) feet or less in width; designated to be used as a temporary dwelling for travel, recreation, vacation or other uses and towed by a car, station wagon or truck. It includes so-called fifth-wheel units.
    - b. **Pick-up Coach.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, vacation or other uses.
    - c. **Motor Home.** A portable, temporary dwelling to be used for travel, recreation, vacation, or other uses, constructed as an integral part of a self-propelled vehicle.
    - d. **Camping Trailer.** A vehicle with a canvas, collapsible or folding structure, designed for human habitation for travel, recreation, vacation or other uses and is mounted on wheels and towed by a motor vehicle.
    - e. **Chassis Mounts, Motor Homes and Mini-Motor Homes.** Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom.
    - f. **Converted and Chopped Van.** Recreational structures which are created by altering or changing an existing auto van to make it a recreational vehicle.
    - g. **Fifth-Wheel Mobile Home.** A vehicle designed to be towed by a vehicle upon a highway, as a single unit or in sections, with a flatbed frame so the trailer hitch of the mobile home is bolted to the flatbed frame of the towing vehicle. This mobile home is equipped and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction.
  - (2) **Boat or Snowmobile Trailer.** A vehicle on which a boat or snowmobile may be transported and is towable by a motor vehicle. When removed from the trailer, a boat or snowmobile, for purposes of this Article, is termed an unmounted boat or snowmobile.
  - (3) **Boat.** Every description of watercraft used or capable of being used as a means of transportation on water.
- (b) **Permitted Parking or Storage of Recreational Vehicles.** In all residential and commercial districts provided for in this Zoning Code, it is permissible to park and store a recreational vehicle or boat and boat trailer on private property in the following manner:
- (1) Parking is permitted inside any enclosed structure, which structure otherwise conforms to the zoning requirements of the particular zoning district where located.
  - (2) Parking is permitted outside in the side yard or rear yard provided it is not nearer than five (5) feet to the lot line.



- (3) Parking is permitted outside in the front yard on a hard-surfaced or well-drained gravel driveway, provided:
  - a. Space is not available in the rear yard or side yard, or there is no reasonable access to either the side yard or rear yard.
  - b. A corner lot is always deemed to have reasonable access to the rear yard.
  - c. A fence is not necessarily deemed to prevent reasonable access.
  - d. Inside parking is not possible.
  - e. The unit is parked perpendicular to the front curb.
- (4) No part of the unit may extend over the public sidewalk or public right-of-way.
- (5) Parking is permitted only for storage purposes. Recreational vehicles or boats shall not be:
  - a. Used for dwelling purposes, except for overnight sleeping for a maximum of fourteen (14) days in any one calendar year. Cooking is not permitted at any time.
  - b. Permanently connected to sewer lines, water lines and/or electricity. The recreational vehicle may be connected to electricity temporarily for charging batteries and other purposes.
  - c. Used for storage of goods, materials, or equipment other than those items considered to be part of the unit or essential for its immediate use.
- (6) Notwithstanding the above, a unit may be parked anywhere on the premises during active loading or unloading, and the use of electricity or propane fuel is permitted when necessary to prepare a recreational vehicle for use.
- (7) The recreational vehicle or boat shall be owned by the resident on whose property the unit is parked for storage.

#### 5.07 STORAGE OF TRACTORS, TRUCKS AND ROAD MACHINERY.

No person, firm or corporation shall park, keep or maintain on properties zoned as residential or multiple residential dwellings construction equipment and road machinery unless they are stored in an enclosed building. Trucks and semi-tractors may be parked on the primary driveway of the residence.

## SECTION 6.0: ACCESSORY USES AND STRUCTURES

### 6.01 ACCESSORY USES OR STRUCTURES.

- (a) **Principal Use to be Present.** An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (b) **Placement Restrictions-Residential District.** An accessory use or structure in a residential district may be established subject to the following regulations:
  - (1) **Accessory Building Number Limits.** In any residential district, in addition to the principal building, a detached garage or attached garage and one (1) accessory building may be placed on a lot.
  - (2) **Accessory Building Size Limits.** No detached accessory building or structure shall exceed the height of the principal building or structure.
  - (3) **Attached Accessory Buildings.** All accessory buildings that are attached to the principal building shall comply with the yard requirements of the principal building.
  - (4) **Detached Accessory Buildings.** No detached accessory building shall occupy any portion of the required front yard, and no detached accessory building shall occupy more than twenty (20) percent of the rear yard, or exceed thirty (30) feet by twenty-four (24) feet in size (whichever is more restrictive), or be located within three (3) feet of any other accessory building or lot line. An accessory building shall not be nearer than ten (10) feet to the principal structure unless the applicable building code regulations are complied with. In no



event can the accessory uses or structures be forward of the front line of the principal structure. Additional size restrictions may be prescribed for each zoning district, see Section 3.0.

- (5) **Accessory Building Yard Requirements.** Accessory building yard requirements shall be as prescribed for each zoning district.
- (6) **Roof Overhangs:** Buildings in excess of three-hundred (300) square feet must have roofs with at least a twenty-four (24) inch side overhang and a six (6) inch front and rear overhang. (See Figure 7)
- (c) **Reversed Corner Lots.** When an accessory structure is located on the rear of a reversed corner lot, it shall not be located beyond the front yard required on the adjacent interior lot to the rear, nor nearer than five (5) feet to the side line of the adjacent structure. (See Figure 4)
- (d) **Landscaping and Decorative Uses.** Accessory structures and vegetation used for landscaping and decorating may be placed in any required yard area. Permitted structures and vegetation include flagpoles, ornamental light standards, lawn furniture, sun dials, bird baths, trees, shrubs and flowers and gardens.
- (e) **Temporary Uses.** Temporary accessory uses such as real estate sale field offices or shelters for materials and equipment being used in the construction of the permanent structure may be permitted by the Zoning Administrator, and shall be removed within thirty (30) days of occupancy of the project.
- (f) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (g) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.

## 6.02 OUTSIDE STORAGE OF FIREWOOD.

- (a) No person shall store firewood in the front yard on residentially zoned property.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code and other Village Ordinances.
- (e) Not more than fifteen (15) percent of the side and rear yard may be used for storage of firewood at any one (1) time.

## 6.03 FENCES.

- (a) **Fences Defined.** For the purpose of this Section:
  - (1) **Fence.** An enclosed barrier consisting of wood, stone or metal intended to prevent ingress or egress. No fence shall be constructed of unsightly or dangerous materials that would constitute a nuisance.
  - (2) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
  - (3) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and



welfare.

- (4) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
- (5) **Picket Fence.** A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(b) **Height of Fences Regulated.**

- (1) Except as provided in Section 5, a fence or wall may be erected, placed, or maintained along a lot line on residentially zoned property or adjacent thereto to a height not exceeding eight (8) feet above the ground level, except that no fence, that is located in a required front or corner side yard shall exceed a height of two and one-half (2-112) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be a ten (10) foot limit on the height of a fence along such lot line.
- (2) No fence or wall shall be erected, placed, maintained or grown along a lot line on any business or industrially zoned property, adjacent to a residentially zoned property, to a height exceeding ten (10) feet.
- (3) In any residence district, no fence or wall shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected. (See Section 5)

(c) **Setback for Residential Fences.** Fences or walls in or adjacent to a residential property shall have a minimum six (6) inch side and rear yard setback. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.

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

(e) **Prohibited Fences.** No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.

(f) **Fences to be Repaired.** All fences or walls shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

(g) **Temporary Fences.** Fences erected for the protection of planting or to warn of construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.

(h) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Municipal Code and not in conformance with this Section may be maintained, but any alteration, modification or improvement of said fence shall require compliance with this Section if such changes exceed fifty (50) percent.

**6.04 SWIMMING POOLS.**

(a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than fifteen (15) inches located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his or her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of eighteen



(18) feet and a maximum wall height of fifteen (15) inches and which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this Section.

- (c) **Permit Required.** Before work is commenced on the construction or erection of a private or residential swimming pool or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until the applicant obtains a written permit for such work. A current fee shall accompany such application.
- (d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
  - (1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Village now in effect or hereafter enacted.
  - (2) All plumbing work shall be in accordance with all applicable Ordinances of the Village and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located, or in the general vicinity.
  - (3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with the state laws and Village Ordinances regulating electrical installations.
- (e) **Setbacks and Other Requirements.**
  - (1) Private swimming pools shall be erected or constructed on rear or side yards only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
  - (2) No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Zoning Code for an accessory building, and in no case shall the water line of any pool be less than six (6) feet from any lot line. The inside wall of a pool shall be located at least ten (10) feet from any overhead or underground electrical wiring except such wiring needed for the pool and related accessories.
- (f) **Fence.**
  - (1) Pools within the scope of this Section, which are not enclosed within a permanent building, shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than forty-two (42) inches in height and so constructed as not to have voids, holes or openings larger than six (6) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.
  - (2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top, or if the sidewalls are unobstructed and a minimum of thirty-six (36) inches high. Such pool must have secure access by use of self closing/self-latching gates.
- (g) **Compliance.** All swimming pools existing at the time of passage of this Code of Ordinances not satisfactorily fenced are not required to comply with the fencing requirements of this Section. However, any change requiring a building permit shall cause the pool to be brought into compliance with this Section.



## 6.05: OUTDOOR FURNACES

- (a) **Purpose.** It is the purpose of this ordinance to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Village of Lone Rock for the purpose of securing and promoting the public health, comfort, convenience, safety welfare and prosperity of the Village and its inhibition. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be determined to citizens health, and can deprive neighboring residents of the enjoyment of their property.
- (b) **Definition.** Outdoor furnaces shall mean, but its not limited to, any device, appliance, equipment apparatus or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure, that operates by burning wood or any others fuel, including, but not limited to, paper pellets and agricultural products, is not located within the structure to be heated, and includes, but is not limited to, devices referred to as wood furnaces, outdoor boilers and outdoor stoves.
- (c) **Permits**
  - (1) No person shall install, use, replace, or maintain an outdoor furnace in the Village of Lone Rock without a permit issued by the Building Inspector. The fee shall be set by the Village Board. The applicant shall submit an application for an outdoor furnace to the Village Clerk on a form prepared by the Building Inspector. Upon review of the application and approval by the Building Inspector shall issue a permit.
  - (2) Outdoor furnaces installed before the date this ordinance is enacted will be issued a permit at no charge upon application. Property owners with existing outdoor furnaces will have sixty (60) days from the date of enactment of the ordinance to obtain a permit. Property owners with existing outdoor furnaces whose outdoor furnaces are not permitted on or before the expiration of the 60 days will be subject to enforcement and penalties as provided in this ordinance. Any replacement of an outdoor furnace that was installed before the enactment date of this ordinance must comply with all provisions of this ordinance.
- (d) **Regulations**
  - (1) Outdoor furnaces shall be placed at least fifty (50) feet from the back lot line and at least seventy-five (75) feet from side yard lot line of said subject property.
  - (2) Outdoor furnaces installed at the time of the enactment of this ordinance, do not need to comply with setback provisions contained in number 1 of this section, however, any replacement of such an outdoor furnace will have to comply with the provisions contained in number 1 of this section.
  - (3) An outdoor furnace located within two hundred (200) feet of a structure on another property shall have a chimney which shall be at least fourteen (14) feet high as measured from the base of the outdoor furnace to the top of the chimney. The base of the unit is the pad or area on which the outdoor furnace is placed. If a structure is built on another property within two hundred (200) feet of the outdoor furnace after the outdoor furnace is permitted, the permit will be revoked unless the chimney is at least fourteen (14) feet in height measured from the base of the unit or three (3) feet above the adjacent buildings' highest roof elevation, whichever if greater.
  - (4) An area of twenty (20) feet around the outdoor furnace structure shall be free of vegetation, except grass not exceeding four (4) inches in length.
  - (5) No fuel other than: (a) natural wood, (b) wood pellets, and (c) agricultural seeds that are not chemically treated and are without additives or in their natural state, may be burned. Owners using natural wood should season or age the wood for at least one (1) year.
  - (6) Outdoor furnaces shall not be used to burn any of the prohibited materials listed in (e) Materials that may not be burned.
  - (7) Outdoor furnaces and associated installation shall be subject to inspection by the Building Inspector at any reasonable time to assure compliance with the terms hereof.
  - (8) Those applying for an outdoor furnace shall provide the following information:



- (a) A drawing identifying all of the information necessary to assure compliance herewith, including, but not limited to, distance to property boundaries and adjoining owners structures, if any are present and height of all buildings or structures within two hundred (200) feet of the propose location of the outdoor furnace.
    - (b) The property owner shall accurately mark the property lines for inspection by the Building Inspector.
    - (c) Manufacturer's specifications for the outdoor furnace.
  - (9) All outdoor furnaces shall comply with all applicable State and Federal statutes, including any Federal or State guidelines adopted after the enactment of this ordinance.
  - (10) Nothing contained in this ordinance shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
  - (11) This Ordinance shall not constitute a defense to any civil claims.
- (e) **Materials That May Not Be Burned**  
 The following materials may not be burned in outdoor furnaces unless a specific written approval has been obtained from the Department of Natural Resources and the Village Board:
- (1) Coal.
  - (2) Petroleum products.
  - (3) Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
  - (4) All chemicals and asbestos.
  - (5) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 594, Wisconsin Administrative Code.
  - (6) Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
  - (7) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - (8) Rubber including tires and synthetic rubber-like products.
  - (9) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled.
  - (10) Any and all chemically treated agriculture seeds.
- (f) **Enforcement.** Before commencing prosecution under this Ordinance, the Village Board shall give notice to the person charged with violating this Ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the Village Board, by posting a copy of this notice on the land or attaching a copy of the notice on the outdoor furnace or a surrounding building or structure likely to provide notice to the property owner. In addition, a copy of the notice shall be sent by mail to the owner of the land, building or structure at the owner's last known address. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a penalty.
- (g) **Penalty.** Failure to comply with the provisions of this ordinance, shall, upon conviction, pay a forfeiture of not less than one-hundred dollars (\$100.00) nor more than five-hundred dollars (\$500.00), plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Village Board may seek injunctive relief from a court of record to enjoin further violations.
- (h) **Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.
- (i) **Effective Date.** This Ordinance is effective on publication or posting. The Village clerk shall properly post and publish this Ordinance as required under section 60.80 of the Wisconsin Statutes.



## SECTION 7.0: HOME OCCUPATIONS

### 7.01 HOME OCCUPATIONS AND PROFESSIONAL OFFICES

- (a) **Purpose.** The intent of this Section is to provide a means to accommodate a small family business without the necessity of a rezoning into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Home Occupations Classified.** There are three types of home occupations allowed within the Village: Permitted Conditional, and Professional Home Offices. These uses are permitted accessory uses or conditional accessory uses in all residential districts. Professional Home Offices and Conditional Home Occupations require a conditional use permit from the Village prior to operating.
- (c) **Home Occupations: Permitted.** A permitted home occupation is defined as any occupation conducted within the principal building by residential occupants which is incidental to the residential use of the premises. Permits are not required prior to engaging in such activities, but the use must meet the following criteria:
  - (1) Such use shall not occupy more than twenty (20) percent of the classified floor area of the principal building in which it is located and require no use of accessory structures.
  - (2) Such use shall not include the conduct of any retail or wholesale business on the premises. Garage sales are allowable provided that they occur on not more than fifteen (15) days per year and that each such sale shall not exceed three (3) days in duration.
  - (3) Such use shall not include the outside storage of materials or goods.
  - (4) Such use shall not employ more than one (1) person not a resident on the premises.
  - (5) Such use shall not include the operation of any machinery, tools, or other appliances, or other operational activity, which would create a nuisance or be otherwise incompatible to the surrounding residential area.
  - (6) Such use shall not involve the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
- (d) **Home Occupations: Conditional.** A conditional home occupation is defined as any occupation conducted within the principal and/or accessory building by residential occupants which is incidental to the residential use of the premises and which exceeds the criteria for a permitted home occupation.
  - (1) The conditional home occupation must meet the following criteria:
    - a. Such use shall not occupy more than twenty-five (25) percent of the combined square footage of the principal building and accessory buildings used by the occupation.
    - b. Such use shall not employ more than one (1) person not a resident on the premises.
    - c. Such use shall not include the operation of any machinery, tools, or other appliances, or other operational activity, which would create a nuisance or be otherwise incompatible to the surrounding residential area.
    - d. Such use shall not include the removal of sand, gravel, stone, topsoil, or peat moss for commercial purposes.
  - (2) In reviewing applications for conditional home occupations the Planning Commission shall consider the following:
    - a. Compatibility with the neighborhood.
    - b. Traffic generation.
    - c. Parking availability.
    - d. Noise, odors, vibrations or other emissions which could threaten public health, safety, or welfare.
- (e) **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 one-half of the area of only one (1) floor of the residence and only one (1) non-resident person is employed.

- (f) **Signs for Home Occupations.** Home occupations may have no more than one (1) sign not larger than four (4) square feet in size. Such sign shall not be located within five (5) feet of a lot line. No signs for home occupations shall be illuminated or move in a manner to be noticeable from the public right-of-way.

## **SECTION 8.0: MANUFACTURED HOME PARK REQUIREMENTS**

### **8.01 SITE PLAN**

At the time of application for a rezoning to the R-3 Manufactured Home District and application for a manufactured home park license under the Village's separate manufactured home ordinance, the applicant shall submit a site plan to the Zoning Administrator containing the following:

- (a) The name and address of all owners and developers of the proposed manufactured-home park.
- (b) The legal description and lot size, in acres, of the proposed manufactured-home park.
- (c) The location and size of all manufactured home spaces, storage areas, recreation areas and facilities, landscaping, existing tree growth, water areas, roadways, sidewalks, and parking sites.
- (d) Detailed landscaping plans and specifications.
- (e) Plans for sanitary sewage disposal, surface drainage, water system, electrical service, gas service, street lighting, and topography diagrams.
- (f) Location and size of all public roadways abutting the manufactured home park and all street and sidewalk accesses from such street and sidewalk to the manufactured-home park.
- (g) Preliminary road construction plans, specifications, and elevations.
- (h) Preliminary floor plans and elevation for all structures.
- (i) Description and method of disposing of garbage and refuse.
- (j) Detailed description of proposed maintenance procedures and grounds supervision.
- (k) Staging and timing of construction program whether or not the entire area will be developed at one time or in stages.
- (l) Such other reasonable information as shall be required by the Zoning Administrator.

### **8.02 MANUFACTURED HOME SPACE**

Each manufactured home space shall have at least five-thousand (5,000) square feet of land area for the exclusive use of the residents of the manufactured home located on the space, with a minimum width of fifty (50) feet and a minimum depth of one-hundred (100) feet. The frontage on the approved roadway and the corner of each space shall be marked and each lot shall be numbered.

### **8.03 YARD REQUIREMENTS**

No manufactured home shall be parked closer than ten (10) feet to the side lot lines, twelve (12) feet to the front lot line, nor twenty-five (25) feet to the rear lot line. There shall be an open space of at least twenty (20) feet between the sides of adjacent manufactured homes.

### **8.04 PARKING REQUIREMENTS**

The following are minimum parking requirements for manufactured home parks:

- (a) Each manufactured home space shall have off-street parking space for two (2) automobiles.
- (b) Each manufactured home park shall maintain a hard surfaced off-street parking lot for guests of occupants of a size equivalent to one space for each five (5) manufactured home spaces.



- (c) Access drives off roads to all parking spaces and manufactured home spaces shall be hard surfaced in bituminous concrete or portland cement concrete designed to accommodate normal traffic.
- (d) Automobiles shall not be parked nearer than five (5) feet from any side lot line unless combined with a contiguous parking area.

#### **8.05 UTILITIES**

The following minimum requirements for utilities shall be maintained:

- (a) There shall be no obstructions impeding the inspection of plumbing, electrical facilities, utilities or other related equipment.
- (b) Garbage, waste and trash disposal plans must be approved by the Zoning Administrator and must conform to all State and local health and pollution control regulations.
- (c) The owner of a manufactured home park shall pay all required sewer and utility connection fees to the Clerk-Treasurer.
- (d) Every manufactured home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operating switch or fuse on not less than thirty (30) amperes capacity, and a heavy duty outlet receptacle. Electric outlets shall be weatherproofed and all power lines shall be underground.
- (e) Every manufactured home park must have Village sewer and water service provided to each manufactured home unit in the park. No dependent manufactured homes shall be permitted in any manufactured home park located within the Village. A dependent manufactured home is defined as one not equipped with internal bathroom or shower and toilet facilities.
- (f) Individual water service connections provided for direct use of a manufactured home unit shall be so constructed that they will not be damaged by the parking of such units. Such systems shall be adequate to provide twenty (20) pounds per square inch and capable of furnishing a minimum of one-hundred-twenty-five (125) gallons per day per space. No wells will be permitted in a manufactured home park in the Village limits.
- (g) Every lot space designed to serve manufactured home units shall be provided with sewer connections that shall comply with the State plumbing code and the Village sanitary code. The sewer connections shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.

#### **8.06 INTERNAL STREETS, SIDEWALKS, AND LIGHTING**

All internal streets, sidewalks, and lighting shall meet the following requirements:

- (a) Streets shall be hard surfaced with bituminous concrete or portland cement concrete to accommodate the structural requirements in the Village streets as approved by the Village Board.
- (b) All streets shall be developed with a roadbed of not less than thirty (30) feet wide and a street surface of not less than eighteen (18) feet wide. Ancillary parking on one side may be allowed except at parking area entrances if the street is at least twenty-eight (28) feet wide.
- (c) A thirty (30) inch wide portland cement concrete sidewalk shall be built and maintained by the owner providing access to all recreational areas, common use buildings and storage areas, and to the public street access.
- (d) Artificial lights shall be maintained during all hours of darkness in all buildings provided as common facilities for occupants' use. The manufactured home park grounds, street and pedestrian areas shall be lighted from sunset to sunrise in accordance with a lighting plan approved by the Village Board.



## **8.07 RECREATION AREAS**

All manufactured home parks shall have one or more recreational areas that shall be easily accessible to all park residents, and shall meet the following requirements:

- (a) Recreational areas shall be so located as to be free of traffic hazards.
- (b) Recreational areas shall, where the topography permits, be centrally located.
- (c) The size of such recreational areas shall be a minimum of ten (10) percent of the land area of the manufactured home park.
- (d) All equipment installed in such areas shall be owned and maintained by the owner or operator of the manufactured home park at the owner's expense.

## **8.08 LANDSCAPING**

The following minimum landscaping requirements shall be maintained in all manufactured home parks:

- (a) Each space shall be properly landscaped with at least one tree.
- (b) All yards shall be sodded or planted in grass.
- (c) There shall be a minimum of twenty (20) trees per gross acre in all areas of a manufactured home park.
- (d) Tree, grass, and landscape materials shall be properly maintained and replaced to conform to the approved landscape plans and specifications.
- (e) A visual screen consisting of a compact hedge, redwood fence, coniferous trees or other approved landscape materials or a screen fencing approved by the Zoning Administrator shall be installed and maintained around the periphery of the manufactured home park when adjacent to any R-1 or R-2 District. The screen should substantially inhibit the eye level vision from the exterior, and shall be maintained free of rubbish, debris, weeds, and paper.
- (f) All areas shall be landscaped and the landscape plan shall be approved by the Zoning Administrator.

## **8.09 MANUFACTURED HOME STANDS REQUIRED**

All manufactured homes shall be placed and leveled on stands that meet the following criteria:

- (a) At a minimum the stands should consist of a sixteen (16) inch by sixteen (16) inch by four (4) inch deep square solid base with a double tier of alternately crossed 8-inch block ascending.
- (b) No "I-beam" or any portion of the manufactured home frame shall rest directly on the concrete block. Wood shimming shall be used between the frame and the concrete block.
- (c) No second or medium grade of concrete block may be used and all block must be installed with the hollow core in a vertical position.
- (d) These stands shall be placed with a minimum spacing of eight (8) feet.

## **8.10 TIE DOWNS, ANCHORS, SKIRTING, AND STORAGE BUILDINGS**

- (a) **Tie Downs and Anchors.** Tie downs and anchors are required on all manufactured homes. Straps and anchoring equipment shall be capable of resisting an allowable working load of not less than 3,150 pounds and capable of withstanding a fifty (50) percent overload four-thousand-seven-hundred-fifty (4,750) pounds without failure. (Example: Type I Finish B, Grade I steel strapping, one and one fourth (1 ¼) inch wide and 0.035 inch thick conforming with Federal specifications. Q-QS781-H is recommended to meet the above load requirements.) Tie downs and anchors shall be installed as follows:



| MANUFACTURED<br>HOME SIZE | NUMBER OF<br>OVER-THE-ROOF<br>TIES REQUIRED | NUMBER OF FRAME TIES<br>REQUIRED |         |         |
|---------------------------|---|----------------------------------|---------|---------|
|                           |   | 2' pier                          | 3' pier | 4' pier |
| 44x12                     | 2   | 4                                | 5       | 5       |
| 52x12                     | 2   | 5                                | 5       | 6       |
| 54x12                     | 2   | 5                                | 6       | 7       |
| 60x12                     | 2   | 5                                | 6       | 7       |
| 65x12                     | 2   | 6                                | 7       | 8       |
| 70x12                     | 2   | 6                                | 7       | 9       |
| 74x12                     | 2   | 6                                | 8       | 9       |
| 54x14                     | 2   | 4                                | 5       | 6       |
| 60x14                     | 2   | 5                                | 5       | 6       |
| 65x14                     | 2   | 5                                | 6       | 7       |
| 70x14                     | 2   | 6                                | 7       | 8       |
| 76x14                     | 2   | 6                                | 7       | 8       |
| 80x14                     | 2   | 7                                | 7       | 8       |

- (e) **Skirting.** All manufactured home units shall have skirts around the entire manufactured home made of plastic, fiberglass, or other comparable noncombustible material approved by the Zoning Administrator and shall be of a permanent color or painted to match the appropriate manufactured home so as to enhance the general appearance thereof.
- (f) **Storage Buildings.** Any storage building in a manufactured home park shall be anchored.

#### 8.11 REGISTER OF OCCUPANTS AND INSPECTION

- (a) **Register of Occupants.** The owner of a manufactured home park shall keep a registration list available to the Village or its agents for inspection at reasonable times.
- (b) **Building Regulations.** All manufactured homes shall comply with the appropriate State and Village fire, health and building regulations.
- (c) **Inspection.** Before a manufactured home unit may be occupied, the owner must secure the inspection and approval of the Zoning Administrator regarding compliance with such regulations.

#### 8.12 MANUFACTURED HOME REQUIREMENTS

No manufactured homes built prior to June 15, 1976 or that otherwise fail to comply with all manufactured home construction and safety standards established under 242 USC Sec. 5401, et seq., other than non-conforming structures, shall be permitted to be used as permanent residences within the manufactured home park or elsewhere in the Village.

### SECTION 9.0 SIGNS

#### 9.01 PERMIT REQUIRED

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in Section 9.02 and without being in conformity with the provisions of this Ordinance.



## 9.02 SIGNS EXCEPTED

All signs are prohibited in all residential and agricultural districts except the following. Signs that meet the following requirements do not require a sign permit:

- (a) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two (2) feet in height and ten (10) feet in length.
- (b) Real Estate Signs not to exceed eight (8) square feet in area, which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (c) Name, Home, Occupation, Professional Office, and Warning Signs not to exceed four (4) square feet located on the premises.
- (d) Farm Signs giving the name of the farm, farm owner, or commodities produced shall not exceed fifteen (15) square feet in total area.
- (e) Bulletin Boards for public, charitable, or religious institutions not to exceed eight (8) square feet in area located on the premises.
- (f) 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.
- (g) Official Signs, such as traffic control, parking restrictions, information, and notices.
- (h) Temporary Signs or banners when authorized by the Planning Commission.
- (i) Rummage or garage sale signs not to exceed eight (8) square feet in area, but use of this type of sign shall be limited to seventy-two (72) hours per sale.
- (j) Political signs may be posted sixty (60) days before an election and must be removed within ten (10) days after said election. Said sign may be a maximum of thirty-two (32) square feet.

## 9.03 SIGNS PERMITTED

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

- (a) **Wall Signs.** Wall Signs placed against the exterior walls of buildings shall not extend more than six (6) inches outside of a building's wall surface, shall not exceed four-hundred (400) square feet in area for any one premises, and shall not exceed twenty (20) feet in height above the mean centerline street grade.
- (b) **Projecting Signs.** Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one-hundred (100) square feet in area for any one premises; shall not extend more than six (6) feet into any required yard; shall not extend more than three (3) feet into any public right-of-way; shall not be less than ten (10) feet from all side lot lines; shall not be less than a height of ten (10) feet above the mean centerline street grade and shall not be less than fifteen (15) feet above a driveway or an alley and not be more than twenty (20) feet above a driveway or alley.
- (c) **Ground Signs.** Ground Signs shall not exceed twenty (20) feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed one-hundred (100) square feet in total advertising area.
- (d) **Roof Signs.** Roof Signs shall not exceed ten (10) feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed three-hundred (300) square feet on all sides for any one premises.
- (e) **Window Signs.** Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
- (f) **Combinations.** Combinations of any of the above signs shall meet all the requirements for the individual sign.

## 9.04 SIGNS PROHIBITED

All signs installed in the Village shall conform to the following criteria:

- (a) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices.



- (b) Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices.
- (c) No signs shall be placed so as to obstruct or interfere with traffic visibility.
- (d) No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape.
- (e) No sign shall be attached to a standpipe or fire escape.
- (f) No sign shall be placed on a tree.
- (g) No flashing, moving, or apparent moving signs shall be permitted except for railroad signals, time and temperature signs, and changeable copy displays.
- (h) Signs shall not be permitted on public rights-of-way, except for municipal traffic control, parking and directional signs and as otherwise specified in this Chapter, or be located within five (5) feet of a property line. Signs for nonprofit public, charitable or religious institutions and rummage/garage sale signs shall be temporarily allowed in public rights-of-way for a period not to exceed seventy-two (72) hours.

#### 9.05 NON-CONFORMING SIGNS

- (a) **Legal Nonconforming Signs.** Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of Section 10.0 shall apply.
- (b) **Loss of Legal Nonconforming Status.** A sign loses its nonconforming status if one (1) or more of the following occurs:
  - (1) If said sign is damaged by fire, flood, explosion, earthquake, war, riot or natural occurrence; or structurally altered in any way, except for normal maintenance and repair; the sign may be reconstructed and used as before if it is reconstructed within three (3) months after such calamity, unless the damage to the sign is fifty percent (50%) or more of its replacement value, in which case, the constructed sign shall comply with the provisions of this Article.
  - (2) The sign is relocated.
  - (3) The sign fails to conform to the Village requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
  - (4) On the date of occurrence of any of the above, the sign shall be immediately brought in compliance with this Section with a new permit secured therefore or shall be removed.
- (c) **Legal Nonconforming Sign Maintenance and Repair.** Nothing in this Section shall relieve the owner of use of a legal nonconforming sign or the owner of the property in which the sign is located from the provisions of this Section regarding safety, maintenance and repair of signs.

#### 9.06 SIGN REMOVAL

- (a) At the termination of an advertised use, all signs advertising that use shall be removed from public view within thirty (30) days. Responsibility for violations shall be with the property owner according to the latest tax roll listing.
- (b) All signs shall be removed by the owner or lessee of the premises upon which the sign is located when, in the judgment of the Building Inspector, such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe, whichever occurs first. If the owner or lessee fails to remove it, the Building Inspector or Village Board, or a designee, may remove the sign at cost of the owner, following adequate written notice. The owner may appeal the decision of the Building Inspector, Village Board or designee to the Board of Appeals.

#### 9.07 SPECIAL SIGN REQUIREMENTS

- (a) **Lighted Signs.** Lighted signs shall be shielded to prevent glare onto adjoining properties or onto the public street.



- (b) **Electronic Message Unit Signs.**
  - (1) Such signs may be used only to advertise activities conducted on the premises or to present public service information.
  - (2) Segmented messages must be displayed for not less than one-half (1/2) second and for not more than ten (10) seconds.
  - (3) Traveling messages may travel no slower than sixteen (16) light columns per second and no faster than thirty-two (32) columns per second.
- (c) **Portable Signs/Message Boards.** Such signs shall be limited in use to thirty (30) days at a time following approval by the Building Inspector, provided, however, that the Building Inspector shall not give approval for placement of a portable sign/message board if it presents a vision obstruction and shall not be displayed more frequently than three (3) times per year at any one (1) location.

## 9.08 SIGN DEFINITIONS

The following definitions are used in this Section:

- (a) **Area of Sign.** The area is the perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the sign may be placed unless they are designed as part of the sign. If the sign consists of more than one section or module, all areas will be totaled. The area of an irregularly shaped sign shall be computed using the actual sign face surface. The area of the irregularly shaped sign shall be the entire area within a single continuous rectilinear perimeter of not more than eight (8) straight lines.
- (b) **Awning.** A temporary hood or cover which projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (c) **Billboard.** A sign which advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (d) **Blanketing.** The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (e) **Canopy.** A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalk.
- (f) **Day.** A day shall be designated as a period of time in terms of calendar days.
- (g) **Directly Illuminated Sign.** Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (h) **Directory Sign.** Shall mean any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directories. Directory signs shall be encouraged for use with advertising of multiple-occupied commercial and industrial buildings.
- (i) **Electronic Message Unit Sign.** Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (j) **Flashing Sign.** Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (k) **Flat Sign.** A sign erected parallel, and attached directly, to a wall surface.
- (l) **Freestanding (Ground and/or Pole Sign).** Any sign which is supported by structures or supports in or upon the ground and independent of support from any building.
- (m) **Identification Sign.** Any sign which carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.
- (n) **Indirectly Illuminated Sign.** Shall mean a sign that is illuminated from a source outside of the actual sign.
- (o) **Marquee Sign.** Shall mean any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (p) **Nonconforming Sign.** Any sign which does not conform to the regulations of this Chapter.



- (q) **Off-Premise Sign.** Any sign, device or display which advertises goods other than that commonly available or services other than that commonly performed on the premise on which the sign is located.
- (r) **Political Sign.** Any sign displaying a candidate for an election, or a current election's subject matter.
- (s) **Portable Sign/Message Boards.** Any sign not permanently attached to the ground which is designed to be easily moved from one location to another.
- (t) **Projecting Sign.** Any sign extending more than eighteen (18) inches, but less than four (4) feet from the face of a wall or building; such sign may not extend more than three (3) feet into the right-of-way.
- (u) **Real Estate Sign.** Any sign which is used to offer for sale, lease or rent the property upon which the sign is placed.
- (v) **Roof Sign.** Any sign erected upon or over the roof or parapet of any building.
- (w) **Sign.** A sign shall include anything that promotes, calls attention or invites patronage (or anything similar to the aforementioned) to a business, location or product.
- (x) **Temporary Sign.** Any sign which is erected or displayed for a limited period of time not to exceed twenty-eight (28) consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed eight (8) square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this Chapter, a portable sign is not a temporary sign.
- (y) **Wall Sign.** Any sign attached to, erected on or painted on the wall of a building or structure and projecting not more than sixteen (16) inches from such wall.
- (z) **Window Sign.** Any sign located completely within an enclosed building and visible from a public way.

## SECTION 10.0: NONCONFORMING USES, STRUCTURES, AND LOTS

### 10.01 EXISTING NONCONFORMING USES

- (a) **Continuation.** Except as otherwise specially provided in this Section, the lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, provided however:
  - (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 so as to comply with the provisions of this Ordinance.
  - (2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the Village's assessed value of the structure at the time it became a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

### 10.02 ABOLISHMENT OR REPLACEMENT

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

### 10.03 EXISTING NONCONFORMING STRUCTURES

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



with the provisions of this Ordinance.

#### **10.04 CHANGES AND SUBSTITUTIONS**

- (a) Changes of use may be permitted by the Village Board if such changes will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (b) The Village Board shall fix a reasonable time and place for hearing a substitution request, give Class 2 notice thereof, and give written notice to all abutting and opposite property owners of record. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
- (c) Once the Village Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Village Board.
- (d) Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.

#### **10.05 NONCONFORMING LOTS AND SUBSTANDARD LOTS**

- (a) A lot that does not contain sufficient area to conform to the dimensional requirements of this ordinance but which is at least eighty (80) percent of the required minimums, may be used as a single-family building site provided that the use is permitted in the zoning district, providing the lot is on record in the county Register of Deeds office prior to the effective date or amendment of this Ordinance, and providing the lot is in separate ownership from abutting lots.
- (b) If two or more substandard lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this Ordinance.

### **SECTION 11.0: PERFORMANCE STANDARDS**

#### **11.01 Article Intent.**

It is the intent of this Article to use performance standards for the regulation of uses to facilitate a more objective and equitable basis for control and to insure that the community is adequately protected from potential hazardous and nuisance-like effects. 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 environmental performance standards.

#### **11.02 Noise.**

No operation or activity shall transmit any noise exceeding seventy-five (75) decibels from 7:00 a.m. to 11:00 p.m. and seventy (70) decibels from 11:00 p.m. to 7:00 a.m. beyond the property line. The following noises are exempt from the regulations:

- (a) Noises not directly under the control of the property owner;
- (b) Noises from temporary construction or maintenance activities during daylight hours;
- (c) Noises from emergency, safety or warning devices.

#### **11.03 Vibration.**

- (a) No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the property line of the source. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by



- touch or visual observation of moving objects.
- (b) Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

#### **11.04 Glare and Heat.**

No activity shall emit glare or heat that is visible or measurable outside its premises, except activities in the industrial district which may emit direct or sky-reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

#### **11.05 Odor.**

No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in Chapter NR 154.18, Wisconsin Administrative Code.

#### **11.06 Fire and Explosive Hazards.**

All activities involving the manufacturing, utilization, processing or storage of inflammable and explosive material 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.

#### **11.07 Air Pollution.**

- (a) No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 154.11(6), Wisconsin Administrative Code.
- (b) No activity or operation shall be established or maintained which by reason of its nature causes emission of 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 property. In no case shall any activity 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 Mines' Information Circular 7718 in any Industrial District.

#### **11.08 Hazardous Pollutants.**

- (a) **Pollutants.** No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in Chapter NR 154.19, Wisconsin Administrative Code.
- (b) **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 which can contaminate, pollute, or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

#### **11.09 Radioactivity and Electrical Disturbances.**

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or



adversely affect the use of neighboring premises.

#### 11.10 Refuse.

All waste material, debris, refuse or garbage not disposed of through the public sanitary sewerage system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

## SECTION 12.0: MODIFICATIONS

### 12.01 HEIGHT MODIFICATIONS

The district height limitations stipulated elsewhere in this Ordinance may be exceeded, but such modifications shall be in accord with the following:

- (a) **Architectural Projections.** Architectural Projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Ordinance.
- (b) **Special Structures.** Special Structures, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, windmills, substations, smoke stacks and solar collectors, are exempt from the height limitations of this Ordinance.
- (c) **Essential Services.** Essential Services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.
- (d) **Communication Structures.** Communication Structures, such as radio and television transmissions and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (e) **Agricultural Structures.** Agricultural Structures such as barns, silos, and windmills, shall not exceed in height two (2) times their distance from the nearest lot line.
- (f) **Public or Semi-Public Facilities.** Public or Semipublic Facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices, and stations may be erected to a height of sixty (60) feet provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the district's maximum height requirement.

### 12.02 YARD MODIFICATIONS

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

- (a) **Uncovered Stairs.** Uncovered Stairs, landings, and fire escapes may project into any yard but not to exceed six (6) feet and not closer than three (3) feet to any lot line.
- (b) **Architectural Projections.** Architectural Projections, such as chimneys, flues, sills, eaves, belt courses, ornaments, and solar collectors may project into any required yard.
- (c) **Cul-de-Sac and Curve Restrictions.** Residential lot frontage on cul-de-sacs and curves may be less than the requirements of the district in which it is located, provided the width at the building setback line meets the lot width requirements and the street frontage is no less than forty (40) feet.
- (d) **Essential Services.** Essential Services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.
- (e) **Landscaping.** Landscaping and vegetation are exempt from the yard requirements of this Ordinance.

### 12.03 AVERAGE STREET YARDS

- (a) The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting structures on each side. Where the established setback in



- any residential or business districts is greater than the minimum required, no structure shall be permitted to extend in front of the established building setback line.
- (b) Additions in the street yard of existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.
- (c) On a reversed corner lot each yard abutting a street shall be governed by the front yard requirements.

## **SECTION 13.0: BOARD OF ZONING APPEALS**

### **13.01 ESTABLISHMENT**

There is hereby established a Board of Zoning Appeals for the Village of Lone Rock for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this Ordinance in harmony with the purpose and intent of the zoning ordinance.

### **13.02 MEMBERSHIP**

- (a) The Board of Zoning Appeals shall consist of five (5) citizen members appointed by the Village President and confirmed by the Village Board.
- (b) Terms shall be for staggered three-year periods.
- (c) The Chairman shall be designated by the Village President.
- (d) An Alternate Member may be appointed by the Village President for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of a conflict of interest.
- (e) Secretary shall be the Village Clerk.
- (f) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (g) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of this appointment.
- (h) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

### **13.03 ORGANIZATION**

- (a) The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
- (b) Meetings shall be held at the call of the Chairman and shall be open to the public.
- (c) 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.

### **13.04 POWERS**

The Board of Zoning Appeals shall have the following powers:

- (a) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or body in the course of enforcing this Ordinance.
- (b) **Variances.** To hear and grant appeals for variances as 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 purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (c) The Concurring Vote of four (4) members of the Board shall be necessary to correct an error or



grant a variance.

### 13.05 APPEALS AND APPLICATIONS

- (a) Appeals may be made by any person aggrieved or by an officer, department, board, or commission of the Village.
- (b) Such appeals shall be filed with the Secretary within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator.
- (c) 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:
  - (1) Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
  - (2) Site Plan showing all of the information required under Section 2.03 for a zoning permit.
  - (3) Additional Information required by the Village Plan Commission, Village Engineer, Board of Zoning Appeals, or Zoning Administrator.

### 13.06 HEARINGS

The Board of Zoning Appeals shall fix a reasonable time and place for the hearing, give Class 2 notice thereof, and give written notice to all abutting and opposite property owners of record. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

### 13.07 FINDINGS

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist, and so indicates in the minutes of its proceedings:

- (a) **Exceptional Circumstances.** There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed.
- (b) **Preservation of Property Rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (c) **Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

### 13.08 DECISION

- (a) The Board of Zoning Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or application, Zoning Administrator, and Village Plan Commission.
- (b) Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- (c) Approvals granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

### 13.09 REVIEWS BY COURT OF RECORD

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



in the office of the Board of Zoning Appeals.

## **SECTION 14.0: CHANGES AND AMENDMENTS**

### **14.01 AUTHORITY**

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Trustees 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 Village Plan Commission.

### **14.02 INITIATION**

A change or amendment may be initiated by the Village Board, or any member thereof, Village Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

### **14.03 PETITIONS**

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

- (a) Plat Plan drawn to a scale of one-inch equals one-hundred feet (1"=100') showing the area proposed to be rezoned, its locations, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within two-hundred (200) feet of the area proposed to be rezoned.
- (b) Owners' Names and Addresses of all properties lying within two-hundred (200) feet of the area proposed to be rezoned.
- (c) Additional Information required by the Village Plan Commission or Village Board.

### **14.04 RECOMMENDATIONS**

The Village Plan Commission shall review all proposed changes and amendments within the corporate limits, conduct a public hearing (with Class 2 notice), and shall recommend that the petition be granted as requested, modified, or denied.

### **14.05 VILLAGE BOARD'S ACTIONS**

Following such hearing and after careful consideration of the Village Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment.

### **14.06 PROTEST**

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



## SECTION 15.0 DEFINITIONS

- (a) For the purpose of this Ordinance, the following definitions shall be used.
  - (b) Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number.
  - (c) The word "shall" is mandatory, the word "should" is advisory and the word "may" is permissive.
  - (d) Any words not defined in this section shall be presumed to have the customary dictionary definitions.
- (1) **Accessory Use or Structure.** A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.
  - (2) **Alley.** A special public right-of-way affording only secondary access to abutting properties.
  - (3) **Animal Unit.** One animal unit shall be defined as being the equivalent of one (1) cow, one (1)-1,000 lb. steer or bull, four (4) hogs, ten (10) sheep, ten (10) goats, one-hundred (100) poultry, one (1) horse or pony.
  - (4) **Arterial Street.** A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
  - (5) **Basement.** That portion of any structure located partly below the average adjoining lot grade.
  - (6) **Building.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.
  - (7) **Building, Alterations Of.** Any change or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building, or movement of a building from one location to another.
  - (8) **Building Area.** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, garages, porches, breezeways, and unfinished attics.
  - (9) **Building, Front Line Of.** A line parallel to the street intersecting the foremost point of the building, excluding uncovered steps.
  - (10) **Building Height.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs; or to the deck line of mansard roofs.
  - (11) **Building, Principal.** A building in which is conducted the main use of the lot on which said building is located.
  - (12) **Classes of Notice.** References in this Ordinance to Class 1 and Class 2 notices refer to Chapter 985 of the Wisconsin Statutes.
  - (13) **Clinic.** A building used by a group of doctors for the medical examination or treatment of persons on an outpatient or non-boarding basis only.
  - (14) **Clothing Repair Shops.** Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe-shine shops, clothes pressing shops, but none employing over 5 persons.
  - (15) **Clothing Stores.** Retail stores where clothing is sold, such as department stores, day goods and shoe stores, dress, hosiery, and millinery shops.
  - (16) **Commercial Livestock Operation.** An animal confinement facility used or designed for the feeding or holding of more than four-hundred (400) animal units for thirty (30) days or more.
  - (17) **Commercial Poultry Operation.** A confinement facility used or designed for the raising of more than one-hundred-fifty (150) animal units for egg or meat production.
  - (18) **Community Living Arrangement.** The following facilities licensed or operated, or



permitted under the authority of Wisconsin Statutes: Child welfare agencies under Sec. 48.60, Wis. Stats., group foster homes for children under Sec. 48.02(7m), Wis. Stats., and community-based residential facilities under Sec. 50.01, Wis. Stats.; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Secs. 46.03(22), 69.97(15), 62.23(7)(i), and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.

- (19) **Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a principal use in a district.
- (20) **Condominium.** The ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property
- (21) **Convenience Store.** A store limited to a maximum of three-thousand-five-hundred (3,500) square feet of retail space that also sells gasoline. In addition the following items and other closely related items may be offered: dairy, bakery, snack foods, beverages, tobacco products, grocery, health and beauty aids, confectionery, video rentals, lottery tickers, automotive supplies, newspapers and periodicals, LP gas refills, car wash, camping supplies, and prepared foods to go, fresh or frozen meats and limited produce items. Automobile maintenance services are not performed.
- (22) **Dwelling Unit.** A building or portion thereof used exclusively for human habitation, including single-family, two-family and multi-family dwellings, but not including hotels, motels or lodging houses.
- (23) **Dwelling, One-Family.** A detached building designed, arranged or used for and occupied exclusively by one (1) family. Shall include specially designed buildings covered by earth.
- (24) **Dwelling, Two-Family.** A building designed, arranged or used for, or occupied exclusively by, two (2) families living independently of each other.
- (25) **Dwelling, Multiple-Family.** A building or portion thereof used or designated as a residence for three (3) or more families as separate housekeeping units, including apartments, attached townhouses and condominiums.
- (26) **Efficiency.** A dwelling unit consisting of one principal room with no separate sleeping room.
- (27) **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 poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants.
- (28) **Family.** Any number of persons related by blood, adoption, or marriage, or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.
- (29) **Floor Area.** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the centerlines of walls or portions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- (30) **Foster Family Home.** The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Sec. 48.62, Wis. Stats., and amendments thereto.
- (31) **Frontage.** The smallest dimension of a lot abutting a public street measured along the street line.



- (32) **Garage.** Structure whose primary purpose is the storing of personal vehicles.
- (33) **Government Uses.** Includes all public uses and facilities including parks.
- (34) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under Sec. 48.62, Wis. Stats., for the care and maintenance of five (5) to eight (8) foster children.
- (35) **Dwelling, Multiple Family.** A residential building designed for or occupied by two (2) or more families, with the number of families in residence not to exceed the number of dwelling units provided.
- (36) **Home Occupation.** Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.
- (37) **Hotel.** A building occupied as the more or less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than six (6) sleeping rooms, usually occupied singly, and no provision made for cooking in the individual apartments.
- (38) **Joint Extraterritorial Zoning Committee.** Any zoning committee established in accordance with Section 62.23 (7a) of the Wisconsin Statutes.
- (39) **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.
- (40) **Lot.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this Ordinance.
- (41) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (42) **Lot, Reversed Corner.** A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear. (See Figure 4.)
- (43) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines. (See Figure 4)
- (44) **Lot Width.** The width of a parcel of land measured at the rear of the specified street yard.
- (45) **Machine Shops.** Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair and overhaul shops.
- (46) **Manufactured Home.** Any structure, transportable in one or more sections, which in the traveling mode is twelve (12) body feet or more in width, and eighteen (18) feet or more in length and at least eight-hundred-sixty-four (864) square feet when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and which complies with all manufactured home construction and safety standards established under 242 USC Sec. 5401, et seq.
- (47) **Manufactured Home Park.** Any lot on which two (2) or more manufactured or mobile homes are parked for the purpose of temporary or permanent habitation.
- (48) **Minor Structures.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses; play equipment, arbors; and walls and fences under four (4) feet in height.
- (49) **Mobile Homes.** A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction which does not comply with construction and safety standards established under 242 USC Sec. 5401, et seq. Any mobile home fitting the definition of a mobile home as set out above shall be designated a mobile home regardless of whether the plans for the mobile home include a concrete foundation, a basement, utility hookup, attachments, additions, annexes, foundations, and appurtenances.
- (50) **Motel.** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (51) **Nonconforming Uses or Structures.** Any structure, land, or water lawfully used,



- occupied, or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (52) **Nursery.** Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.
  - (53) **Nursery School.** Any building used routinely for the daytime care and education of preschool age children and including all accessory buildings and play areas other than the child's own home or the homes of relatives or guardians.
  - (54) **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.
  - (55) **Outdoor Furnaces.** Outdoor furnaces shall mean, but is not limited to, any device, appliance, equipment apparatus or structure that is designed, intended and/or used to provide heat and/or hot water to any associated structure, that operates by burning wood or any other fuel, including but not limited to, wood pellets and agricultural products, is not located within the structure to be heated, and included, but not limited to, devices referred to as wood furnaces, outdoor boilers and outdoor stoves.
  - (56) **Parking Lot.** An open area, other than a street or alley, which is used for temporary parking of more than three (3) vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
  - (57) **Parking Space.** A graded and surfaced area of not less than one-hundred-eighty (180) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
  - (58) **Parties in Interest.** Includes all abutting property owners, all property owners within one-hundred (100) feet, and all property owners of opposite frontage.
  - (59) **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 one-half (1/2) of the area of only one (1) floor of the residence and only one (1) non-resident person is employed.
  - (60) **Rear Yard.** A yard extending across the full width of the lot, and depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.
  - (61) **Renovation.** A general upgrading of the building's interior and exterior appearance. Exterior improvements can include cleaning and painting, and will often involve a substantial change to shop front and sign. Interior rehabilitation can include the upgrading of electrical, mechanical, or structural elements and new interior design.
  - (62) **Restoration.** The reinstatement of original architectural integrity of structural form to quality buildings of the past, but does not necessarily extend to a reinstatement of the past use of the building.
  - (63) **Side Yard.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
  - (64) **Signs:** Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
  - (65) **Small Livestock and Poultry.** For purposes of this Ordinance, small livestock shall be limited to animals weighing less than twenty (20) pounds.
  - (66) **Story.** That portion of a building included between the surface of any floor and the surface of

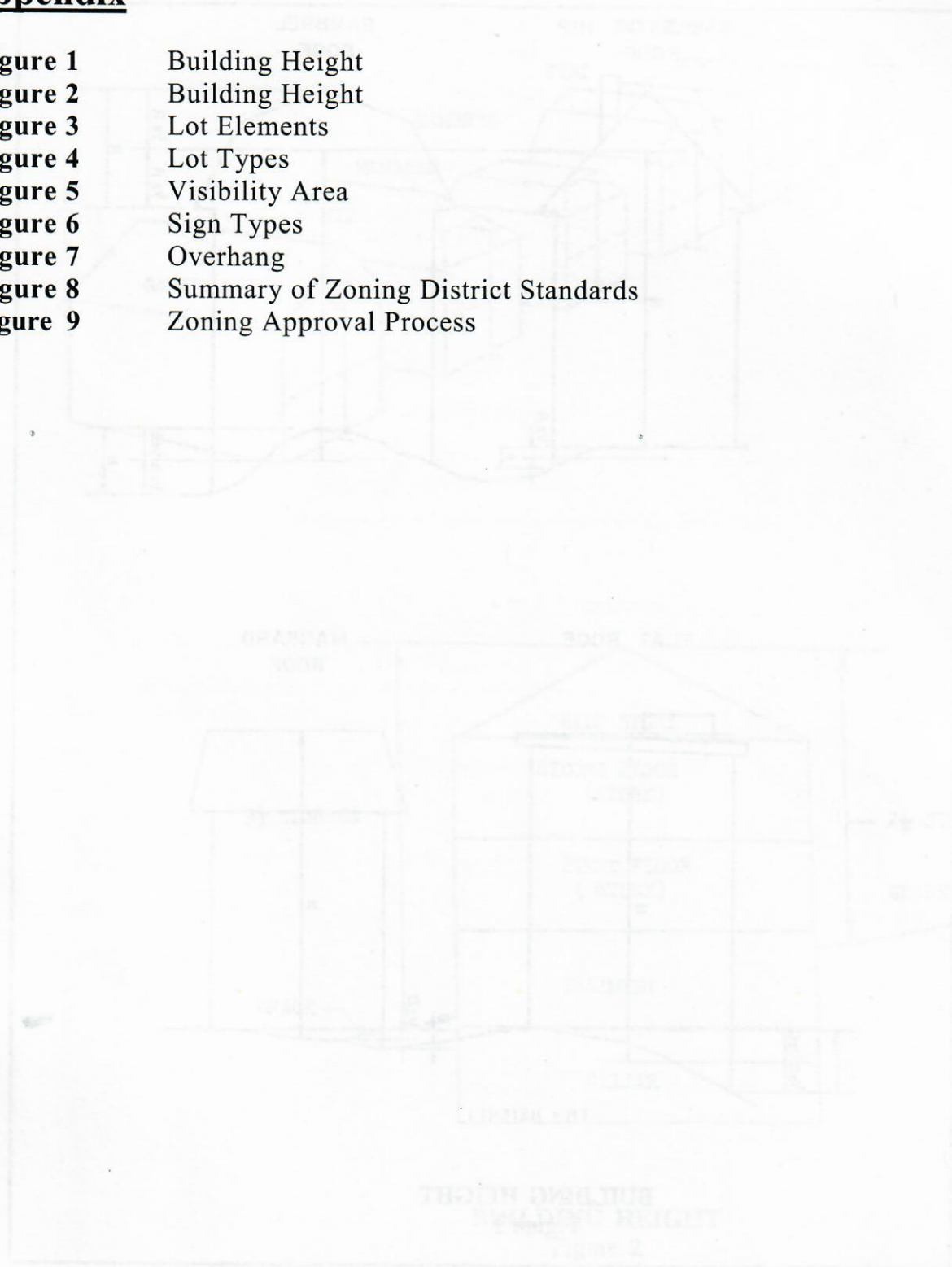


- the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.
- (67) **Story, Half.** A story under a gable, hip or gambrel roof; the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.
- (68) **Street.** A public or private thoroughfare which affords the principal means of access to abutting property.
- (69) **Street Yard.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
- (70) **Structure.** Anything constructed or erected, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, the use of which requires location on the ground or that it be attached to something having a location on the ground.
- (71) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (72) **Town Homes.** A single-family dwelling (rental unit) joined to another single-family dwelling (rental unit) by a party wall and a single lot.
- (73) **Use.** The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this Chapter.
- (74) **Use, Permitted.** 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.
- (75) **Use, Principal.** The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional,"
- (76) **Utilities.** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telephone exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (77) **Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile shall not be considered a vehicle except for purposes made specifically applicable by statute or ordinance.
- (78) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (79) **Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines. (See Figure 3)
- (80) **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines. (See Figure 3)
- (81) **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard. (See Figure 3)
- (82) **Yard, Corner Side.** A side yard which adjoins a public street.
- (83) **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.
- (84) **Yard, Street.** Yard abutting a street.

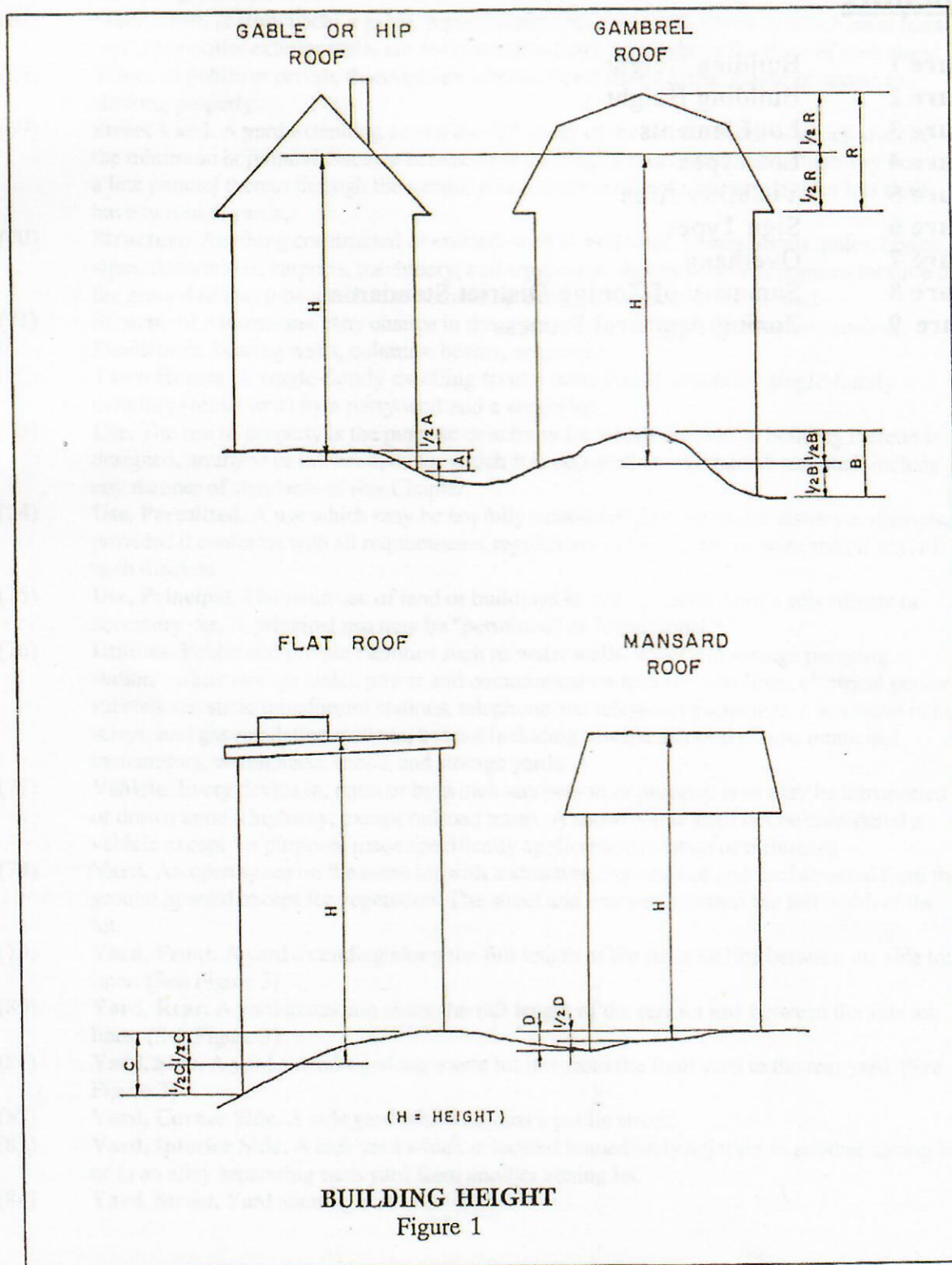


## Appendix

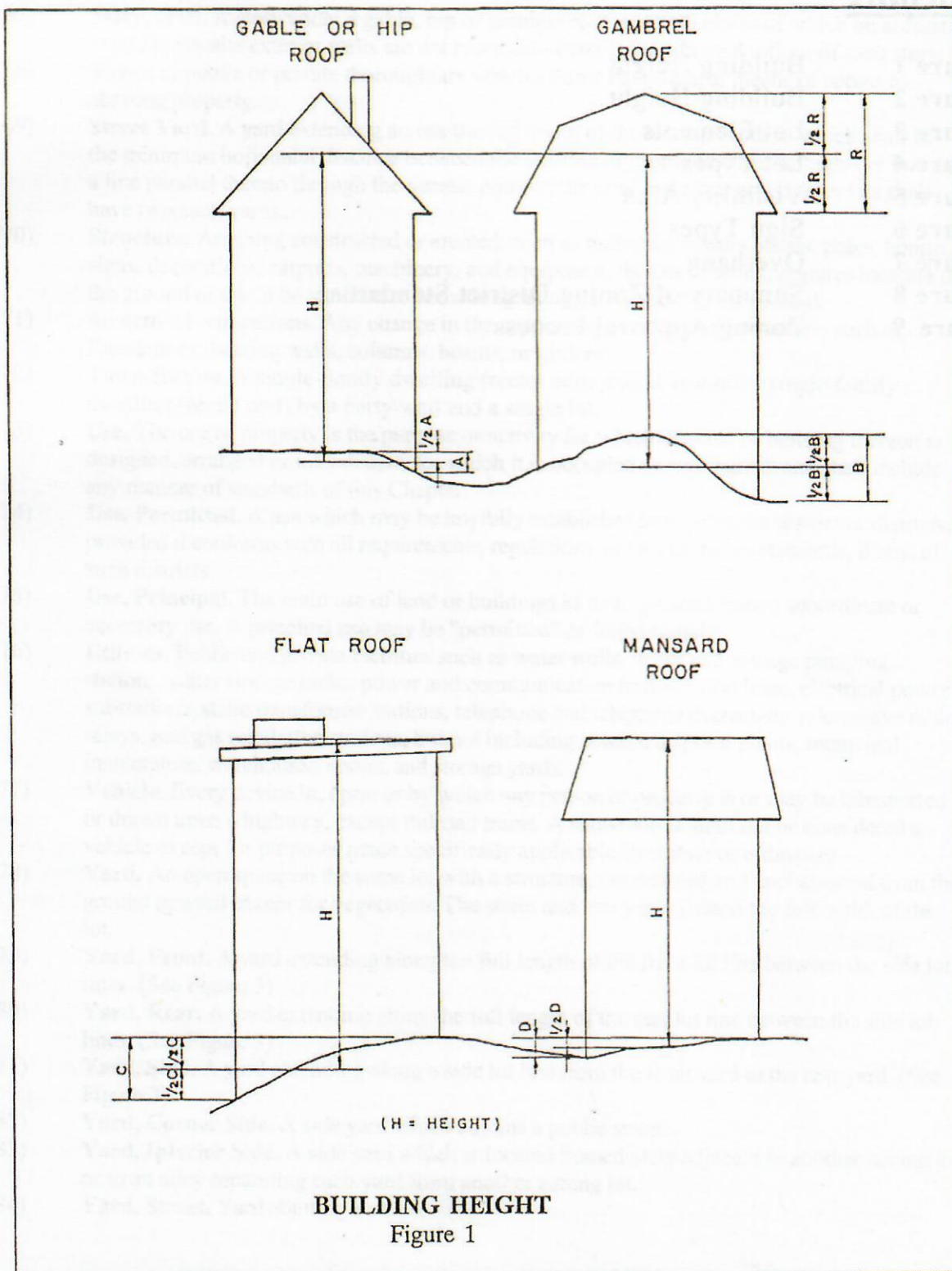
|                 |                                      |
|-----------------|--------------------------------------|
| <b>Figure 1</b> | Building Height                      |
| <b>Figure 2</b> | Building Height                      |
| <b>Figure 3</b> | Lot Elements                         |
| <b>Figure 4</b> | Lot Types                            |
| <b>Figure 5</b> | Visibility Area                      |
| <b>Figure 6</b> | Sign Types                           |
| <b>Figure 7</b> | Overhang                             |
| <b>Figure 8</b> | Summary of Zoning District Standards |
| <b>Figure 9</b> | Zoning Approval Process              |



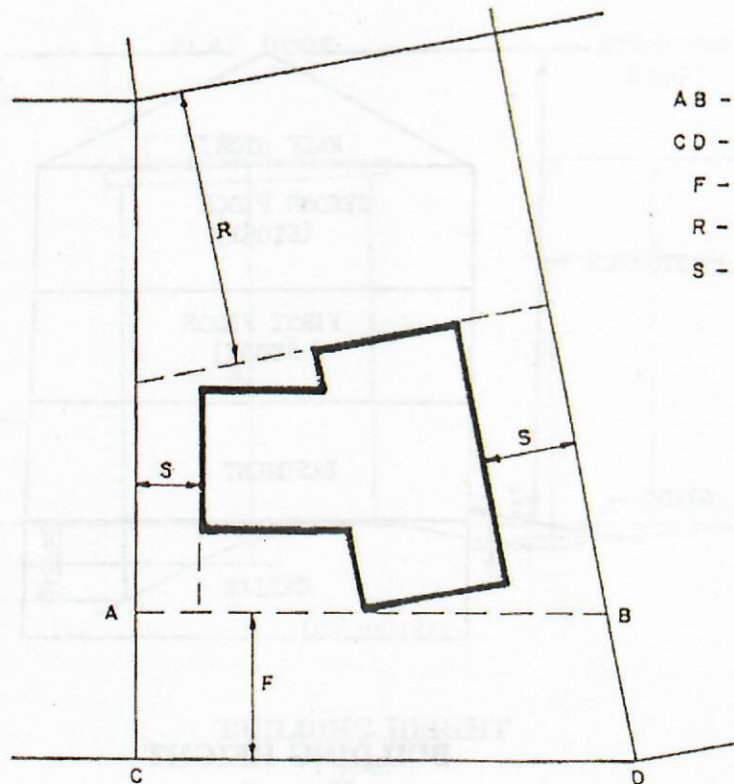
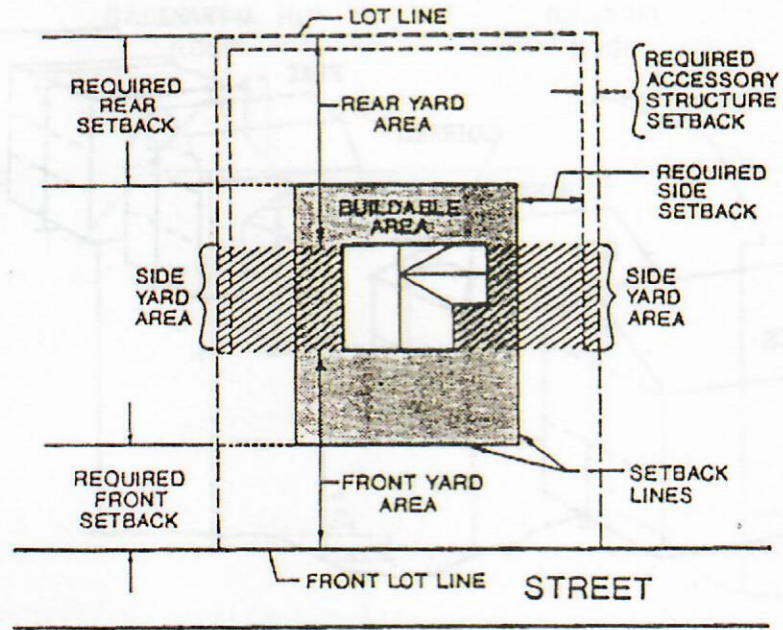












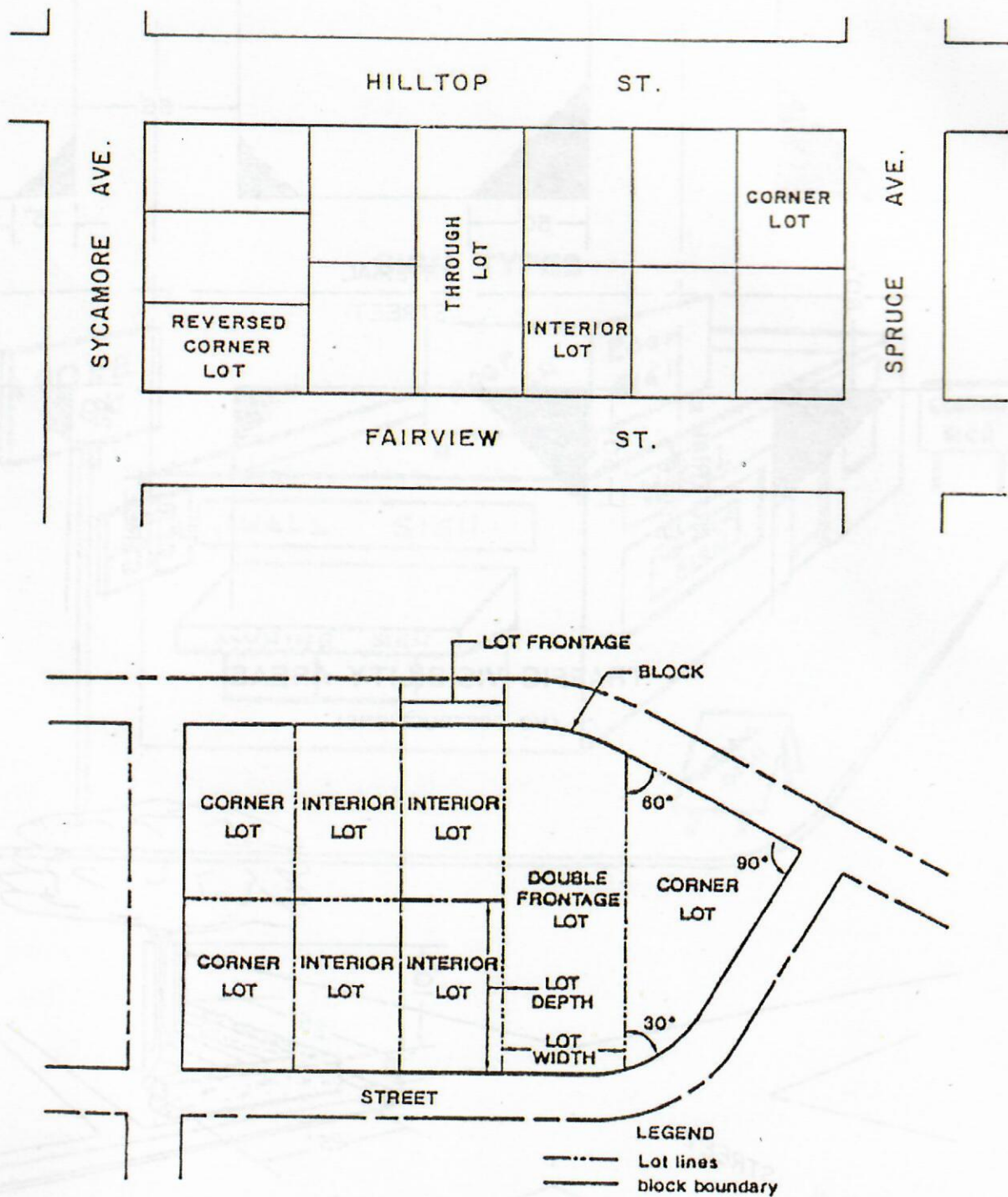
# KEY

- AB - LOT WIDTH
- CD - LOT FRONTAGE
- F - FRONT YARD DEPTH
- R - REAR YARD DEPTH
- S - SIDE YARD WIDTH

## LOT ELEMENTS

Figure 3

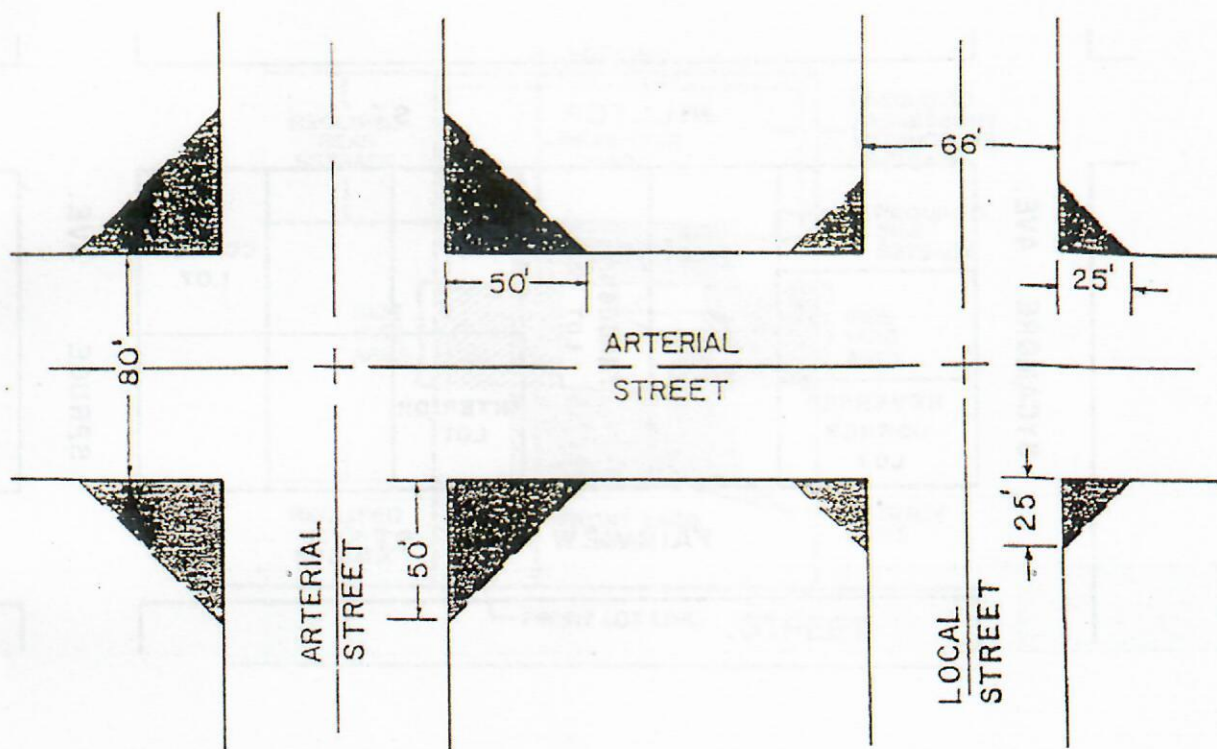




## LOT TYPES

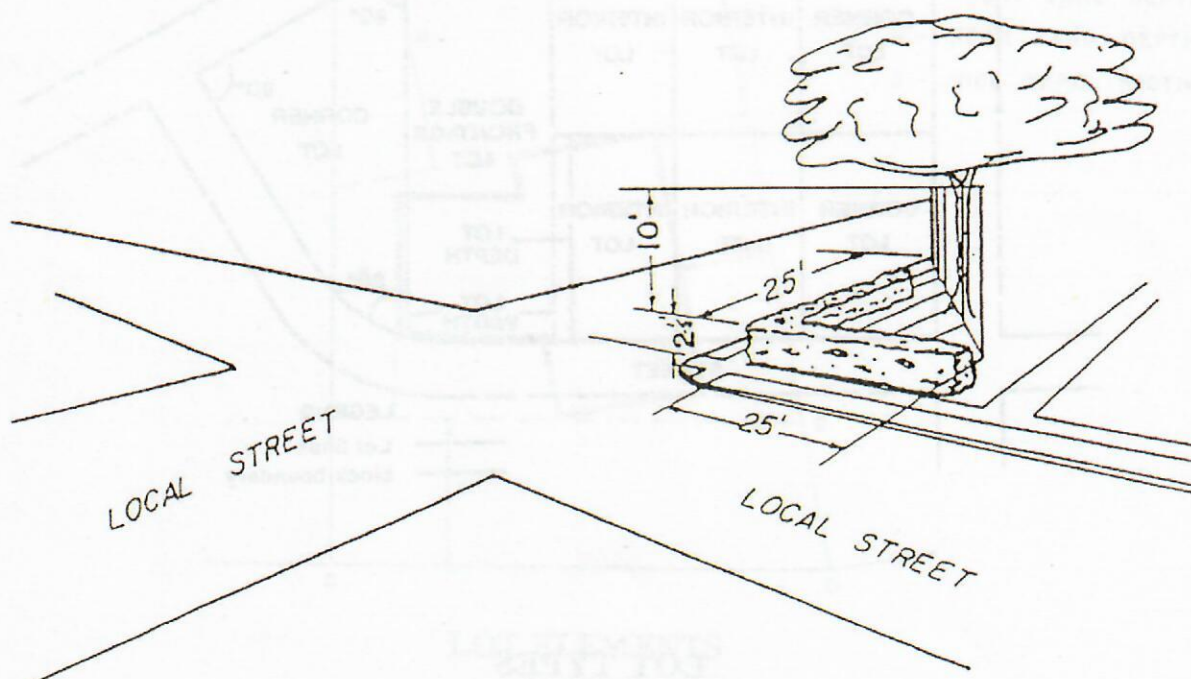
Figure 4





### TRAFFIC VISIBILITY AREAS

(NO OBSTRUCTIONS)

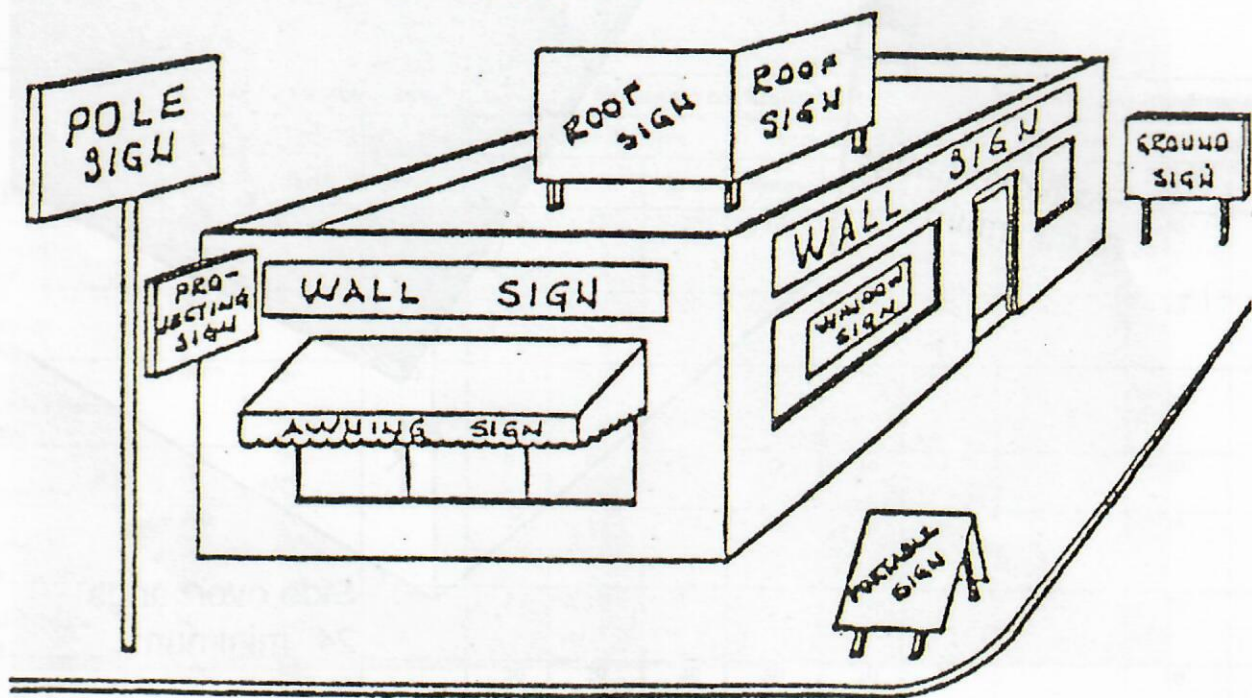


### VISIBILITY AREAS

Figure 5



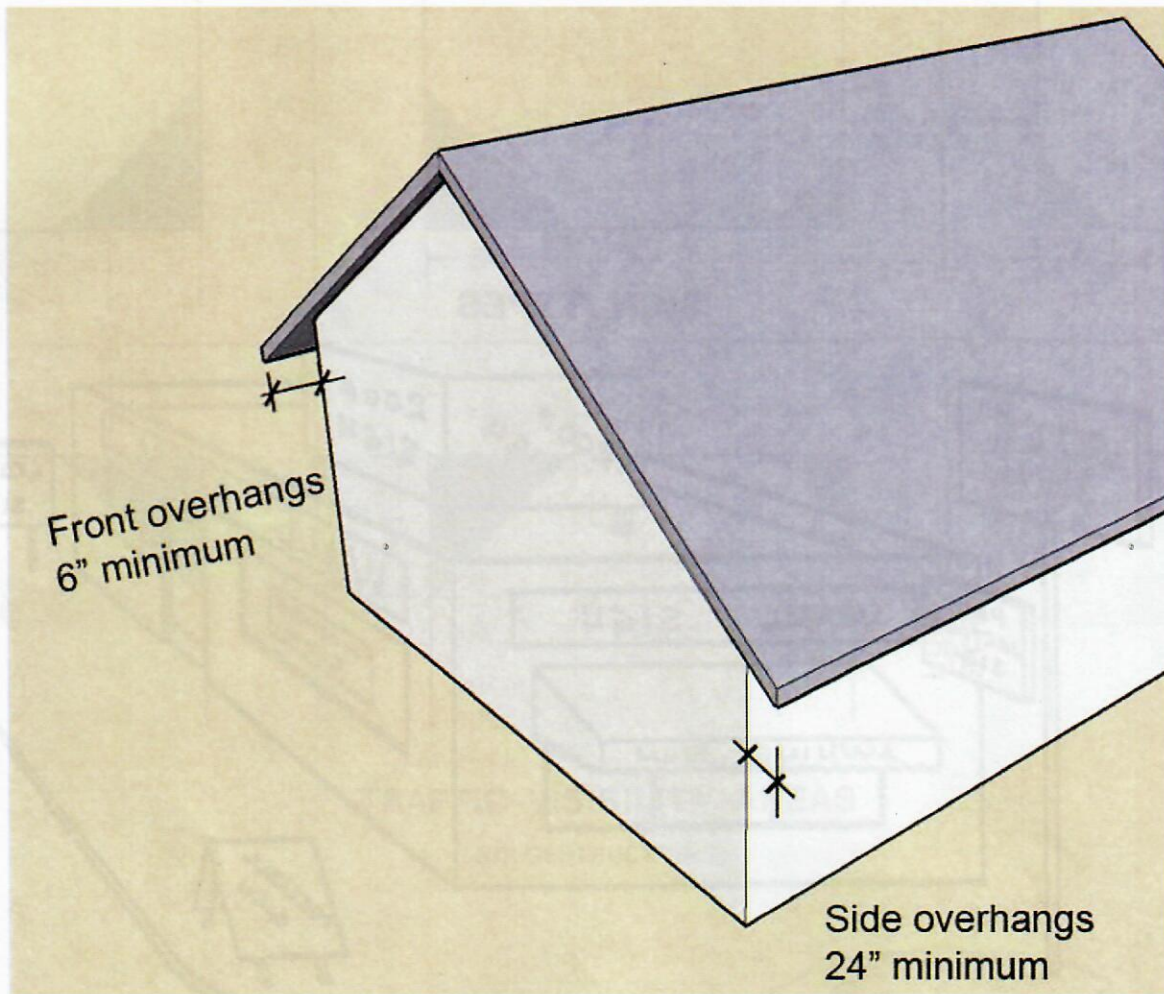
## SIGN TYPES



## SIGNAGE TYPES

Figure 6





**Overhang**  
Figure 7



[illegible]



Figure 8: Zoning Review and Approval Process

