

Chapter 285

ZONING

[HISTORY: Adopted by the Village Board of the Village of Dickeyville 10-17-1972 (Appendix of 1975 Code). Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 117.
Campgrounds and trailer parks — See Ch. 124.
Mobile homes and mobile home parks — See Ch. 186.
Subdivision of land — See Ch. 245.
Annexations — See Ch. A290.

ARTICLE I Introduction

§ 285-1. Statutory authority. [Amended 9-14-1988]

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

§ 285-2. Purpose.

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

§ 285-3. Intent.

- A. It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters and regulate and restrict lot coverage, population distribution and density and the size and location of all structures so as to:
- (1) Lessen congestion in and promote the safety and efficiency of the streets and highways;
 - (2) Secure safety from fire, flooding, panic and other dangers;
 - (3) Provide adequate light, air, sanitation and drainage;
 - (4) Prevent overcrowding;
 - (5) Avoid undue population concentration;
 - (6) Facilitate the adequate provision of public facilities and utilities;
 - (7) Stabilize and protect property values;
 - (8) Further the appropriate use of land and conservation of natural resources;
 - (9) Preserve and promote the beauty of the community; and

(10) Implement the community's Comprehensive Plan or plan components.

- B. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 285-4. Abrogation and greater restrictions.

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

§ 285-5. Interpretation.

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

§ 285-6. Title.

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

ARTICLE II
General Provisions

§ 285-7. Jurisdiction.

Jurisdiction of this chapter shall include all lands and waters within the corporate limits of the Village of Dickeyville.

§ 285-8. Compliance required.

No structure 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 chapter and all other applicable local, county and state regulations.

§ 285-9. Zoning Inspector.

The duty of the Zoning Inspector, with the aid of the Police Department, shall be to investigate all complaints, to give notice of violations and to enforce the provisions of this chapter. The Zoning Inspector or the Assistant Zoning Inspector may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.

§ 285-10. Zoning permit.

- A. Applications for a zoning permit shall be made in duplicate to the Zoning Inspector on forms furnished by the Zoning Inspector and shall include the following where

applicable:

- (1) Names 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; and the zoning district within which the subject site lies.
 - (3) Plat or survey showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; and existing and proposed street, side and rear yards.
 - (4) Proposed sewage disposal plan if municipal sewerage service is not available. This plan shall be approved by the County Sanitarian who shall certify in writing that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan in accordance with applicable local, county and Department of Commerce regulations.¹
 - (5) Department of Commerce approval. Where required, the application for a zoning permit shall also contain copies of plans approved by the Wisconsin Department of Commerce. [Amended 9-14-1988]
 - (6) Proposed water supply plan if municipal water service is not available. This plan shall be approved by the Village Engineer, who shall certify in writing that an adequate and safe supply of water will be provided.
 - (7) Additional information as may be required by the Village Plan Commission, Village Engineer, Zoning, Building and Plumbing Inspectors and the Village Board. [Amended 9-14-1988]
- B. The zoning permit shall be granted or denied in writing by the Zoning Inspector within 30 days. The permit shall expire within six months unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

§ 285-11. Site restrictions.

No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Village Plan Commission 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 Village Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land

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

is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Village Plan Commission may affirm, modify or withdraw its determination of unsuitability.

- A. All lots shall abut upon a public street.
- B. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot.
- C. Accessory structure requirements. Accessory structures:
 - (1) Are permitted in rear and side yards only.
 - (2) Shall not exceed 15 feet in building height.
 - (3) Shall not occupy more than 50% of the side yard or more than 20% of the rear yard.
 - (4) Shall not be located less than five feet from a rear lot line or a side lot line between adjoining lots.
 - (5) Shall not be located less than 20 feet from a street lot line between a lot and a public right-of-way.
 - (6) Shall be located at least five feet from the principal structure. [Added 3-8-1995]
- D. No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- E. Private sewer and water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site disposal system designed in accordance with the Wisconsin Administrative Code. In any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with the Wisconsin Administrative Code, but for one-family dwellings shall be no less than 100 feet and no less than 20,000 square feet, respectively. [Amended 9-14-1988]
- F. Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards in the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

§ 285-12. 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 that district.
- B. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall

not involve the conduct of any business, trade or industry. Accessory uses 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 and their accessory uses are considered as special uses requiring review, public hearing and approval by the Village Plan Commission in accordance with Article IV. Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, and interstate and controlled access trafficways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be a conditional use. Such development shall be specifically reviewed and approved by the Village Plan Commission as provided in Article IV.
- D. Unclassified or unspecified uses may be permitted by the Board of Zoning Appeals after the Village Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
- E. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Board of Zoning Appeals.

§ 285-13. Reduction or joint use.

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

§ 285-14. Enforcement.

It shall be unlawful to construct or use any structure, land or water in violation of any of the provisions of this chapter. In case of any violation, the Board of Trustees, the Zoning Inspector, 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 chapter.

§ 285-15. Violations and penalties.

Any person, firm or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution for each violation and, in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

ARTICLE III
District Regulations

§ 285-16. Districts established. [Amended 3-11-1987; 4-14-2004]

- A. The Village of Dickeyville is hereby divided into the following eight zoning districts:
- R-1 Single-Family Residential District
 - R-2 Two-Family Residential District
 - R-3 Multifamily Residential District
 - B-1 Business District
 - M-1 Industrial District
 - A-1 Agricultural District
 - F-2 Floodplain District
 - IP Industrial Park District
- B. Boundaries of these districts are hereby established as shown from the Official Zoning Map of the Village of Dickeyville dated March 11, 1987, which accompanies and is a part of this chapter. Such boundaries shall be construed to follow corporate limits, United States Public Land Survey lines, lot or property lines, and center lines of streets, highways, alleys, easements and railroad rights-of-way or such lines extended, unless otherwise noted on the Official Zoning Map.
- C. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- D. Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the A-1 Agricultural District, unless the annexation ordinance temporarily places the land in another district. Within one year the Village Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

§ 285-17. Zoning Map.

A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the Village President and Village Clerk-Treasurer and shall be available to the public in the office of the Village Clerk-Treasurer. Changes thereafter to the districts shall not be effective until entered and attested to on this certified copy.

§ 285-18. R-1 Single-Family Residential District.

- A. Principal use: one-family dwellings.
- B. Conditional uses: See §§ 285-30, 285-31, 285-35 and 385-36.
- C. Lot:
- (1) Width: minimum 70 feet.
 - (2) Area: minimum 7,500 square feet.

- D. Building:
- (1) Area: minimum 1,200 square feet.
 - (2) Height: maximum 35 feet.
 - (3) Width: 28 feet.²

- E. Yards:
- (1) Street: minimum 20 feet.
 - (2) Rear: minimum 30 feet.
 - (3) Side: minimum eight feet.

§ 285-19. R-2 Two-Family Residential District. [Added 4-14-2004]

- A. Principal use: one-family or two-family dwelling.
- B. Conditional uses: See §§ 285-30, 285-31, 285-35 and 385-36.
- C. Lot:
- (1) Width: minimum 70 feet.
 - (2) Area:
 - (a) Single-family: same as R-1 District.
 - (b) Duplex: 10,000 square feet, two-family; 5,000 square feet per single duplex unit.
- D. Building:
- (1) Area:
 - (a) Single-family: 1,200 square feet.
 - (b) Duplex: 1,000 square feet per unit.
 - (2) Height: maximum 35 feet.
- E. Yards:
- (1) Street: minimum 20 feet.
 - (2) Rear: minimum 30 feet.
 - (3) Side: minimum eight feet.
 - (4) Duplex: single unit, one side yard: zero.
- F. This district allows for splitting a lot for zero lot line for a duplex; each duplex unit shall have a minimum lot area of 5,000 square feet and a minimum lot width of 35

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

feet.

- G. The Village Plan Commission reserves the right to review the existing and proposed restrictive covenants from the developer/owner. The covenants must be submitted with the zoning application.

§ 285-20. R-3 Multifamily Residential District.

- A. Principal use: multifamily dwellings.
- B. Conditional uses: See §§ 285-30, 285-31, 285-35 and 285-37. [Amended 9-14-1988]
- C. Minimum lot width: 60 feet.
- D. Minimum lot area:
 - (1) One-family or two-family: 7,200 square feet.
 - (2) Multiple dwelling units with three or more units:
 - (a) Efficiency units: 2,000 square feet per dwelling unit.
 - (b) One-bedroom units: 2,500 square feet per dwelling unit.
 - (c) Two-bedroom units: 3,000 square feet per dwelling unit.
 - (d) Three-bedroom units: 3,500 square feet per dwelling unit.
- E. Maximum building height: 35 feet maximum.
- F. Minimum yards:
 - (1) Street: 20 feet.
 - (2) Side: an aggregate of 20 feet for both sides and no single side yard less than eight feet.
 - (3) Street side: 20 feet.
 - (4) Rear: 25 feet.
- G. Building area: minimum 500 square feet per family. [Amended 7-8-1992]

§ 285-21. B-1 Business District.

- A. Principal uses: the following uses provided that they shall be retail establishments selling and storing only new merchandise: bakeries, barbershops, bars, beauty shops, business offices, clinics, clothing stores, clubs, cocktail lounges, confectioneries, delicatessens, drugstores, fish markets, florists, fraternities, fruit stores, gift stores, grocery stores, hardware stores, house occupations, hobby shops, lodges, meat markets, optical stores, packaged beverage stores, professional offices, restaurants, self-service and pickup laundry and dry-cleaning establishments, soda fountains, sporting goods, supermarkets, tobacco stores, and vegetable stores, apartment hotels, appliance stores, caterers, churches, clothing repair shops,

crockery stores, department stores, electrical supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating supply, hotels, laundry and dry-cleaning establishments employing not over seven persons, liquor stores, music stores, newspaper offices and press rooms, nightclubs, office supplies, pawnshops, personal service establishments, pet shops, places of entertainment, photographic supplies, plumbing supplies, printing, private clubs, private schools, publishing, radio broadcasting studios, secondhand stores, signs, television broadcasting studios, trade and contractors' offices, upholsterers' shops, and variety stores.

- B. Conditional uses: see §§ 285-30, 285-31, 285-32, 285-35, 285-36 and 285-37. [Amended 2-11-1987; 9-14-1988]
- C. Building height: maximum 45 feet.
- D. Yards:
 - (1) Street: minimum zero feet.
 - (2) Rear: minimum 30 feet.
 - (3) Side: none. [Amended 6-10-1992]

§ 285-22. M-1 Industrial District.

- A. Principal uses:
 - (1) Automotive body repairs; automotive upholstery; cleaning, pressing and dyeing establishments; commercial bakeries; commercial greenhouses, distributors; farm machinery; food locker plants; laboratories; machine shops; manufacture and bottling of nonalcoholic beverages; painting; printing; publishing; storage and sale of machinery and equipment; trade and contractors' offices; warehousing; and wholesaling.
 - (2) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plastics, plaster, textiles, and wood.
 - (3) Manufacture, fabrication processing, packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food except cabbage, fish and fish products; meat and meat products, and pea vining; instruments; jewelry; pharmaceuticals; tobacco; and toiletries.
 - (4) Freight yards, freight terminals and transshipment depots.
 - (5) Existing residences shall comply with all the provisions of the R-3 Residential District.
- B. Conditional uses: see §§ 285-30, 285-31, 285-33, 285-35 and 285-36. [Amended 9-14-1988]
- C. Building height: maximum 45 feet.
- D. Yards:

- (1) Street: minimum 25 feet.
- (2) Rear: minimum 30 feet.
- (3) Side: minimum 20 feet.

§ 285-23. A-1 Agricultural District.

A. Principal uses:

- (1) Apiculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, stables, truck farming and viticulture.
- (2) Farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses are accessory uses and shall comply with all the provisions of the R-1 Residential District.

B. Conditional uses: see §§ 285-30, 285-33, 285-35 and 285-37.

C. Farm:

- (1) Frontage: minimum 200 feet.
- (2) Area: minimum 10 acres.

D. Structure height: maximum 50 feet.

E. Yards:

- (1) Street: minimum 80 feet.
- (2) Rear: minimum 50 feet.
- (3) Side: minimum 50 feet.

§ 285-24. F-2 Floodplain District.

A. Principal uses: flood overflows, impoundments, parks, sustained yield forestry, fish hatcheries, wildlife preserves, water measurement and water control facilities.

B. Conditional uses: all uses permitted in the A-1 Agricultural District except residential uses. The above uses shall not include the storage of materials that are buoyant, flammable, explosive or injurious to human, animal or plant life nor substantially reduce the floodwater storage capacity of the floodplain. See § 285-30.³

C. Buildings. All buildings shall have their first floors constructed at an elevation no less than two feet above the level of the one-hundred-year recurrence interval flood

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

(the greatest flood of record or the standard project flood).⁴

§ 285-25. IP Industrial Park District. [Added 2-11-1987]

- A. Principal uses: those principal uses in the B-1 Business District and the M-1 Industrial District.
- B. Conditional uses: those conditional uses permitted and allowed in the B-1 Business District and the M-1 Industrial District.
- C. Building height: to conform to the requirements in the B-1 Business District or the M-1 Industrial District, depending upon which district's principal use or conditional use is being followed.
- D. Lot: to conform to the requirements in the B-1 Business District or M-1 Industrial District, depending upon which district's principal use or conditional use is being followed.
- E. Yards: to conform to the requirements in the B-1 Business District or M-1 Industrial District, depending upon which district's principal use or conditional use is being followed.
- F. Additional provisions. An Industrial Park District may be rezoned in portions or in its entirety after its specified use has been fully developed or becomes apparent.

§ 285-26. Modifications to limitations. [Added 3-8-1995]

- A. Height. The district height limitations set forth in this chapter may be exceeded, but such modifications shall be in accordance with the following:
 - (1) Special structures which are essential to permitted uses in commercial and industrial districts, including but not limited to mechanical penthouses on commercial or industrial buildings, storage tanks, grain elevators, communications receiving equipment, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, electrical, and smokestacks up to 50 feet in height, are exempt from the height limitations of this chapter.
 - (2) Essential services, utilities, water towers, and electric power and communications transmission lines are exempt from the height limitations of this chapter.
 - (3) Except for television reception structures, communication structures, such as radio and television transmission and relay towers and aerials, shall not exceed in height three times their distance from the nearest lot line.
 - (4) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations, may be erected to a height of 50 feet, provided that all required yards are not less than

⁴. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

one foot for each foot of building height. District setback minimums shall apply in all cases.

- B. Yards. The yard requirements stipulated elsewhere in this chapter may be modified as follows:
- (1) Uncovered stairs, landings and fire escapes may project into any yard, not to exceed six feet of projection and not closer than five feet to any lot line.
 - (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard, but such projection shall not exceed two feet.
 - (3) Residential fences are permitted adjacent to property lines in residential districts but shall not in any case exceed a height of six feet and shall not exceed a height of four feet in the street yard and shall not be closer than two feet to any public right-of-way.
 - (4) Security fences are permitted adjacent to property lines in all districts except residential districts but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (5) Essential services, utilities, and electric power and communication transmission lines are exempt from the yard and distance requirements of this chapter.
 - (6) Landscaping and vegetation are exempt from the yard requirements of this chapter.
 - (7) Uncovered decks, porches, or like structures may not project more than 10 feet into required street or rear yards nor be closer than 15 feet to street right-of-way or rear lot line.
- C. Average street yards. The required street yard may be decreased in any residential district to the average of the existing street yards of abutting structures on each side, but in no case less than 15 feet in any residential district.

ARTICLE IV Conditional Uses

§ 285-27. Conditional use permit.

The Village Plan Commission may authorize the Zoning Inspector 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 chapter and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community.

§ 285-28. Application for permit.

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

- A. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.
- B. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- C. Plat or survey prepared by a registered land surveyor showing all of the information required under § 285-10 for a zoning permit and, in addition, the following: mean and historic high-water lines on or within 40 feet of the subject premises and existing and proposed landscaping.
- D. Additional information as may be required by the Village Plan Commission, Village Engineer, or Zoning, Building or Plumbing Inspector.⁵
- E. Fee receipt from the Village Clerk-Treasurer in the amount as set by the Village Board. [Amended 4-6-1994; 4-10-2002⁶]

§ 285-29. Review and approval.

The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

- A. Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways, and interstate and controlled access trafficways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the trafficway. The Village Plan Commission shall request such review and await the highway agency's recommendations for a period not to exceed 60 days before taking final action.
- B. 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 Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- C. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in § 285-51.

⁵. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

⁶. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 285-30. Public and semipublic uses.

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

- A. Airports, airstrips and landing fields in the Industrial District, A-1 Agricultural District and F-2 Floodplain District, provided that the site area is not less than 20 acres.
- B. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums, in all residential districts, the Business District and the Industrial District.
- C. Utilities in all districts, provided that all principal structures and uses are not less than 50 feet from any residential district lot line.
- D. Public passenger transportation terminals, such as heliports and bus and rail depots, except airports, airstrips and landing fields, in the Business District and the Industrial District, provided that all principal structures and uses are not less than 100 feet from any residential district boundary.
- E. Public, parochial and private elementary and secondary schools and churches in the R-1 Residential District, provided that the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.
- F. Colleges, universities and hospitals, religious, charitable, penal and correctional institutions, and cemeteries in the A-1 Agricultural District, provided that all principal structures and uses are not less than 50 feet from any lot line.

§ 285-31. Residential uses.

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

- A. Planned unit developments. Planned unit developments shall be a conditional use in the R-1, R-3, B-1, M-1 and IP Districts.
 - (1) Definition. A lot which contains or will contain two or more principal structures, developed under a single ownership or control, the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures. The PUD has certain facilities in common, such as yards, open spaces, recreation areas, garages and parking areas. Compatibility of uses and structures is to be ensured through approval of a comprehensive plan showing proper orientation, desirable design character, compatible land uses and a tendency over a period of time to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses.
 - (2) Regulations. A separate ground area, referred to in this chapter as a "lot," shall be designated, provided, and continuously maintained for each use. Two or more structures may be erected and maintained on the same lot. Also, several

lots may be combined into one plan covering a planned development group.

- (3) Standards for review. In reviewing applications for large-scale developments, the Plan Commission shall consider a general development plan of the proposed project. The general development plan shall show the proposed use or uses, dimensions and locations of proposed structures and of areas to be reserved for vehicular and pedestrian circulation, parking, public uses such as small parks or picnic areas, landscaping and other open space uses. The Plan Commission shall review architectural drawings and sketches demonstrating the design and character of the proposed uses and the physical relationship of the uses to each other and such other pertinent information as may be necessary. The Plan Commission shall review such plans to determine that the following is provided for:

- (a) Spacing and orientation of residential buildings. Spacing between buildings and orientations in multiple-dwelling structures shall conform to the following principles:

[1] Walls containing main window exposures or main entrances shall be so oriented as to ensure adequate light and air exposures.

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

[3] A building group may not be so arranged that any inhabited building is inaccessible to emergency vehicles.

- (b) Construction of planned unit developments shall be under the supervision of the Building Inspector to ensure adherence to the plans as approved by the Plan Commission and Village Board. Substantial deviation from the approved plans shall require the prior written approval of the Plan Commission. [Amended 3-8-1995]

- B. Clubs, fraternities, lodges and meeting places of a noncommercial nature in the R-3 Residential District, provided that all principal structures and uses are not less than 25 feet from any lot line.
- C. Rest homes, nursing homes, homes for the aged, clinics and children's nurseries in the R-2 or R-3 Residential District, provided that all principal structures and uses are not less than 50 feet from any lot line.
- D. Home occupations shall be any business, profession, trade or employment conducted in a dwelling which involves the occupant of the dwelling or the occupant's immediate family or household member and a maximum of one other unrelated person. Home occupations shall not include a business involving explosives, fireworks or repair of motor vehicles or any activity utilizing more than 25% of the habitable floor area of the dwelling. The following additional restrictions shall apply to home occupations: [Amended 6-12-1996]

- (1) Home occupations shall be conducted only within the enclosed area of the dwelling unit or the garage. No accessory building may be built primarily for use in the home occupation.
- (2) There shall be no exterior alterations which change the character of the dwelling and/or exterior evidence of a home occupation, other than those signs permitted in the district.
- (3) No storage or display of materials, goods, supplies or equipment related to the operation of a home occupation shall be visible outside any structure located on the premises.
- (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, electrical interference or any nuisance not normally associated with the usual residential use in the district.
- (5) No sign identifying a home occupation shall be illuminated. Any such sign shall be affixed to the principal structure in the same plane as the wall to which it is attached. Only one wall sign of four square feet or less shall be permitted.
- (6) A home occupation shall be clearly incidental to the principal residential use of the building.

§ 285-32. Highway-oriented uses.

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

- A. Drive-in theaters in the Business District, provided that a planting screen at least 25 feet wide is created along any side abutting a residential district and no access is permitted to or within 1,000 feet of an arterial street.
- B. Drive-in establishments serving food or beverages for consumption outside the structure in the Business District.
- C. Motels in the Business District.
- D. Funeral homes in the Business District, provided that all principal structures and uses are not less than 25 feet from any lot line.
- E. Drive-in banks in the Business District.
- F. Tourist homes in the Business District, provided that such district is located on a state trunk or U.S. numbered highway.
- G. Vehicle sales, service, washing and repair stations, garages and public parking lots in the Business District, provided that all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line.
- H. Wholesaling and warehousing in the Business District.
- I. Any development within 500 feet of the existing or proposed rights-of-way of

freeways, expressways, and interstate and controlled access trafficways and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses, and no structures shall be erected closer than 100 feet to their rights-of-way.

- J. Mini storage in the Business District. Mini storage may be only for use by private individuals and shall be for nonbusiness and noncommercial storage uses and shall consist of inside storage only. [Added 10-11-1995]

§ 285-33. Industrial and agricultural uses.

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

- A. Animal hospitals in the Agricultural and Industrial Districts, provided that the lot area is not less than three acres and all principal structures and uses are not less than 100 feet from any residential district.
- B. Dumps, disposal areas, incinerators, and sewage disposal plants in the Agricultural and Industrial Districts. Municipal earth and sanitary landfill operations may be permitted in any district.
- C. Commercial raising, propagation, boarding, or butchering of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; and the hatching, raising, fattening, or butchering of fowl in the Agricultural District. Pea vineries, creameries, and condenseries in the Agricultural or Industrial District.
- D. Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal, tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblackening, size, starch, stove polish, textiles and varnish. Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast. Manufacture and bottling of alcoholic beverages. Bag cleaning; bleacheries; canneries; cold storage warehouses; electric- and steam-generating plants; electroplating; enameling; forges; foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish or animal reduction; oil, coal and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving in the Industrial District and shall be at least 600 feet from residential districts.⁷
- E. Outside storage and manufacturing areas in the Industrial District. Wrecking, junk,

⁷. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least 600 feet from a residential district.

- F. Commercial service facilities, such as restaurants and fueling stations, in the Industrial District, provided that all such services are physically and sales-wise oriented toward Industrial District users and employees and other users are only incidental customers.

§ 285-34. Mineral extraction.

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

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

§ 285-35. Recreational uses.

- A. The following public recreational facilities shall be conditional uses and may be permitted as specified: archery ranges, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, music halls, polo fields, pools, riding academies, skating rinks, sport fields, stadiums, swimming pools, and zoological and botanical gardens in any district, provided that the lot area is not less

than three acres and all structures are not less than 50 feet from any district boundary.

- B. Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, turkish baths, skating rinks, and theaters are conditional uses and may be permitted in the Business District.

§ 285-36. Multifamily use. [Amended 9-14-1988]

Multifamily dwellings of no more than four rental units which comply with all requirements of the R-3 Residential District shall be conditional uses in all districts.

§ 285-37. Residential use. [Amended 9-14-1988]

The following shall be conditional uses in all districts: single-family dwellings which comply with all requirements of the R-1 Residential District and multifamily dwellings which comply with all requirements of the R-3 Residential District, and, in addition, lots for uses requiring on-site sewage disposal facilities shall provide for the future division of said lots into two or more lots which comply with the requirements of the R-1 Residential District in the case of single-family construction and the R-3 Residential District in the case of multifamily dwellings.

ARTICLE V
Traffic, Parking and Access

§ 285-38. Traffic visibility.

- A. No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2 1/2 feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.
- 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 50 feet.

§ 285-39. 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.

§ 285-40. Parking requirements.

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

| Use | Number of Parking Stalls Required |
|--|--|
| Single-family dwellings and mobile homes | 2 stalls for each dwelling unit |
| Multifamily dwellings | 1.5 stalls for each dwelling unit |
| Hotels and motels | 1 stall for each guest room plus 1 stall for each 3 employees |
| Hospitals, clubs and lodging and boarding houses | 1 stall for each 2 beds plus 1 stall for each 3 employees |
| Rest and nursing homes | 1 stall for each 5 beds plus 1 stall for each 3 employees |
| Medical and dental clinics | 3 stalls for each doctor |
| Churches, theaters, auditoriums, community centers and other places of public assembly | 1 stall for each 5 seats |
| Secondary and elementary schools | 1 stall for each 2 employees |
| Restaurants, bars and places of entertainment | 1 stall for each 200 square feet of floor area devoted to display of merchandise |
| Retail stores and service establishments | 1 stall for each 100 square feet devoted to patrons or patron services |
| Manufacturing and processing plants, laboratories and warehouses | 1 stall for each 3 employees |
| Financial institutions and business, governmental and professional offices | 1 stall for each 300 square feet of floor area |
| Funeral homes | 1 stall for each 4 seats |
| Bowling alleys | 5 stalls for each alley |
| Vehicle service stations | 3 stalls for each gas dispensing outlet |

- A. Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one-and two-family dwellings and a minimum of 24 feet for all other uses.
- B. Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
- C. Location shall be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway, except in residential districts, shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.
- D. Surfacing. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked, except single-family dwellings.
- E. Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

- F. Uses not listed. In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- G. Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

§ 285-41. Driveways.

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

- A. Islands between driveway openings shall be provided with a minimum of 10 feet between all driveways and six feet at all lot lines. [Amended 9-14-2005]
- B. Openings for vehicular ingress and egress shall not exceed 24 feet in width at the outer or street edge of the sidewalk. [Amended 9-14-2005⁸]
- C. Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

§ 285-42. Highway access.

No direct private access shall be permitted to the existing or proposed rights-of-way of expressways nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

- A. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
 - (1) Freeways, interstate highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (2) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
 - (3) Streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines.
- B. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways,
- C. Temporary access to the above right-of-way may be granted by the Village Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any

⁸. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

conditions required and shall be issued for a period not to exceed 12 months.

ARTICLE VI

Nonconforming Uses, Structures and Lots

§ 285-43. Existing nonconforming uses. [Amended October 14, 2009]

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; however “however, any changes in use must be conforming.” [Amended October 14, 2009]

- C. Substitution of new equipment may be if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

§ 285-44. Abolishment or replacement. [Amended October 14, 2009]

- A. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter

§ 285-45. Existing nonconforming structures. [Amended October 14, 2009]

A lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; it may not be extended, enlarged, reconstructed, moved, or structurally altered as long as such alteration does not increase the degree of non-conformity.

§ 285-46. Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals 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 Board of Zoning Appeals.

§ 285-47. Substandard lots.

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the office of the County Register of Deeds before the effective date or amendment of this chapter. Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this chapter. If in separate ownership, all the district requirements shall be complied with insofar as practical but shall not be less than the following:

- A. Lot:

- (1) Width: minimum 30 feet.
 - (2) Area: minimum 4,000 square feet.
- B. Building:
- (1) Area: minimum 1,000 square feet.
 - (2) Height: maximum 30 feet.
- C. Yards: [Amended October 14, 2009]
- (1) Street: minimum- 20feet; the second street yard on corner lots shall be not less than 10 feet;
 - (2) Rear: minimum 20 feet.
 - (3) Side: minimum 16% of the frontage, but not less than five feet.

ARTICLE VII
Board of Zoning Appeals

§ 285-48. Establishment.

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

§ 285-49. Membership; terms of office; officers.

The Board of Zoning Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.

- A. Terms shall be for staggered three-year periods.
- B. The Chairman shall be designated by the Village President.
- C. An alternate member may be appointed by the Village President for a term of three years and shall act only when a regular member is absent or refuses to vote because of interest.
- D. One member shall be a Village Plan Commissioner and one member shall be a registered architect, registered professional engineer, builder or real estate appraiser.
- E. The Secretary shall be the Village Clerk-Treasurer.
- F. The Zoning Inspector 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 § 19.01, Wis.

Stats., within five days of receiving notice of their appointment.⁹

- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

§ 285-50. Organization and procedure.

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

- A. Meetings shall be held at the call of the Chairman and shall be open to the public.
- B. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Clerk-Treasurer and shall be a public record.¹⁰
- C. The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation, and permit a utility, temporary, unclassified or substituted use.

§ 285-51. Powers.

- A. The Board of Zoning Appeals shall have the following powers:
 - (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Inspector.
 - (2) 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 chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.
 - (3) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Village Plan Commission has made a review and recommendation.
 - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made and the Village Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Village Plan Commission has

⁹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

¹⁰. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

made a review and recommendation.

- (6) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the Village Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- B. Permits. The Board may reverse, affirm, wholly or partly, or modify the requirements appealed from and may issue or direct the issue of a permit.
- C. Assistance. The Board may request assistance from other Village officers, departments, commissions and boards.
- D. Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

§ 285-52. Appeals and applications.

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

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of survey prepared by a registered land surveyor showing all of the information required under § 285-10 for a zoning permit.
- C. Additional information required by the Village Plan Commission, Village Engineer, Board of Zoning Appeals or Zoning Inspector.
- D. Fee receipt from the Village Clerk-Treasurer in the amount as set by the Village Board [Amended 4-6-1994; 4-10-2002¹¹]

§ 285-53. Hearings.

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

¹¹. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 285-54. Findings.

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

- 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 this chapter 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 chapter or the public interest.

§ 285-55. Decision.

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

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

§ 285-56. Review by court of record.

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

ARTICLE VIII
Changes and Amendments

§ 285-57. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires it, the Village Board of Trustees may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Village Plan Commission and the appropriate Joint Extraterritorial Zoning Committee.

§ 285-58. Initiation.

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

§ 285-59. Petitions.

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

- A. Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimension, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- B. Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- C. Additional information required by the Village Plan Commission, Joint Extraterritorial Zoning Committee or Village Board.
- D. Fee receipt from the Village Clerk-Treasurer in the amount as set by the Village Board. [Amended 4-6-1994; 4-10-2002¹²]

§ 285-60. Recommendations.

The Village Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board. The appropriate Joint Extraterritorial Zoning Committee and the Village Plan Commission shall review all proposed changes and amendments within the extraterritorial zoning jurisdiction, but only the members of the appropriate Joint Committee shall vote on matters relating to its zoning jurisdiction.

§ 285-61. Hearings.

- A. The Village Board shall hold a public hearing upon each recommendation, giving at least 10 days' prior notice by publication at least two times during the preceding 30 days, listing the time, place and the changes or amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment. [Amended 4-6-1994]
- B. Prior to the Village Board hearing, the appropriate Joint Extraterritorial Zoning

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

Committee shall hold a public hearing upon each proposed change or amendment within its zoning jurisdiction, giving at least 10 days' prior notice by publication at least three times during the preceding 30 days listing the time, place and the changes or amendments proposed. The Joint Committee shall mail notice to the clerk of the affected town.

§ 285-62. Village Board action.

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

- A. The Village Plan Commission's recommendations may only be overruled by 3/4 of the full Village Board membership.
- B. A favorable vote of a majority of the six members of the appropriate Joint Extraterritorial Zoning Committee is required before the Village Board may adopt any changes or amendments affecting its extraterritorial zoning jurisdiction.

§ 285-63. Protest.

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

§ 285-64. Zoning Process Flowchart. [Added 3-8-1995]

The chart titled "Illustration 4 Zoning Process Flowchart," which is hereinafter set forth, is a part of this chapter.¹³

ARTICLE IX
Signs
[Added 10-14-1992]

§ 285-65. Permit required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except so as to comply with the provisions of this article. It shall be unlawful for any person to erect, construct, enlarge or structurally modify a sign or cause the same to be done within the Village without first obtaining a sign permit for each sign from the Building Inspector.

§ 285-66. Application for sign permit.

13. Editor's Note: Illustration 4 is included at the end of this chapter.

Permit fees shall be calculated on the same basis as building permits. All sign structures shall meet the wind load requirements of Ch. Comm 62, Wis. Adm. Code.

§ 285-67. Exempt signs.

The following signs are exempt from permit requirements:

- A. Two construction signs per site, not exceeding 20 square feet in area each, confined to the site of construction, and removable 30 days after completion of construction or prior to occupancy, whichever is sooner.
- B. Nonelectrical directional and instructional signs which provide instruction or direction and are located entirely on a property to which they pertain and do not exceed eight square feet in area and do not in any way advertise a business. This includes, but is not limited to, such signs as those identifying rest rooms, telephones, and parking areas.
- C. Nonilluminated emblems or insignia of any nation or political subdivision or profit or nonprofit organization, provided that such signs shall not exceed two square feet in area.
- D. Government or official signs for the control of traffic and other regulatory purposes, danger signs, railroad crossing signs and signs of public utilities indicating danger, and aids to service of safety which are erected by or on the order of a public officer in the performance of his duty. Signs shall be subject to approval by the Department of Public Works and the Building Inspector.
- E. Professional home office and home occupation identification signs used to identify the name, occupation or service conducted on the premises shall be permitted in all zoning districts provided that such signs shall be nonilluminated wall signs and shall not exceed four square feet in gross area.
- F. House numbers and nameplates not exceeding two square feet in area for each residential, commercial or industrial building.
- G. Signs located within the interior of any building or structure which are not visible from the public right-of-way. This does not, however, exempt such signs from the structural, electrical or material specifications of this chapter.
- H. Memorial signs or tablets, names of buildings and date of erection, inscriptions or emblems which are cut into masonry surface or inlaid so as to be part of a building or when constructed of bronze or other noncombustible material not more than four square feet in area and affixed flat against the structure.
- I. "No trespassing" and "no dumping" signs, not to exceed 1 1/2 square feet in area.
- J. Official notices posted by public officers or employers in the performance of their duties.
- K. Signs required by any law, statute or ordinance.
- L. Political and campaign signs on behalf of candidates for public office or measures

on election ballots, provided that such signs are subject to the following regulations: such signs may be erected not earlier than 30 days prior to the primary election and shall be removed within seven days following the general election.

- M. Any sign no larger than permitted in Subsection N.
- N. No sign shall exceed 16 square feet in nonresidential zoning districts or eight square feet in residential zoning districts, except for agricultural or unplatted land, where such signs shall not exceed 50 square feet in area.
- O. Religious symbols, commemorative plaques of recognized historic agencies, or identification emblems of religious orders or historical agencies.

§ 285-68. Definitions.

As used in this article, the following terms shall have the meaning indicated:

BILLBOARD — A separate structure and frame upon which signs are attached on one or both sides which provide advertisement of a location other than where the sign is located.

FREESTANDING SIGN STRUCTURE — A sign structure which is supported by one or more columns, uprights, or braces in or on the ground and not attached to any building.

PORTABLE BILLBOARD SIGN — Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building.

PROJECTING SIGN — Includes any sign which is attached to or suspended from or supported by a building or other structure and which extends beyond the surface of that portion of the building or structure to which it is attached by more than 12 inches.

ROOF SIGN — Any sign erected, constructed and maintained upon or over the roof of any building with the principal support being on the roof structure.

SIGN — A name identification, description display, or illustration which is affixed to or painted or represented directly or indirectly upon a building or structure or other surface and which is visible to the general public and directs attention or attracts attention to an object, product, place, activity, person, institution, organization or business.

WALL SIGN — All flat signs which are painted or placed flat against a building, fence or other structure and attached to the exterior front, rear, or side wall of any building, fence, or other structure other than a billboard.

§ 285-69. Permitted sign structures.

- A. Billboards and billboard-type signs are permitted in the Industrial District, unless portable. See Subsection F. All billboards shall conform to the following requirements: The maximum area for any one sign shall be 700 square feet inclusive of borders and trim but exclusive of the base, apron, or supports and other structural members. The maximum size limitations shall apply to each side of a sign structure, and signs may be placed back to back, side by side or in V-type construction with not more than two signs in a side-by-side position. A sign

structure containing two facings per side shall be considered as one sign, but only one sign structure shall be permitted on any one premises.

- (1) All billboards and billboard-type signs and structures shall be subject to the height requirements for structures of the zoning district in which they are located but in no event shall exceed 40 feet in height. Where a sign or sign structure is illuminated, the source of light shall be so located, shielded or concentrated in such manner as to prevent glare upon any street or adjacent property.
- (2) All billboards and billboard-type signs and structures shall be set back not less than 15 feet from any public right-of-way or lot line on the side on which such sign or sign structure faces and shall be set back not less than five feet from any public right-of-way or lot line on all other sides.

B. Freestanding or pedestal signs may be erected in the B-1, M-1 and IP Zoning Districts.

- (1) Supports for freestanding signs shall not be located within any public right-of-way nor shall such sign project into the public right-of-way.
- (2) Maximum height shall be determined by the following formula: height of sign equals distance sign is from center line of street divided by 1.5, but in no event shall exceed 30 feet in height.
- (3) Illumination shall be permitted, provided that the source or sources of light shall be so located, shielded or concentrated in such a manner as to prevent glare upon any street or adjacent property.
- (4) In the B-1 Zoning District not more than two freestanding or pedestal sign structures may be erected and maintained on any lot or parcel of land, and the total area of the signs on all freestanding or pedestal sign structures on each lot or parcel of land shall not exceed one square foot of area for each linear foot of street frontage on which such sign or signs front.
- (5) In M-1 and IP Zoning Districts two freestanding or pedestal sign structures may be constructed and maintained on each lot or parcel of land, and, in addition, for those lots or parcels of land having a minimum of 250 feet of street frontage one additional freestanding or pedestal sign structure may be maintained and, in addition, for those lots or parcels of land having at least 500 feet of street frontage a total of four freestanding or pedestal sign structures may be constructed and maintained. The total area of all signs on all freestanding or pedestal sign structures shall not exceed one square foot for each linear foot of frontage on the street on which such sign faces.
- (6) No freestanding or pedestal sign structure shall overhang any public right-of-way or any property line.

C. Projecting signs may be erected in the B-1, M-1 and IP Zoning Districts, provided that they conform to the following requirements:

- (1) No projecting sign shall extend into the street or over any sidewalk farther than to within two feet of the inside face of the curb or be placed less than 10 feet above the sidewalk. Signs more than of 15 feet above the sidewalk may extend to the inside face of the curb.
 - (2) A projecting sign shall not exceed a total of 25 square feet in area per facing and shall not extend above the height of the building to which it is attached.
 - (3) Illumination of projecting signs from either their interior or exterior shall be permitted, provided that the source of light shall concentrate the illumination upon the area of the sign and not allow glare upon the street or adjacent property.
 - (4) One projecting sign shall be allowed for each business on each side of the building in which such business is located.
- D. Roof signs may be erected in the B-1, M-1 and IP Zoning Districts, provided that they conform to the following requirements:
- (1) One roof sign shall be allowed on the principal structure.
 - (2) No roof sign shall have a surface or facing exceeding 300 square feet nor have its highest point extend more than 15 feet above the surface of the roof or coping upon which such sign is supported.
 - (3) The combined height of the building and sign shall not exceed the height requirement for the zoning district in which they are located.
 - (4) A roof sign shall have a four-foot passage clear of all obstructions under or around the sign and shall not project beyond the face of any wall on which it is located.
 - (5) Illumination of roof signs is permitted, provided that the source or sources of light shall be so located, shielded or concentrated in such a manner as to prevent glare upon any street or adjacent property.
- E. Wall signs may be placed in B-1, M-1 and IP Zoning Districts, provided that they conform to the following requirements:
- (1) The total gross area of wall signs on any premises shall not exceed 700 square feet. In all other zoning districts where such sign is allowed as a legal conforming use, wall signs shall be limited to the size requirements for that particular type of sign.
 - (2) No wall sign shall be permitted to extend beyond the face or structure to which it is attached, and if suspended above and facing a sidewalk or other public thoroughfare, such sign shall be attached at a height of not less than eight feet above the sidewalk or public thoroughfare. No wall sign shall project above the height of the wall or structure to which it is attached.
 - (3) Illumination shall be permitted, provided that the source or sources of light shall be so located, shielded or concentrated in such a manner as to prevent

glare upon any street or adjacent property.

- F. Portable signs shall be allowed as follows:
- (1) In residential and B-1 Districts up to 72 hours and illuminated during the daylight hours only.
 - (2) One such sign per premises shall be allowed in addition to all other identification sign structures.
 - (3) Total sign area shall not exceed 50 square feet for each side, and the total sign area shall be included in determining the maximum allowed sign area per lot.

§ 285-70. Permitted sign types and limitations.

- A. Building identification signs shall be permitted in all zoning districts, provided that there shall be not more than one sign per lot. No sign shall exceed 20 square feet in area nor be closer than eight feet to any side or rear lot line nor project higher than eight feet above ground level. Such signs shall indicate only the name or name and address of the building and may be illuminated if the source of the light is so located or shielded as to prevent glare upon any street or adjacent property. Such signs shall not display or identify the profession, occupation, organization, or institution occupying the premises.
- B. Neighborhood identification and institution signs. In any zone, a sign, masonry wall, landscaping or other similar material and feature may be combined to form a display for neighborhood or subdivision identification, provided that the legend of such sign or display shall consist only of the neighborhood or subdivision name and the sign shall not exceed 20 square feet in gross area.
- C. Bulletin boards for public, charitable or religious institutions shall be permitted in all zoning districts, provided that such signs do not exceed 20 square feet in area and are located on the premises of the institution. Bulletin boards may be illuminated if the source of light is so located or shielded as to prevent glare upon any street or adjacent property. Only one such sign shall be permitted on any one premises.
- D. Directory signs for the purpose of alerting and directing people to a church, service club, school, museum or other similar nonprofit organization shall be permitted in B-1, M-1 or IP District, provided that such signs do not exceed 12 square feet in area.
- E. Organizations such as fraternities, sororities and other nonprofit organizations may be allowed to display signs provided that they do not exceed 20 square feet in gross area. Only one sign per business or organization shall be allowed. Such signs shall be allowed to be used by fraternities and sororities only in areas where fraternities and sororities are permitted as a specified use.

§ 285-71. More stringent requirements to apply.

In the case of conflicting sign requirements and limitations the more stringent shall apply.

§ 285-72. Prohibited signs.

- A. The following signs are hereby prohibited:
- (1) Flashing or moving signs which create an unreasonable hazard or threat to public safety are prohibited in all zoning districts.
 - (2) Floodlighted signs or reflecting illuminated signs whose light sources create an unreasonable hazard or threat to public safety are prohibited in all zoning districts.
 - (3) Any other sign which creates an unreasonable hazard or threat to public safety is hereby prohibited.
- B. Unclassified signs. The following signs are prohibited, which:
- (1) Bear or contain statements, words or pictures of obscene, pornographic or immoral subjects.
 - (2) Are an imitation of, or resemble in shape, size, copy or color, an official traffic sign or signal.

§ 285-73. Maintenance and removal of signs.

- A. Maintenance and repair. Every sign, including but not limited to those signs for which permits are required, shall be maintained in a safe, presentable and good structural condition at all times, including replacement of defective parts, painting, repainting, cleaning, or other required maintenance.
- B. Deteriorated or dilapidated signs. The Building Inspector shall cause to be removed any deteriorated or dilapidated signs under the provisions of § 66.0413, Wis. Stats.
- C. Compliance. The Building Inspector is hereby charged with the power and responsibility of enforcing all provisions of this chapter. This power shall include the power to remove or cause to be removed any sign which violates any provision of this chapter.

ARTICLE X
Definitions and Drawings

§ 285-74. Definitions and word usage.

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

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.

ALLEY — A special public right-of-way affording only secondary access to abutting

properties.

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

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

BOARDINGHOUSE — A building other than a hotel or restaurant where meals or lodging is regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to a transient customer.

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.

BUILDING AREA — The total living area bounded by the exterior walls of a building at the floor levels, but not including basements, utility rooms, garages, porches, breezeways and unfinished attics.

BUILDING HEIGHT — The vertical distance measured from the main 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 deckline of mansard roofs. [Amended 3-8-1995]

CLOTHING REPAIR SHOPS — Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, and clothes pressing shops, but none employing over five persons.

CLOTHING STORES — Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress hosiery and millinery shops.

CONDITIONAL USES — Uses of a special nature as to make impractical their predetermination as a principal use in a district.

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

DWELLING — A detached building greater than 18 feet at its smallest dimension designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, tents or cabins. "Single-family dwelling" includes a manufactured home. [Amended 3-8-1995]

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

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

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

EXPRESSWAY — A divided arterial street or highway with full or partial control of access and with or without grade-separated intersections.

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

FREEWAY — An expressway with full control of access and with fully grade-separated intersections.

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

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

HARDWARE STORES — Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods and paints are sold.

HOME OCCUPATION — Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25% of the area of any floor, and uses only household equipment and no stock-in-trade is kept or sold except that made on the premises. A home occupation includes uses such as baby-sitting, millinery, dressmaking, canning, laundering, and crafts but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage, or photographic studios.¹⁴

INTERCHANGE — A grade-separated intersection with one or more turning lanes for travel between intersection legs.

INTERIOR LOT — A lot other than a corner lot. [Added 3-8-1995]

JOINT EXTRATERRITORIAL ZONING COMMITTEE — Any zoning committee established in accordance with § 62.23(7a), Wis. Stats. [Amended 9-14-1988]

LIVING ROOMS — All rooms within a dwelling except closets, foyers, storage areas, utility rooms and bathrooms.

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

14. Editor's Note: See also § 285-31D. Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

street or alley.

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

LOT COVERAGE — The area of the lot covered by principal and accessory buildings and pavement. [Added 3-8-1995]

LOT DEPTH — The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. [Added 3-8-1995]

LOT LINES — The lines bounding a lot as defined below:

- A. **STREET LOT LINE** — In the case of an interior lot, that line separating such lot from the street. In case of a corner lot or through lots, that line separating such lot from either street.
- B. **REAR LOT LINE** — That lot line opposite the street lot line along the street on which the property is addressed. In the case of a lot which is pointed at the rear, the rear lot line shall be an imaginary line parallel to the street lot line along the street on which the property is addressed, not less than 10 feet long, lying farthest from the front line, and wholly within the lot.
- C. **SIDE LOT LINE** — Any lot line other than the street lot or rear lot line separating one lot from another lot. [Added 3-8-1995]

LOT WIDTH — The width of a parcel of land measured at the rear of the specified street yard.

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

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

- A. Is set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Subchapters III, IV and V of Ch. Comm 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector. The Building Inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home;
- B. Is installed in accordance with the manufacturer's instructions; and
- C. Is properly connected to utilities. [Added 3-8-1995]

MINOR STRUCTURE — Any small, movable accessory erection or construction, such as birdhouses; toolhouses; penthouses; play equipment; arbors; and walls and fences under four feet in height.

MOBILE HOME DWELLING — A detached residential dwelling unit designed for

transportation after its assembly on streets or highways on its own wheels or on flatbed or other trailers and arriving complete and ready for occupancy at the site where it is to be occupied as a dwelling, except for minor and incidental unpacking or assembly operations, location on jacks or other temporary or permanent foundations, or connections to utilities. A recreational travel trailer is not considered a mobile home dwelling. Manufactured homes constructed prior to June 15, 1976, are called "mobile homes" for purposes of distinguishing such homes from manufactured homes that are constructed according to HUD standards. [Added 3-8-1995]

MOTEL — A series of attached, semiattached or detached sleeping units for the accommodation of transient guests.

NONCONFORMING USE OR STRUCTURE — Any structure, land or water used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter or amendments thereto. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

PARKING LOT — A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.

PARKING SPACE — A graded and surfaced area of not less than 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.

PARTIES IN INTEREST — Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

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

REAR YARD — A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the 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.

SETBACK — The minimum distance which a building or structure must be located from a lot line or public right-of-way. [Added 9-14-1988]

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 street.

SIGN — See Article IX, Signs.¹⁵

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

SMOKE UNIT — The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

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.

STREET — A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

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

STRUCTURE — Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment.

THROUGH LOT — An interior lot having frontage on two streets. [Added 3-8-1995]

TURNING LANE — An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

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

YARD — 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. In determining the size of yards, measurements shall be made from the lot line to the structure for side and rear yards and from the street right-of-way for front yards. Driveways, surface parking areas and nonraised patios and terraces are considered permitted uses in yards. [Amended 9-14-1988, 3-8-1995]

§ 285-75. Drawings. [Added 3-8-1995]

The attached drawings titled "Illustration 1 Lot Definitions," "Illustration 2 Yard Definitions" and "Illustration 3 Measuring Building Height," which are hereinafter set forth, are a part of this chapter.