

CHAPTER 13

VILLAGE OF ROCKDALE

CODE OF ORDINANCES

AMEND CHAPTER 13 OF THE CODE OF ORDINANCES, ZONING CODE , Section 13-1-50 Permitted or Conditional Uses – Commercial Districts.

The permitted and allowable conditional uses in each district of the commercial zoning districts shall be set forth in Table 13-1-50(a).


TABLE 13-1-50 (a) COMMERCIAL DISTRICT PERMITTED USES

Add the following:

Land Uses	NAICS	C-G	C-C
All Other Miscellaneous Store Retailers	453998	P	P
Commercial and Industrial Machinery and Equipment (except Automotive And Electronic) Repair and Maintenance	81131	C	C

The above and foregoing amended ordinance was duly adopted at a regular meeting by the Village Board of Trustees of the Village of Rockdale held on February 16, 2015 by a vote of 5 ayes, 0 nays, and 0 not voting (absent).

APPROVED:

By: 
Kimberly A Zuelsdorf, Village President

Attest: 
Peggy Keach, Clerk-Treasurer

2-16-2015

**FOR REVIEW
ON APRIL 23, 2007**

Village Of Rockdale

Zoning

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Chapter 1

Zoning Code

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Article A: Introduction

Sec. 13-1-1 Authority.

This Chapter is adopted under the authority granted by Sections 61.35, 62.23(7) and 87.30 of the Wisconsin Statutes and amendments thereto.

State Law Reference: Sections 61.35 and 62.23(7), Wis. Stats.

Sec. 13-1-2 Title.

This Chapter shall be known as, referred to and cited as the "Zoning Code, Village of Rockdale, Wisconsin" and is hereinafter referred to as the "Code" or "Chapter."

Sec. 13-1-3 General Purpose.

The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics and general welfare of the people of the Village of Rockdale, Wisconsin.

Sec. 13-1-4 Intent and Purposes.

The general intent and purposes of this Chapter are to regulate and restrict the use of all structures, lands and waters and to:

- (a) Promote and protect the comfort, public health, safety, morals, prosperity, aesthetics and general welfare of the people;
- (b) Divide the Village into zones or districts restricting and regulating therein the location, erection, construction, reconstruction, alteration and use of buildings, structures and land for residence, business and manufacturing and other specified uses;
- (c) Protect the character and the stability of the residential, business, manufacturing and other districts within the Village and to promote the orderly and beneficial development thereof;
- (d) Regulate lot coverage, the intensity of use of lot areas and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and drainage;
- (e) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public services, utilities and other public requirements;
- (f) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways;
- (g) Secure safety from fire, panic, flooding, pollution, contamination and other dangers;

- (h) Stabilize and protect existing and potential property values and encourage the most appropriate use of land throughout the Village;
- (i) Preserve and protect the beauty of the Village of Rockdale;
- (j) Prohibit uses, buildings or structures incompatible with the character of development or intended uses within specified zoning districts;
- (k) Provide for the elimination of nonconforming uses of land, buildings and structures which are adversely affecting the character and value of desirable development in each district;
- (l) Prevent and control erosion, sedimentation and other pollution of the surface and subsurface waters;
- (m) Further the maintenance of safe and healthful water conditions;
- (n) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (o) Provide for and protect a variety of suitable commercial and industrial sites;
- (p) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways;
- (q) Implement those municipal, county, watershed and regional comprehensive plans or components of such plans adopted by the Village of Rockdale;
- (r) Provide for the administration and enforcement of this Chapter; and
- (s) Provide penalties for the violation of this Chapter.

Sec. 13-1-5 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, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 13-1-6 Interpretation.

- (a) This Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village of Rockdale.
- (b) Where the conditions imposed by any provision of this Chapter upon the use of land or buildings or upon the bulk of buildings are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or of any other law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- (c) No building, structure or use which was not lawfully existing at the time of the adoption of this Chapter shall become or be made lawful solely by reason of the adoption of this Chapter; and to the extent that, and in any manner that, said unlawful building, structure or use in conflict with the requirements of this Chapter, said building structure or use remains unlawful hereunder.

Sec. 13-1-7 Severability and Non-Liability.

- (a) If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
- (b) If any application of this Chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land or water not specifically included in said judgement.
- (c) The Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Village of Rockdale, its agencies or employees for any flood damages, sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this Chapter.

Sec. 13-1-8 Repeal and Effective Date.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency or conflict only, are hereby repealed.

Sec. 13-1-9 through Sec. 13-1-19 Reserved for Future Use.

Article B: General Provisions

Sec. 13-1-20 Jurisdiction and General Provisions.

- (a) **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water and air within the corporate limits of the Village of Rockdale.
- (b) **Compliance.**
 - (1) No new structure, new use of land, water or air or change in the use of land, water or air shall hereafter be permitted 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.
 - (2) All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of, or additions to, existing uses occurring hereafter shall be subject to all regulations of this Chapter which are applicable to the zoning districts in which such buildings, uses or land shall be located.
- (c) **District Regulations to be Complied With.** Except as otherwise provided, the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such building or land is located.

Sec. 13-1-21 Use Regulations.

Only the following uses and their essential services may be allowed in any district:

- (a) **Permitted Uses.** Permitted uses, being the principal uses, specified for a district.
- (b) **Accessory Uses.** Accessory uses and structures as specified are permitted in any district but not until their principal structure is present or under construction.
- (c) **Conditional Uses.**
 - (1) Conditional uses and their accessory uses are considered as special uses requiring, for their authorization, review, public hearing and approval by the Plan Commission in accordance with Article D of this Chapter excepting those existing at time of adoption of the Zoning Code.
 - (2) Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Code require no action by the Plan Commission for them to continue as valid conditional uses, and the same shall be deemed to be "regular" conditional uses.
 - (3) A proposed change from permitted use in a district to a conditional use shall require review, public hearing and approval by the Plan Commission in accordance with Article D of this Chapter.
 - (4) Conditional use(s), when replaced by permitted use(s), shall terminate. In such case(s), the reestablishment of any previous conditional use(s), or establishment of

new conditional use(s) shall require review, public hearing and approval by the Plan Commission in accordance with Article D of this Chapter.

- (5) Conditional uses authorized by Plan Commission resolution shall be established for a period of time to a time certain or until a future happening or event at which the same shall terminate.
- (6) A conditional use permit shall be deemed to authorize only one (1) particular conditional use and shall cease to be valid after more than six (6) months after issuance for any reason.
- (d) **Uses Not Specified in Code.**
 - (1) Uses not specified in this Chapter which are found by the Plan Commission to be sufficiently similar to specified permitted uses for a district shall be allowed by Zoning Administrator.
 - (2) Uses not specified in this Chapter and which are found sufficiently similar to specified conditional uses permitted for a district may be permitted by the Plan Commission after public hearing and approval in accordance with Article D of this Chapter.
- (e) **Validity of Zoning and Variance Permits.** Where the Zoning Administrator has issued a zoning certificate pursuant to the provisions of this Chapter, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the Zoning Administrator.

Sec. 13-1-22 Site Regulations.

Reserved for future use.

Sec. 13-1-23 Bulk Regulations.

Reserved for future use.

Sec. 13-1-24 Reduction or Joint Use.

No lot, yard, parking area, building area or other space shall be reduced in area or dimensions 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.

Sec. 13-1-25 Special Provisions Applicable to Miscellaneous Uses.

Reserved for future use.

Sec. 13-1-26 Activities Which May Be Potential Hazards or Nuisances.

- (a) **Prohibited Uses.** No land use or aspect of land use, whether newly established or preexisting, whether permanent or temporary, shall be conducted in a manner that results in pollution or contamination of waters (groundwater or surface water) or emission or release

of radioactivity, or electrical disturbances, or noise, or glare or heat, or fire or explosive hazards or in conditions of crowding or congestion or in assemblies of persons or livestock without adequate provision for safety, health and sanitation, to the extent of constituting either a violation of applicable laws or regulations, or a condition of public or private nuisance, or a condition which threatens or is detrimental to the public health, safety, comfort or welfare or the right of users of other properties to reasonable enjoyment of their property. Any violations of this standard may be enforced as a zoning violation either prospectively or after the violation occurs, regardless of the legality of basic land use.

(b) **Exceptions.**

- (1) The following public utility uses, which are essential in most districts, shall be permitted in any zoning district: poles, towers, wires, cables, conduits, vaults, sewage lift station pipelines, laterals or any other similar distributing equipment for a public utility. However, where such public utility uses are proposed to be located across unplatted lands, such uses may be allowed subject to the issuance of conditional use permits in accordance with the provisions of Article D.
- (2) The regulations herein governing lot size shall not apply to any lot designed or intended for a public utility or public service use when such lot size shall be deemed appropriate for such use by the Plan Commission.
- (3) The regulations herein limiting the height of buildings or structures shall not apply to flagpoles, communication towers, church spires and chimneys.

Sec. 13-1-27 General Requirements Regarding Residence, and Commercial Districts.

(a) **Residence Districts.**

- (1) **Permitted Uses.** Permitted uses of land or buildings in Residence Districts, as herein listed, shall be restricted to the districts indicated and under the conditions specified. No building or tract of land shall be devoted to any use other than a use permitted herein in the zoning district in which such building, structure or tract of land shall be located, with the following exceptions:
 - a. Uses lawfully established on the effective date of this Chapter; and
 - b. Conditional uses allowed in accordance with the provisions of Subsection (b)(2) hereunder. Uses lawfully established on the effective date of this Chapter and rendered nonconforming by the provisions thereof shall be subject to those regulations of Article E governing nonconforming uses.
- (2) **Conditional Uses.** Conditional uses, as herein listed in each specific district, may be allowed in the district indicated, subject to the issuance of conditional use permits in accordance with the provisions of Article D.
- (3) **Lot Area and Lot Width Requirements.**
 - a. No use shall be established or hereafter maintained on a lot recorded after the effective date of this Chapter, which is of less area or less width than prescribed herein for such use in the zoning district in which it is to be located.
 - b. In any resident district on a lot of record on the effective date of this Chapter, a single-family dwelling may be established regardless of the size of the lot, provided that all other requirements of this Chapter are met.

- c. No existing residential building shall be converted so as to conflict with or further conflict with the lot area requirements of the district in which such dwelling is located.
- (4) **Yard Requirements.** Front, side and rear yards shall be provided in accordance with the regulations herein indicated for each specific Residence District and shall be unobstructed from the ground level to the sky. All additions to a principal building, such as attached garages, shall comply with the yard requirements of the principal building. However, yard requirements may be modified as set forth herein:
 - a. The front yard of any building in a Residence District proposed to be erected or altered on a lot which adjoins another lot fronting on the same street whereon the front yard is less than that prescribed for the district in which it is located shall not be required to exceed the average of the front yards of the adjoining existing building or buildings, but no front yard shall be less than ten (10) feet in any case.
 - b. In R-2 Districts, where a land owner, developer or subdivider provides qualifying permanent open spaces as part of a recorded subdivision containing lots for single-family detached dwellings, the lots within such subdivision may have minimum front, side and rear yards twenty percent (20%) less than herein otherwise required for the district or districts in which the subdivision is located.
 - c. In any Residence District, where the length of a building, as projected upon any street line, is more than one hundred (100) feet, the required front yard or corner side yard shall be increased by two (2) inches for each one (1) foot that such length exceeds one hundred (100) feet.
- (5) **Usable Open Space Requirements.** Usable open space shall be provided on each lot, devoted in whole or in part to any residential use, as set forth in each zoning district. Such usable open space provided on the ground level shall be in a compact area of no less than two hundred (200) square feet and having no dimension less than ten (10) feet and having no slope grade greater than ten (10) percent.
- (6) **Signs.** Signs shall be classified and permitted in accordance with the sign regulations specified under Section 15 Article B.
- (7) **Off-Street Parking and Loading.** In all Residence Districts, off-street parking and loading facilities shall be provided in accordance with applicable regulations herein set forth in Article F.
- (8) **Community Living Arrangements.**
 - a. The total capacity of community living arrangements within the Village shall not exceed twenty-five (25) or one (1) percent of the Village population as determined by the most recent decennial census, whichever is greater.
 - b. Dwelling structures housing community living arrangements shall be separated from each other by at least two thousand five hundred (2,500) feet.
 - c. The use of a residential dwelling unit as a community living arrangement with a capacity of eight (8) or fewer persons is a permitted use in any Residential District provided that the premises otherwise satisfy ordinance requirements.
 - d. Use of a residential dwelling unit as a community living arrangement with capacity of nine (9) to fifteen (15) persons is a conditional use in the R-1 and R-2 Districts, provided that the premises otherwise satisfy ordinance requirements.

- e. Use of a residential unit as a community living arrangement with capacity of sixteen (16) or more persons is a conditional use in any Residential District, provided that the premises otherwise satisfy ordinance requirements.
- f. Capacities in excess of twenty-five (25) for the Village or separation distances of less than two thousand five hundred (2,500) feet are conditional uses.
- g. Not less than eleven (11) months nor more than thirteen (13) months after the first licensure of a community living arrangement and every year thereafter, the Village Board may make a determination as to the effect on the community living arrangement on the health, safety or welfare of the residents of the Village. The determination shall be made according to the procedures provided under Subsection h. If the Village Board determines that a community living arrangement poses a threat to the health, safety or welfare of the residents of the Village, the Village Board may order the community living arrangement to cease operation unless special zoning permission is obtained. The order is subject to judicial review under Sec. 68.13, Wis. Stats., except that a free copy of the transcript may not be provided to the community living arrangement. The community living arrangement must cease operation within ninety (90) days after the date of the order, or the date of the final judicial review of the order, or the date of the denial of special zoning permission, whichever is later.
- h. A determination made under Subsection g shall be made after a hearing before the Village Board. The Village shall provide at least thirty (30) days notice to the community living arrangement that such a hearing will be held. At the hearing, the community living arrangement may be represented by counsel and may present evidence and call and examine witnesses and cross-examine other witnesses called. The Village Board may call witnesses and may issue subpoenas. All witnesses shall be sworn by the Village Board. The Village Board shall take notes of the testimony and shall mark and preserve all exhibits. The Village Board may, and upon request of the community living arrangement shall, cause the proceedings to be taken by a stenographer or by a recording device, the expense thereof to be paid by the Village. Within twenty (20) days after the hearing, the Village Board shall mail or deliver to the community living arrangement its written determination stating the reasons therefore. The determination shall be a final determination.

(b) **Commercial Districts.**

- (1) **Lot Area Requirements.** Lot areas shall be provided in accordance with the specific district regulations herein indicated. In addition, the following regulations shall be complied with in commercial districts:
 - a. No residential use shall be established or hereafter maintained on a lot recorded after the effective date of this Chapter which is of less area than prescribed herein for such use in the zoning district in which it is to be located.
 - b. No existing residential building shall be converted so as to conflict with or further conflict with the lot area per dwelling unit requirements of the district in which such building is located.
- (2) **Usable Open Space Requirements.** Usable open space shall be provided on each lot devoted in whole or in part to any residential use as set forth in each zoning district. Such usable open space provided on the ground level shall be in a compact area of no

less than two hundred (200) square feet and having no dimension less than ten (10) feet and having no slope grade greater than ten (10) percent. In calculating the usable open space requirements in the C-G District, there may be credited up to a maximum of fifty (50) percent of the required open space area the area of balconies having a minimum dimension of four (4) feet six (6) inches and on the roof any open space area having a minimum dimension of fifteen (15) feet and being free of any obstructions and improved and available for safe and convenience use to all occupants of the building.

Sec. 13-1-28 through Sec. 13-1-39

Reserved for Future Use.

Article C: Zoning Districts

Sec. 13-1-40 Establishment of Districts.

- (a) **Districts.** For the purpose of this Chapter, present and future, provision is hereby made for the division of the Village of Rockdale into the following seventeen (17) basic zoning districts:
- | | | |
|-----|-----|--|
| (1) | A1 | Exclusive Agricultural District |
| (2) | CO | Conservancy District |
| (3) | R-1 | Single-Family Residence District |
| (4) | R-2 | Single and Two-Family Residence District |
| (5) | C-G | General Commercial District |
| (6) | C-C | Central Commercial District |

Sec. 13-1-41 Zoning Map.

- (a) The Village of Rockdale is hereby divided into zoning districts as shown upon a map designated as the Official Zoning Map of the Village of Rockdale and made a part of this Chapter. This Official Zoning Map and all the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said map were fully described herein. The Official Zoning Map shall be properly attested and kept on file along with the text of the Official Zoning Regulations in the office of the Village Clerk of the Village of Rockdale.
- (b) The district boundaries shall be determined by measurement from and as shown on the Official Zoning Map; and in case of any question as to the interpretation of such boundary lines, the Plan Commission shall interpret the map according to the reasonable intent of this Chapter. Unless otherwise specifically indicated or dimensioned on the map, the district boundaries are normally lot lines; section, quarter-section or sixteenth-section lines; or the centerlines of streets, highways, railways or alleys.
- (c) The Official Zoning Map dated April 3, 2003 is hereby adopted as the Official Zoning Map of the Village of Rockdale. All further zoning changes made shall be by reference to this map.

Sec. 13-1-42 Reserved for Future Use.

Sec. 13-1-43 Reserved for Future Use.

Sec. 13-1-44 A-1 Exclusive Agricultural District.

- (a) **One (1) Year Duration Unless Extended.** Lands placed within this District on November 9, 1982, shall revert to the zoning districts that applied to such lands immediately prior to this date on the date of November 9, 1983, unless one (1) of the following has occurred:
 - (1) The Village Board has rezoned the lands between November 9, 1982, and November 9, 1983, into a different zoning district pursuant to a Master Plan update and/or property owner petition; or
 - (2) The Village Board has adopted a Master Plan update and has specifically endorsed retaining A-T zoning for the parcel in question. Automatic reversion, if such should occur, shall take place pursuant to authority defined in *Howard v. Elm Grove*, 80 Wis. 2d 33 (1977).
- (b) **Standards Applicable to Conditional Uses in the Agricultural District.** In reviewing applications for conditional use permits, the Plan Commission shall consider the following relevant factors:
 - (1) The statement of purposes of the zoning district.
 - (2) The potential for conflict with agricultural use.
 - (3) The need of the proposed use for a location in an agricultural area.
 - (4) The availability of alternative locations.
 - (5) Compatibility with existing or permitted use on adjacent lands.
 - (6) The productivity of the lands involved.
 - (7) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 - (8) The need for public services created by the proposed use.
 - (9) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
 - (10) The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
- (c) **General Provisions Applicable to the Exclusive Agricultural District.**
 - (1) Any lot or parcel shown in a preliminary subdivision plat or a certified survey map which has been received for review by the Village prior to the effective date of this amendment shall have the same status as preexisting lots upon approval and recording of the plat or map.
 - (2) Substandard parcels in the Exclusive Agricultural District that have a width of less than two hundred fifty (250) feet and have an area of less than five (5) acres do not permit the keeping or raising of livestock.
 - (3) Any nonconforming residential building or its accessory building that is destroyed by fire, explosion, act of God or act of public enemy may be rebuilt provided the location requirements of the R-1 Residence District are complied with.
- (d) **Rezoning.**
 - (1) Rezoning of lands from the Exclusive Agricultural District shall be based upon consideration of:
 - a. The availability of adequate public facilities to accommodate proposed development.
 - b. The likelihood that the proposed development will not place unreasonable burdens on budgets of the Village, the school system or the County.

- c. The assurance that the proposed development will not result in water or air pollution, unreasonable soil erosion or unreasonable impact on rare or irreplaceable natural features.
- d. The suitability of the proposed development

Sec. 13-1-45 Planned Development Infill District. [Reserved for Future Use.]

Sec. 13-1-46 PD Planned Development District. [Reserved for Future Use.]

Sec. 13-1-47 Statement of Purpose.

- (a) The district regulations are intended to govern the location intensity and method of development. The regulations of each district are designed to provide protection to the character of existing development while allowing new growth in accordance with specific development standards and objectives. Public utility services are required as a prerequisite to development in all districts within the Village.

(1) A1 Exclusive Agricultural District

The purpose of the Exclusive Agricultural District is to preserve in agricultural and related open-space uses those lands generally located in proximity to developed areas within the Village where urban expansion is likely and in keeping with long-term plans for development. It is intended that urban development be deferred in such areas until the appropriate authorities determine that it is economically and financially feasible to provide public services and facilities. It is also intended that the status of all areas in this district be reviewed by the appropriate authorities periodically in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of those areas to some other appropriate use district. Any such review will consider local and regional land use plans. Existing homes are grandfathered as are existing house lots. No new house lots can be created without rezoning.

(2) CO Conservancy District

The Conservancy District is established to preserve and perpetuate in an open and natural state certain areas such as lakeshores and waterways, wetlands and marshes, floodplains and stream beds, woods, slopes, Indian antiquity areas and other areas of aesthetic or historic value which, because of their unique physical and topographical features, are deemed desirable and functional as natural drainageways and water retention areas, natural habitat for plant and animal life, green belts and other multi-purpose uses beneficial to the community.

(3) **R-1 Single-Family Residence District**

The R-1 Single-Family Residence District is established to stabilize and protect the essential characteristics of certain low density residential areas of the Village and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R-1 Single-Family Residence District is limited primarily to single-family dwellings and certain community and recreational facilities to serve residents of the district

(4) **R-2 Single and Two-Family Residence District**

The R-2 Single and Two-Family Residence District is established to protect the essential characteristics of certain low-density residential areas of the Village and to promote and encourage a suitable environment for family life where children are members of most families. Development in the R-2 Single and Two-Family Residence District is limited primarily to single family and two (2) family detached dwellings and certain community and recreational facilities to serve residents of the district.

(5) **C-G General Commercial District**

The C-G District is intended to provide an area for the business and commercial needs of the community, especially those which can be most suitably located in a compact and conveniently located business district.

(6) **C-C Central Commercial District**

This District is designed to accommodate those retail, service and office uses characteristic of the original "downtown" area of Rockdale. The District is established to accommodate business and neighborhood consumer needs for services and storage space located in proximity to residential areas without creating a nuisance to the neighborhood and which may or may not require sanitary sewer service. This District is intended to apply to the existing downtown area district and is not intended to be expanded.

Sec. 13-1-48 Permitted Uses.

- (a) The permitted and allowable conditional uses in each district of the residential and non-commercial zoning districts shall be set forth in Table 13-1-48(a).

TABLE 13-1-48 (a) RESIDENTIAL DISTRICT PERMITTED USES

Description	A-1	CO	R-1	R-2
Residential Uses				
Single-Family Detached Dwellings	N	N	P	P
Conversion of a Single-Family to a Two-Family	N	N	C	C
Temporary Auxiliary Apartment ⁽²⁾	N	N	C	N
Manufactured Home ⁽¹⁾ , Built after 10/74	N	N	C	C
Two-Family Dwellings	N	N	N	P
Zero Lot Line Dwellings	N	N	N	C
Community Based Residential Facilities	N	N	C	C
Business Uses				
Community Living Arrangements, Up to 8 People	N	N	C	C
Family Day Care	N	N	C	C
Home Occupations ⁽³⁾	N	N	P	P
Nursery Schools & Day Care	N	N	C	C
Community Living Arrangements, Over 9 People	N	N	C	C
Public Uses				
Greenways, Open Space, Parks & Pools	P	P	P	P
Parking Areas	N	C	N	N
Elementary & Secondary Schools	C	N	P	P
Public Libraries	N	N	P	P
Fire Stations	C	N	P	P
Cemeteries & Mausoleums	C	N	C	C
Athletic Facilities	N	N	C	C
Churches & their Affiliated Uses	C	N	P	P
Industrial & Higher Uses				
Utility Lines & Pumping Stations	P	N	C	C
Accessory Uses				
Private Garage Space	C	N	P	P
Gardening/Storage Sheds	C	C	P	P
Off-street Parking Facilities	P	N	P	P
Normal Household Pets, not exceeding 3 dogs and 3 cats	P	N	P	P
Agriculture & Forestry	P	C	N	N

P = Permitted, C = Conditional, N = Not Allowed

¹ Manufactured homes placement shall comply with all of the following requirements and limitations:

- The home shall be double wide of at least twenty-four (24) feet in width and thirty-six (36) feet in length.
- The home shall be installed on an approved foundation system in conformity with the uniform building code. The wheels and axles must be removed.
- The home shall be equipped with foundation siding which in design, color and texture appears to be an integral part of the adjacent exterior wall of the manufactured home.
- The home shall be covered by a roof pitched at a minimum slope of two (2) inches in twelve (12) inches, which is permanently covered with non-reflective material.

² There must be a minimum of 800 sq. ft. of floor area for each dwelling unit, exclusive of halls and entries, cellar and basements³ Refer to Section 13-1-163

- (b) **Overlay Districts.** Permitted and Conditional uses in Overlay Districts shall include the uses permitted in the underlying zoning district subject to additional compliance with the provisions of any requirements of this section or any other applicable ordinance.
- (c) **Review of Building Plans.** Within Infill Overlay District, all plans for new construction or exterior remodeling shall be reviewed and approved by the Village Plan Commission and the Fire Chief prior to the issuance of a building permit.

Sec. 13-1-49 Bulk Standard - Residential Districts.

- (a) No structure or lot shall be developed, used or occupied unless it meets the minimum lot frontage, lot area, yard requirements, height limits and other dimensional standards set forth in Table 13-1-49(a).

TABLE 13-1-49(a) Residential District Bulk Standards

BULK STANDARDS	A-1	R-1	R-2 ⁽²⁾
Minimum Lot Area (Sq. Ft.)	35 acres	10,800	12,000
Minimum Lot Width (Ft.)	-	80	80
Building Height (Ft.)	35 ⁽¹⁾	35	35
Yards: Front Yard (Ft.)	-	25	25
Side Yard (Ft.)			
One Story Building	6	12	12
Both Sides Combined	14	30	30
Two Story Building	7	12	12
Both Sides Combined	18	30	30
Reversed Corner	25	25	25
Rear Yard (Ft.)	30	25	25
Minimum Lot Area per Dwelling Unit (Sq. Ft.)		10,800	6,000
As Conditional Use		10,000	6,000
Parking Spaces Required per Dwelling Unit (Sq. Ft.)			
Efficiency		1.0	1.0
One Bedroom		2.0	2.0
Two Bedrooms		2.0	2.0
Three Bedrooms		2.5	2.5
Four + Bedrooms		3.0	3.0

⁽¹⁾There is no height limitation for barns, sheds, silos and other farm buildings; however, these buildings have to be setback at least sixty (60) feet from the street and no closer than one hundred (100) feet from the property line of adjacent properties, if those properties are located in a Residence District.

⁽²⁾R-2 Districts allow zero lot line duplexes of five thousand (5,000) sq. ft. minimum lot area and a forty (40) ft. minimum lot width, with side yard setback requirements of eight (8) feet for a one-story structure and ten (10) feet for a two-story structure.

Sec. 13-1-50 Permitted or Conditional Uses – Commercial Districts.

(a) The permitted and allowable conditional uses in each district of the commercial zoning districts shall be set forth in Table 13-1-50(a).

TABLE 13-1-50 (a) COMMERCIAL DISTRICT PERMITTED USES^(3,4)

Land Uses ⁽¹⁾	NAICS	C-G	C-C
Agricultural Services	11100	C	C
Printing	32700	C	C
Auto Dealers	44110	C	N
Other Dealers	44120	C	C
Furniture Store	44200	P	P
Electronics/Appliance	44300	P	P
Hardware Store	44413	P	P
Food Store	44500	P	P
Liquor Store	44531	P	P
Health & Personal Care	44610	P	P
Gasoline Stations	44700	C	N
Clothing Store	44800	P	P
Jewelry Store	44830	P	P
Sporting Goods	45110	P	P
Gun Sales	45111	C	C
Book & Music	45120	P	P
Department Store	45210	P	P
Miscellaneous Shopping	45300	P	P
Retail Buildings > 20,000 sq ft	44-45	C	C
Trucking & Transit	484-485	C	N
Post Office	49111	P	P
Warehousing & Storage	49311	C	P
Building Services	56170	C	N
Vehicle Repair	81110	C	C
Car Wash/Oil Change	81119	C	C
Electrical Repair	81121	C	C
Miniwarehouse	49311	N	N
Bank Drive-thru	52211	C	C
Financial Service	52211	P	P
Insurance	52410	P	P
Real Estate	53100	P	P
Auto Leasing	53210	C	N

Land Uses ⁽¹⁾	NAICS	C-G	C-C
Movies/Videos	53223	P	C
Equipment Rental ⁽²⁾	53240	C	N
Computers	54100	P	P
Legal Service	54110	P	P
Accounting	54120	P	P
Engineering	54130	P	P
Computer Services	54150	P	P
Management	54160	P	P
Research/Testing	54170	C	C
Advertising	54180	P	P
Photo Studios	54192	P	P
Credit/Collection	56140	P	P
Mail & Copy	56143	P	P
Travel	56150	P	P
Carpet Cleaning	56174	C	C
School/Library	61100	C	P
Medical Service	62100	P	P
Hospitals	62210	C	C
Nursing Homes	62310	P	P
Social Service	62400	P	P
Museum/Gallery	71210	P	P
Bowling Center	71395	P	P
Dance Studios	71399	P	P
Amusement	71399	C	C
Lodging	72100	C	C
Restaurants	72200	P	P
Residences	99999	C	C
Sexually Oriented Business ⁽⁴⁾	N/A	P	N

P = Permitted, C = Conditional, N = Not Allowed

- (1) The meaning of the terms shall be the same as that used in the North American Industry Classification System (NAICS), 1997 edition, published by the U.S. Printing Office, with the number of the intended NAICS number following the land use name.
- (2) Indoor storage only.
- (3) All businesses, servicing, processing or display of materials for rent or sale, except for off-street parking of motor vehicles in operable condition and open storage of materials accessory to a principle use shall be conducted within completely enclosed buildings. Open storage accessory to principal uses in the C-G and C-C zoning districts may be allowed upon issuance of a conditional use permit.
- (4) Sexually Oriented Business is defined under section 13-1-401. All provisions of the C-G zoning and Article Q must be met for this permitted use. Sexually Oriented Businesses are not a permitted or conditional use in A-1, CO, R-1 or R-2.

All non-enclosed areas of the site that are used for off-street parking, loading or driveways for motor vehicles shall be paved or effectively dust-proofed and measures shall exist on-site to prevent tracking of mud from the site into public streets.

Sec. 13-1-51 Bulk Standard – Commercial Districts.

TABLE 13-1-51 (a) COMMERCIAL DISTRICT BULK STANDARDS				
BULK STANDARDS		C-O	C-C	C-G ⁽¹⁾
Minimum Lot Area (Sq. Ft.)		None	None	6,000
Minimum Lot Width (Ft.)		None	None	50
Building Height (Ft.)		None	None	40
With Conditional Use Permit		None	None	None
Yards:	Front Yard (Ft.)	None	None	25
	Side Yard (Ft.)	None	None	10
	Both Sides Comb.	None	None	20
	Rear Yard (Ft.)	None	None	20
Percentage of Lot Coverage		None	None	90%
Minimum Lot Area per Dwelling Unit (Sq. Ft.)				2,900
Minimum Landscaping Points ⁽²⁾				
per 100 ft. of Bldg. Foundation		None	None	40
per 1,000 sq. ft. G.F.A.		None	None	10
per 100 ft. / Street Frontage		None	None	40
per 10,000 sq. ft. of Paved Area		None	None	80

⁽¹⁾The front yard setback can be reduced to zero, if parking is provided in the rear of the building.

⁽²⁾See Village of Rockdale Landscape Plan Guidelines.

Sec. 13-1-52 through Sec. 13-1-59

Reserved for Future Use.

Article D: Conditional Uses

Sec. 13-1-60 Statement of Purpose – Conditional Uses.

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

Sec. 13-1-61 Authority of the Plan Commission; Requirements.

- (a) The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. All conditional use permits shall specify the period of time for which they are effective, the name of the permittee, the location and legal description of the affected premises, and all other required conditions of approval. Prior to the granting of a conditional use, the Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Conditions such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission as 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.

Sec. 13-1-62 Initiation of Conditional Use.

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest,

or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one (1) or more of the conditional uses in the zoning district in which such land is located.

Sec. 13-1-63 Application for Conditional Use.

- (a) **Required Application Materials.** An application for a conditional use permit shall be filed with the Zoning Administrator in duplicate on a form prescribed by the Village. Such applications shall be forwarded to the Plan Commission on receipt by the Zoning Administrator. Such applications shall include where applicable:
- (1) A statement, in writing, by applicant and adequate evidence showing that the proposed conditional use meets the standards set forth in Section 13-1-66 hereinafter.
 - (2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within one hundred (100) feet.
 - (3) 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.
 - (4) Plat of survey, map or drawing showing all of the information required for a building permit and existing and proposed landscaping.
 - (5) Additional information as may be required by the Plan Commission or other boards, commissions or officers of the Village.
 - (6) Application fee and costs. The application fee shall be in the amount of One Hundred Dollars (\$100.00) as of adoption of this ordinance, and may thereafter be set by resolution of the Village Board. The applicant shall also pay all costs incurred by the Village in notifying the public and property owners pursuant to Section 13-1-65.
- (b) **Plans.** In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:
- (1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover;
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

Sec. 13-1-64 Hearing on Application.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, authorize conditional uses when applications for rezoning come before it. Nothing in this Chapter shall prohibit the Village Board, on its own motion, from referring the

request for conditional use to the Plan Commission. Upon receipt of the application and statement referred to in Section 13-1-63 above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time.

Sec. 13-1-65 Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least five (5) days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

Sec. 13-1-66 Standards – Conditional Uses.

No application for a conditional use shall be approved by the Plan Commission or granted by the Village Board on appeal unless such Commission and Board shall find that the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall not be substantially impaired or diminished by the
- (c) That the proposed conditional use is compatible with the use of adjacent land.
- (d) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for permitted uses.
- (e) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (g) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (h) That the proposed use does not violate flood plain regulations governing the site.
- (i) That, when applying the above standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

Sec. 13-1-67 Denial of Application for Conditional Use Permit.

When a decision of denial of a conditional use application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and the reason(s) the Commission determined that each standard was not met.

Sec. 13-1-68 Appeals.

Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the Village Board, if a written request for an appeal is filed within ten (10) days after the date of the Plan Commission's action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least twenty percent (20%) of the land area immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land. The request shall be filed with the Zoning Administrator who shall submit it to the Village Board at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Village Board may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In the event the Village Board elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 notice in the official newspaper at least ten (10) days before the date of the hearing. The Village Board may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a conditional use permit. Any final decision of the Village Board on a conditional use permit may be appealed to the Zoning Board of Appeals as set forth in Article N.

Sec. 13-1-69 Conditions and Guarantees.

The following provisions shall apply to all conditional uses:

- (a) **Conditions.** The Plan Commission, or the Village Board on appeal, may impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 13-1-66 above. In all cases in which conditional uses are granted, the Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 - (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;

- (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;
 - (14) Specified sewage disposal and water supply systems;
 - (15) Planting screens;
 - (16) Piers and docks;
 - (17) Increased parking; or
 - (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Commission may 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/use.
- (c) **Alteration of Conditional Use.** No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) **Sloped Sites; Unsuitable Soils.** Where slopes exceed six percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) **Conditional Uses to Comply with Other Requirements.** Conditional uses shall comply with all other provisions of this Chapter such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibly of accident.

Sec. 13-1-70 Validity of Conditional Use Permit.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. No further notice of automatic expiration of said

approval for failure to commence the use shall be required; however, the Zoning Administrator may notify the holder prior to or following the revocation, where appropriate. The Plan Commission may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the Village at least thirty (30) days before the expiration of said permit.

Sec. 13-1-71 Complaints Regarding Conditional Uses.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of the standards set forth in Section 13-1-66 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 13-1-65 above. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-1-66 or conditions previously imposed by the Plan Commission, modifying existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in this Chapter and Section 1-1-6. In the event that no reasonable modification of such conditional use can be made in order to assure that Standards (a) and (b) in Section 13-1-66 will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Plan Commission under this Section may be taken to the Village Board.

Sec. 13-1-72 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted pursuant to the requirements of this Article.
- (b) **Definitions.**
 - (1) "Bed and Breakfast Establishment" means any place of lodging that provides six (6) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
 - (2) "Agent" shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Zoning Administrator upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.

(c) **Regulations.**

- (1) **Compliance with State Standards.** All bed and breakfast establishments and licensees shall be subject to and comply with Chapter HFS 197, Wis. Adm. Code, as may be amended, relating to bed and breakfast establishments or Wisconsin Administrative Code HFS 195, as may be amended, relating to hotels, motels and tourist rooming houses.
- (2) **Registry.** Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by a Village representative for a period of not less than one (1) year.

(d) **Permit Required.**

- (1) **Village Permit Required.** In addition to the permit required by Chapters HFS 195 or HFS 197, Wisconsin Administrative Code, before opening for business every bed and breakfast establishment shall obtain a conditional use permit.
- (2) **Application Requirements.** The following is required to be furnished at the time an application is filed for a conditional use permit in addition to the other application requirements of this Article:
 - a. Site plan showing location and size of buildings, parking areas and signs.
 - b. Number, surfacing and size of parking stalls.
 - c. Number, size and lighting of signs.
 - d. Application fee. The application fee shall be in the amount of One Hundred Dollars (\$100.00) as of adoption of this ordinance, and may thereafter be set by resolution of the Village Board. **Display of Permit.** The permit issued by the Zoning Administrator shall be conspicuously displayed in the bed and breakfast establishment.
- (e) **Off-Street Parking Required.** See Section 13-1-103(j) for number of improved required off-street parking spaces. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic and access.
- (f) **On-Site Signs.** Total signage shall be limited to a total of twelve (12) square feet and may be lighted in such manner and nature as to not alter or deteriorate the nature of the surrounding neighborhood. Qualified bed and breakfast establishments shall not be subject to the requirements of this Zoning Code with respect to signs.
- (g) **Termination of Permit.** A conditional use permit for a bed and breakfast shall be void upon the sale or transfer of the property ownership. The Plan Commission shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection (c) above shall be valid until terminated by action of the Zoning Administrator for violation of the provisions of this Section, or of State of Wisconsin regulations as set forth in Chapter HFS 195 or Chapter HFS 197, Wis. Adm. Code, or as above provided.

Sec. 13-1-73 through Sec. 13-1-79

Reserved for Future Use.

Article E: Nonconforming Buildings, Structures and Uses

Sec. 13-1-80 Statement of Purpose.

The purpose of this Article is to provide for the regulation of nonconforming buildings, structures and uses, and to specify those circumstances and conditions under which those nonconforming buildings, structures and uses which adversely affect the maintenance, development, use or taxable value of other property in the district in which they are located shall be permitted to continue or shall be discontinued. This Zoning Code establishes separate districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those nonconforming buildings, structures and uses which substantially and adversely affect the orderly development and taxable value of other property in the district be discontinued, brought into conformity or permitted to continue with certain restrictions as soon as the fair interests of the parties will allow.

Sec. 13-1-81 Authority to Continue Nonconforming Buildings, Structures and Uses.

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Chapter and which remains nonconforming and any such building, structure or use which shall become nonconforming upon the adoption of this Chapter, or of any subsequent amendments thereto, may be continued, some for specified periods of time, subject to the regulations which follow.

Sec. 13-1-82 Continuing Existing Nonconforming Buildings, Structures and Uses.

Any lawfully existing building, premises, fixture or structure which does not conform to the regulations of the district in which it is located may be continued subject to the following provisions:

- (a) **Relocation of Building, Premises, Fixture or Structure.** A building, premises, fixture or structure may be moved in whole or in part to any other location on the same or any other lot only after approval therefore has been granted by the Board of Appeals and further provided the following:
 - (1) That such building or structure is designated or intended for a use permitted in the district in which it is to be located.
 - (2) That such relocated building or structure and its use shall be made to conform to all of the regulations of the district in which it is to be located.

- (3) That such relocated building or structure shall be in harmony with the general character of existing buildings or structures within the immediate neighborhood.
- (b) **Ordinary Repairs and Maintenance.**
- (1) ***Building, Premises, Fixture or Structure Designed or Intended for a Nonconforming Use.*** Ordinary repairs and maintenance may be made to a nonconforming building, premises, fixture or structure, which is nonconforming as to use; however, no structural alterations shall be made except those to make the use thereof conform to the regulations of the district in which it is located. For the purpose of this subdivision, ordinary repairs shall include normal maintenance of a building or structure, and the replacement of storage tanks where safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the buildings or structure, except as hereinabove provided.
- (2) ***Building or Structure Designed or Intended for a Permitted Use.*** Ordinary repairs and maintenance, including structural alterations, may be made to a nonconforming building, premises, fixture or structure, which is nonconforming as to bulk only, provided said ordinary repairs and alterations conform to the regulations of the district in which it is located.
- (c) **Restoration of Damaged Building or Structure.**
- (1) ***Lifetime Building Restoration Cap.*** Except as provided in subsection (2) below, the total structural repairs or alterations to a nonconforming building, premises, fixture or structure, which is nonconforming as to use, shall not during its life exceed 50 percent of the assessed value of the building, premises, fixture or structure unless permanently changed to a conforming use. This limit shall not apply to a nonconforming building, premises, fixture or structure, which is nonconforming as to bulk.
- (2) ***Restoration of Nonconforming Structures.*** The restoration of a nonconforming structure is not subject to the lifetime cap set forth in subsection (1) above if the structure will be restored to the same size, location, and use that it had immediately before the damage or destruction occurred, if:
- a. The nonconforming structure was damaged or destroyed on or after March 2, 2006, and
- b. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- The size of the structure being restored under this exception, may be larger than the size it was immediately before the damage or destruction only if necessary for the restored structure to comply with applicable state or federal requirements.
- (d) **Expansion of Nonconforming Use.** The nonconforming use of part of a building, premises, fixture or structure, which is nonconforming as to use, shall not be expanded or be extended into any other portion of such building, premises, fixture or structure.
- (e) **Discontinuance of Nonconforming Use.** If any nonconforming use of land, building, premises, fixture or structure is discontinued for a period of 12 months, it shall not thereafter be renewed; and any subsequent use shall conform to the regulations of the district in which the land is located.

Sec. 13-1-83 through Sec. 13-1-99

Reserved for Future Use.

Article F: Vision Clearance; Parking and Loading Facilities; Screening

Sec. 13-1-100 Vision Clearance.

On a corner lot, no structure, screening or embankment of any kind shall be erected, placed, maintained or grown between the heights of three (3) feet and ten (10) feet above the curb level or its equivalent within the triangular space formed by two (2) intersecting street lines or their projections and the line joining points on such street lines located a minimum of twenty-five (25) feet from the street intersection in order to provide adequate vehicular vision clearance.

Sec. 13-1-101 Off-Street Parking and Loading Facilities; Statement of Purpose.

The purpose of these regulations on off-street parking is to provide for the regulation of accessory off-street parking and loading facilities and to specify the requirements for off-street parking and loading facilities for different uses. The regulations and requirements which follow are established to promote the safety and general welfare of the community by:

- (a) Increasing the safety and capacity of public streets by requiring off-street parking or off-street loading facilities to be provided;
- (b) Minimizing adverse effects of off-street parking and off-street loading facilities on adjacent properties through the requirement of design and maintenance standards; and
- (c) Lessening congestion and preventing the overtaking of public streets by regulating the location and capacity of accessory off-street parking or off-street loading facilities.

Sec. 13-1-102 General Regulation of Off-Street Parking and Loading Facilities.

- (a) **Scope of Off-Street Parking and Loading Regulations.** The off-street parking and loading provisions of this Article shall apply as follows:
 - (1) For all buildings and structures erected and all uses of land established after the effective date of this Zoning Code, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such building or uses are located.
 - (2) When the intensity of use of any building, structure or premises is increased through addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein, parking or loading facilities as required herein shall be provided for such increase in intensity of use.
 - (3) Whenever the existing use of a building or structure is changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the

said building or structure was erected prior to the effective date of this Chapter, additional parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use if the latter were subject to the parking and loading provisions of this Chapter.

- (b) **Existing Parking and Loading Facilities.** Accessory off-street parking or loading facilities in existence on the effective date of this Chapter and located on the same lot as the building or use served shall not hereafter be reduced below or, if already less than, shall not be further reduced below the requirements for a similar new building or use under the provisions of this Chapter.
- (c) **Permissive Parking and Loading Facilities.** Nothing in this Article shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that there is adherence to all regulations herein governing the location, capacity, design and operation of such facilities.
- (d) **Control of Off-Street Parking Facilities.** In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such land shall be in the same possession as said the zoning lot. Such possession shall be by deed whereby the owner of the land on which the parking facilities are to be located shall be bound by a covenant filed and recorded in the office of the Register of Deeds of Dane County, requiring such owner, his heirs or assigns to maintain the required number of parking facilities for the duration of the use served.
- (e) **Submission of Plot Plan.** Any application for a building permit or for a certificate of occupancy where no building permit is required shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any parking or loading facilities to be provided in compliance with this Article and any additional information as may be required by the Zoning Administrator.

Sec. 13-1-103 Required Off-Street Parking Facilities.

Off-street parking facilities accessory to uses allowed by this Chapter shall be provided in accordance with the regulations set forth below as well as in Section 13-1-102 above:

- (a) **Utilization.**
 - (1) In the residence districts, required accessory off-street parking facilities shall be solely for the parking of passenger automobiles of patrons, occupants or employees and not more than one (1) truck limited to three-quarter (3/4) ton capacity.
 - (2) In the A-1 district, required accessory off-street parking facilities shall be solely for the parking of passenger automobiles or trucks not over one and one-half (1-1/2) ton capacity of patrons, occupants or employees of such uses.
- (b) **Computation.** When determination of the number of off-street parking spaces required by this Article results in a requirement of a fractional space, any fraction of one-half (1/2) or less may be disregarded while a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.
- (c) **Mixed Uses.** Where two (2) or more uses are located on the same zoning lot, parking spaces equal in number to the sum of the separate requirements for each such use shall be provided. No parking spaces or portion thereof shall serve as a required space for more than one (1) use unless otherwise authorized by the Plan Commission.

- (d) **Collective Provision.** Accessory off-street parking facilities for separate uses may be provided collectively if the number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to.
- (e) **Access.** Adequate access to a public street shall be provided for each parking space.
- (f) **Design Standards.** Each required off-street parking space shall have a stall width of at least eight (8) feet and a stall length of at least nineteen (19) feet. Such space shall have a vertical clearance of at least seven (7) feet. Minimum width of aisles providing access to stalls for one-way traffic shall be as follows: Aisles shall not be less than twenty-four (24) feet wide for ninety (90) degree parking, eighteen (18) feet wide for sixty (60) degree parking, fifteen (15) feet wide for forty-five (45) degree parking (angle shall be measured between centerline of parking space and centerline of aisle), and twelve (12) feet wide for parallel parking. For parallel parking the minimum length of the parking space shall be increased to twenty-three (23) feet. No parking area of more than two (2) spaces shall be designed as to require any vehicle to back into a public street. Those parking areas for three (3) or more vehicles, if adjoining a residential use and if used regularly more than 2 days per week, shall be screened from such use by a solid wall, fence, evergreen planting of equivalent visual density, or other effective means, built and maintained at a minimum height of six (6) to eight (8) feet. Large expanses of unchanneled parking areas shall be avoided by interior landscaping and safety islands.
- (g) **Location.**
 - (1) Off-street parking is permitted in all yards of all districts except in the front yards of single-family and multi-family residence districts, but shall not be closer than five (5) feet to a side lot line, right-of-way line, or rear lot line.
 - (2) Off-street parking in the single-family residence and multi-family residence districts is permitted in the front yard in the driveway, even though closer than five (5) feet to a side lot line providing the driveway conforms to the requirements in Sec. 6-3-2. Parking stalls for single- and two-family residences may be placed one behind the other.
- (h) **Surfacing.** All open off-street parking areas, except a parking space accessory to a single-family dwelling, shall be improved with a bituminous or Portland cement concrete pavement in accordance with the Village of Rockdale standards and specifications. Such parking areas shall be so graded and drained as to dispose of all surface water, and in no case shall drainage be allowed across sidewalks. Such parking areas shall also be so arranged and marked to provide for orderly and safe parking and storage of vehicles and shall be so improved with wheel stops or bumper guards to prevent encroachment into adjacent areas, lots or public ways.
- (i) **Landscaping Requirements.**
 - (1) **Landscaping.** All public and private off-street parking areas which serve five (5) vehicles or more and are created or reconstructed subsequent to the adoption of this code shall be provided with accessory landscape areas totaling not less than ten (10) percent of the surfaced area.
 - (2) **Location.** Location of landscape areas, plant materials, protection afforded the plantings, including curbing and provision for maintenance by the property owner, shall be subject to approval by the Plan Commission.

- (3) **Plans.** All plans for such proposed parking areas shall include a grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (4) **Screening.** Where applicable, screening shall be provided as set forth in Section 13-1-106.
- (5) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in residence districts.
- (6) **Lighting.** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. In no instance shall exterior lighting be oriented so that the lighting is visible from a property located within a residential zoning district, and in no case shall such lighting exceed 0.50 footcandles measured at the lot line. All lighting for business uses shall be extinguished or reduced in intensity not later than thirty (30) minutes after the close of business of the use being served.
- (j) **Parking Spaces Required.** (Advisory only for Section 13-1-47(a)(6) C-C District)

Bed-and-Breakfast	1 space/room
Boarding houses and dormitories	1 space/3 rooming units plus
Bowling Alleys	1 space/manager
Cinemas	5 spaces/alley plus
Churches and places of public assembly	1 space per 300 sq. ft. used for bars, restaurants, etc.
Clubs (service)	1 space/6 seats up to 400 seats plus
Community centers	1 space/4 seats over 400 seats
Funeral homes	1 space/10 seats
Hospitals	30% of capacity
Commercial	30% of capacity
Lodge (Resort)	8 spaces/chapel or parlor plus
Laboratories	1 space/funeral vehicle
Medical and dental clinics	1 space/2 beds plus
Motels and hotels	1 space/2 employees plus
(1) Non-school auditoriums, gyms, stadiums	1 space/doctor on staff
Nursing homes and similar institutions	1 space/1.3 employees
Office: Financial institutions, business, governmental and professional	1 space/1 rooms
Residential:	1 space/2 employees plus
Efficiency	Spaces for 20% of capacity or 1 space/rental unit
One bedroom	1 space/300 sq. ft. per GLA
Two or more bedrooms	1 space/unit plus
Retail and service stores:	1 space for manager
Animal hospitals and kennels	1 space/8 seats
Auto sales	1 space/4 beds plus
	1 space/2 employees plus
	1 space/doctor on staff
	1 space/300 sq. ft. per GLA

Philanthropic and Charitable Uses	1 space/2 employees plus Adequate number to serve public (as determined by Zoning Administrator)
Car Wash	1 space/3 employees plus 1 space for manager plus space equaling 5 times the capacity of the wash
Cartage and Express Facilities	1 space/vehicle operated plus 1 space/2 employees
Laundries	1 space/3 employees
Library, Museum	1 space/800 gross sq. ft.
(2) Pool Hall, Dance Hall, Pools, Skating Rinks, etc	spaces equal to 30% of capacity in persons
Printing & Publishing	1 space/3 employees
Radio & TV stations	1 space/300 sq. ft. per GLA
Service stations	1 space/each service by plus 1 space/2 employees plus 1 space for manager
Taverns and Restaurants	space equal to 30% of capacity in persons leasable area (GLA) plus 4 spaces per 1,000 sq. ft. GLA 5 spaces per 1,000 sq. ft. in excess of 2,000 sq. ft.
Not listed above;	4 spaces/1,000 sq. ft. GLA for centers 25,000 to 400,000 sq. ft. 4.5 spaces/1,000 sq. ft. GLA for centers 400,000 to 600,000 sq. ft. 5 spaces/1,000 sq. ft. GLA for shopping centers over 600,000 sq. ft. 3 spaces/1,000 sq. ft. GLA for convenience grocery stores without gas pumps
Schools:	
elementary and middle	1 space/2 employees
high school/college	1 space/2 employees plus 30% of maximum enrollment capacity 1 space/5 students based on max. students attended during 24 hr. period
Warehouses	1 space/2 employees

- (1) Where seats are not fixed, each seven (7) sq. ft. of GLA usable for seating shall be regarded as one seat.
- (2) Outdoor Recreation and Athletic fields preserves. Parking spaces shall be provided in adequate number as determined by the Zoning Administrator to serve visiting public and employees and persons residing on premises based on standard in this Chapter for similar uses.

For uses not listed in this schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Zoning Administrator.

Sec. 13-1-104 Loading Requirements.

- (a) **Loading Space Requirements.** On every lot on which a business, trade or commercial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way:

Use	Floor Area (Square Feet)	Loading Space
Retail, wholesale, warehouse, service, manufacturing, and industrial establishments	2,000 – 20,000	1
	20,000 – 40,000	2
	40,000 – 60,000	3
	Each additional 50,000	1
Hotels, offices, hospitals, places of public assembly	5,000 – 10,000	1
	10,000 – 100,000	2
	Each additional 25,000	1
Funeral homes	2,500 – 6,000	1
	Each additional 10,000	1

- (b) **Multiple or Mixed Uses.** Where a building is devoted to more than one use or for different uses, and where the floor area for each use is below the minimum required for a loading space but the aggregate floor area of such uses is above such a minimum, then off-street loading space shall be provided as if the entire building were devoted to that use in the building for which the most loading spaces are required.
- (c) **Location.** Required off-street loading spaces shall be located on the same lot with the principal use requiring each space. No loading space shall be located within twenty-five (25) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
- (d) **Design Standards.** Each off-street loading space shall have a width of at least ten (10) feet, a length of at least fifty (50) feet, and a vertical clearance of at least fourteen (14) feet. Dimensions for loading spaces in connection with funeral homes shall be reduced to ten (10) feet in width, twenty-five (25) feet in length, and eight (8) feet in vertical clearance. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height.
- (e) **Surfacing.** All open off-street loading berths, access drives, aisles and maneuvering spaces shall be improved with a bituminous pavement or Portland cement concrete pavement in accordance with the Village of Rockdale standards and specifications.
- (f) **Repair and Service.** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any residence district.
- (g) **Utilization.** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.

- (h) **Central Loading.** Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
- (1) Each zoning lot served shall have direct access to the central loading area without crossing streets or alleys at grade.
 - (2) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths.)
 - (3) No zoning lot served shall be more than three hundred (300) feet removed from the central loading area.
 - (4) The tunnel or ramp connecting the central loading area with the zoning lot served shall not be less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

Sec. 13-1-105 Highway Access.

- (a) **Private Access Restricted.** No direct private access shall be permitted to the existing or proposed rights-of-way any controlled access arterial street without permission of the highway agency that has access control jurisdiction.
- (b) **Public or Private Access Prohibited.** No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
- (1) Arterial streets intersecting another arterial street within fifty (50) feet of the intersection of the right-of-way lines.
 - (2) Streets intersecting an arterial street within twenty-five (25) feet of the intersection of the right-of-way lines.
- (c) **Temporary Access.** Temporary access to the above rights-of-way may be granted by the Village Board after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary and revocable and subject to any conditions required, and shall be issued for a period not to exceed twelve (12) months.

Sec. 13-1-106 Screening Requirements.

- (a) **Statement of Purpose.** This Section is established to recognize the public and private benefits accrued from functional and aesthetic screening between areas of incompatible land uses, the increasing demand for active and passive recreational areas, the desirability of providing visual screening of certain parking lot, commercial and manufacturing areas and the necessity of providing adequate vehicular vision clearance. Refer to the Village of Rockdale Landscaping Guidelines.
- (b) **Off-Street Parking and Loading Areas.** All open off-street parking areas containing more than three (3) spaces and all open off-street loading areas shall have effective screening on each side adjoining or fronting on any residence district or any public or private street.
- (c) **District Boundary Lines.** Any property located in a commercial district shall have effective screening along lot lines adjoining any residential district, said screening to be not less than six (6) feet in height nor more than eight (8) feet in height.

(d) **Minimum and Maximum Height of Screening.**

- (1) In any special or residence district, screening may be erected, placed, maintained or grown along a lot line or adjacent thereto to a height not exceeding six (6) feet above the ground level, provided however where such lot line coincides with a lot line of a lot in a commercial or manufacturing district, screening may be erected, placed, maintained or grown along such lot line or adjacent thereto to a height not exceeding eight (8) feet above the ground level. Screening erected, placed, maintained or grown in a required front or street side yard and located less than four (4) feet from the street lot line shall not exceed a height greater than four (4) feet above the curb level or its equivalent, provided, however, that within ten (10) feet from any driveway crossing of a street lot line, any screening shall not exceed two (2) feet in height.
- (2) In any commercial district, no required screening shall be erected, placed, maintained or grown along a lot line or adjacent thereto to a height exceeding eight (8) feet above the ground level.

Sec. 13-1-107 Permitted Parking or Storage of Recreational Vehicles.

(Refer to Section 15-1-95)

Sec. 13-1-108 through Sec. 13-1-119 Reserved for Future Use.

Article G: (Reserved for Future Use)

Sec. 13-1-120 through Sec. 13-1-139 Reserved for Future Use.

Article H: Signal Receiving Antennas

Sec. 13-1-140 Signal Receiving Antennas.

- (a) **Purpose.** This Section regulating the placement of signal receiving antennas is adopted to:
- (1) Provide uniform regulation of all signal receiving antenna devices;
 - (2) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (3) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (4) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (b) **Definitions.**
- (1) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
 - (2) "Owner" means the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.
- (c) **Installation Standards.** Signal receiving antennas installed in any zoning district within the Village shall comply with the following provisions:
- (1) **Setbacks.**
 - a. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line.
 - b. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
 - (2) **Mounting.** Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements.

- (3) **Diameter.** The diameter of the signal receiving antenna shall not exceed ten (10) feet in diameter, except for systems used to provide community antenna television services.
- (4) **Height.**
 - a. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
 - b. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.
- (5) **Wind Pressure.** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) mph.
- (6) **Electrical Installations.** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
- (7) **Temporary Placement.** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for period not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.
- (8) **Interference with Broadcasting.** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- α (10) **Compliance with Federal Regulations.** The installation and use of every signal receiving antenna shall be in conformity with all applicable state and Federal rules.
- 10 (11) **Aesthetic Considerations.** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- (d) **Enforcement.**
 - (1) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Village Board or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

- (2) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 1-1-6.

Sec. 13-1-141 through Sec. 13-1-159 Reserved for Future Use.

Article I: Accessory Uses and Structures

Sec. 13-1-160 Accessory Uses, Buildings or Structures.

- (a) **Building Permit Required.** No owner shall, within the Village of Rockdale, build, construct, use or place any type of an accessory building, including prefabricated accessory buildings, until a building permit shall have first been obtained from the Building Inspector. Application for an accessory building permit shall be made in writing to the Building Inspector. With such application, there shall be submitted a fee pursuant to the Village Building Code and a complete set of plans and specifications, including a plot plan or drawing accurately showing the location of the proposed accessory building with respect to adjoining alleys, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.
- (b) **Principal Structure to be Present.** An accessory building or structure in any zoning district shall not be established prior to the principal building or structure being present or under construction. Any accessory building or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.
- (c) **Placement Restrictions.** An accessory building, use or structure may be established subject to the following regulations:
 - (1) **Percentage of Required Rear Yard Occupied.** No detached accessory building or buildings shall occupy more than fifty (50) percent of the area of the required rear yard.
 - (2) **Height of Accessory Buildings in Required Rear Yards.** No detached accessory building located in a required rear yard shall exceed the height of the principal building or principal residence.
 - (3) **Temporary Storage Buildings.** Temporary buildings for storage of building materials and equipment and for construction purposes are allowed when on the same or adjoining lot as the principal use for a period not to exceed the duration of such construction.
 - (4) **Temporary Offices.** Temporary real estate offices for purposes of conducting sale of property in the tract are allowed where such temporary office is located for a period not to exceed two (2) years from the date of start of construction or one (1) year after the initial occupancy of an improvement, whichever is lesser.
- (d) **Use Restrictions – Residential District.** Accessory uses or structures in residential districts shall not involve the conduct of any business, trade or industry except for home occupations as defined herein and shall not be occupied as a dwelling unit. Accessory buildings shall not be used for residential purposes.
- (e) **Accessory Buildings In Special and Residence Districts.**
 - (1) **Location.** Other than a detached garage, no accessory building in a Special or Residence District shall be erected in any yard except a rear yard, and all accessory buildings shall be located not less than three (3) feet from all lot lines and from any other building or structure on the same lot except as provided hereunder. Detached garages allowed in side or front yards may not be constructed of corrugated metal or constitute corrugated metal pole buildings.

- (2) **On Reversed Corner Lots.** On a reversed corner lot in a Residence or A-1 District, no accessory building shall be located in a required rear yard within twenty-five (25) feet of an adjoining property to the rear in a Residence District, except when the accessory building is located not closer to the side lot line abutting the street than the least depth which would be required under this Chapter for the front yard of such adjacent property to the rear and in no case shall any part of an accessory building project beyond the principal building to which it is accessory.
- (f) **Accessory Buildings in Commercial and Manufacturing Districts.** Accessory buildings in Commercial Districts shall not be located nearer than ten (10) feet from the rear lot line.
- (g) **Landscaping Uses.** Accessory vegetation used for landscaping and decorating may be placed in any required yard area. Permitted vegetation includes trees, shrubs and flowers and gardens. Under no circumstances may a tent be used as a dwelling or an accessory structure.
- (h) **Garages in Embankments in Front Yards.** Where the mean natural grade of a front yard is more than eight (8) feet above the curb level, a private garage may be erected within the front yard, provided as follows:
- (1) That such private garage shall be located not less than five (5) feet from the front lot line;
 - (2) That the floor level of such private garage shall be not more than one (1) foot above the curb level; and
 - (3) That at least one-half (1/2) the height of such private garage shall be below the mean grade of the front yard.
- (i) **Garages on Water Front Lots.** In order to preserve the quality and beauty of our lakes and waterways, a private detached garage may be erected within the front or street yard as follows:
- (1) There must be particular physical or topographical conditions of the property that prevent locating the garage within the standard building envelope of the lot.
 - (2) The garage must comply with all fire separation requirements of the applicable building code.
 - (3) The garage shall be located not less than ten (10) feet from the street lot line.
- (j) **Outdoor Lighting.** Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.
- (k) **Lawn Accessories.** Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line.
- (l) **Retaining Walls.** Retaining walls may be permitted anywhere on the lot, provided, however, that no individual wall shall exceed six (6) feet in height, and a terrace of at least three (3) feet in width shall be provided between any series of such walls.
- (m) **Terrace Area Restrictions.** In addition to the definitions and restrictions contained in Sections 6-2-8 and 6-4-2(f) of this Code of Ordinances, no person shall place any accessory structure or use, including landscaping ornaments, stones and basketball backboard/hoops, in the terrace area.

Sec. 13-1-161 Outside Storage of Firewood.

- (a) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (b) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (c) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (e) Not more than thirty percent (30%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Sec. 13-1-162 Outside Storage.

- (a) No manure, rubbish, inoperable vehicles, salvage material or miscellaneous refuse may be stored within any residential or commercial district when the same may be construed as a menace to the public health or safety or may be held to constitute a nuisance.
- (b) All non-enclosed areas of the site that are used for off-street parking, loading or driveways for motor vehicles shall be paved or effectively dust-proofed and measures shall exist on-site to prevent tracking of mud from the site into public streets.

Sec. 13-1-163 Home Occupations.

- (a) **Intent.** The intent of this Section is to provide a means to accommodate a small family business without the necessity of a rezoning into a commercial district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary.
- (b) **Accessory Use.** Home occupations are determined to be an allowed accessory use in all residential districts. Permits are not required prior to engaging in such activities, but the following standards apply:
 - (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or attached or detached garage;
 - (2) There shall be no exterior alterations which change the character thereof as a dwelling, nor shall there be any evidence of any kind visible from the exterior of the dwelling or other structure that will indicate it is being utilized in part for any purpose other than that of a dwelling or other allowed accessory use, other than those signs permitted in the district;

- (3) No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises;
- (4) The home occupation must not create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, electrical emissions, any other nuisance not normally associated with the average residential use in the district, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy;
- (5) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises; and traffic generated by the home occupation may not exceed that which is customary to residential occupancies in the neighborhood;
- (6) The sale of goods from the location of the home occupation shall be limited to items produced on-site and the sale of items such as but not limited to Tupperware, Shaklee, Amway, and Avon products or other similar activities that are customarily conducted from a residence as determined by the Zoning Administrator. The direct sale of goods produced off-site other than those described above to the consumer from the dwelling is prohibited;
- (7) A permitted home occupation shall not occupy more than twenty-five percent (25%) of the floor area of the dwelling;
- (8) Persons employed by a home occupation shall be limited to resident family members and not more than one (1) non-resident employee;
- (9) Under no circumstances shall a vehicle repair or body work business qualify as a home occupation;
- (10) The home occupation must be clearly secondary and incidental to the residential use of the property;
- (11) The home occupation must not unreasonably interfere with residential occupancy of other parcels in the neighborhood;
- (12) Signage for the home occupation will be governed by the Village's sign ordinance;
- (13) Garage sales as a type of home occupation are allowable in all residential districts provided that not more than two are held on a single premises per year and that each such sale shall not exceed four days in duration;
- (14) Day care is allowable as a home occupation on a residential premises. Conditional use approval will be required, however, if section 66.1017, Wisconsin Statutes, or as it may be hereafter amended, applies.

Sec. 13-1-164 Outdoor Solid Fuel Heating Devices.

- (a) **Definition.** For purposes of this section, "Outdoor Solid fuel Heating Device" includes an accessory structure or appliance designed for a location ordinarily outside the principal structure and used to transfer or provide heat via liquid or other means, by burning wood or other solid fuels, for heating any principal or accessory structure on the premises. This does not include recreational fires, barbeques, fryers, or chimneys or other outdoor burning where the burning structure or appliance is not directly connected to the principal or accessory structure.

Sec. 13-1-165 Open Burning Regulations

The following regulations shall be applicable for open burning:

- (a) All open burning conducted shall be performed in a safe, pollution-free manner, when wind and weather conditions are such as to minimize adverse effects, and in conformance with local and state fire protection regulation. Open burning shall not be permitted to burn trash, plastic, construction debris, leaves, grass, garden debris and other prohibited materials.
- (b) The size of the pile of material to be burned shall not exceed four feet in any direction measured horizontally, or three feet measured vertically.
- (c) The pile of material being burned shall be a safe distance away.
- (d) Any ashes created by burning such material should be disposed of in a safe manner.
- (e) Open burning shall be constantly attended and supervised by a competent person of at least sixteen (16) years of age until such fire is extinguished. This person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire while burning and/or extinguishing such fire.
- (f) No materials may be burned upon any street, curb, gutter or sidewalk.
- (g) Burning barrels shall not be permitted.
- (h) Outdoor cooking or burning of dry wood within a campfire ring over a fire contained in a device or structure designed for such use is permissible.
- (i) Other occasions of desirable outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval if permission is granted by the Village Board.

- (b) **Prohibition.** Installation and operation of any outdoor solid fuel heating devices is prohibited entirely within the Village of Rockdale Urban Service Area, as defined in the Comprehensive Growth Plan for the Village of Rockdale. In any other area in the Village of Rockdale, installation and operation of any outdoor solid fuel heating devices is also prohibited unless installed a minimum of 600 feet from any neighboring residence or other principal structure on an adjoining or adjacent property.
- (c) **General Requirements.**
 - (1) A building permit under 13-1-160(a) shall be required for all outdoor solid fuel heating devices.
 - (2) All outdoor solid fuel heating device shall be installed, operated and maintained in strict conformance with the manufacturer's instructions.
 - (3) Fuel for all outdoor solid fuel heating device shall be manufacturer approved pellets, natural untreated wood or wood specifically permitted by the manufacturer.
- (d) **Grandfathering.** Consistent with non-conforming use statutes and requirements, any outdoor solid fuel heating device installed before March 1, 2007 may remain in use, but is subject to all non-conforming use standards set forth in section 13-1-80. Consistent with section 13-1-82(c)(1), total structural repairs or alterations to a nonconforming outdoor solid fuel heating device (whether on-conforming as to use or location), shall not during its life exceed 50 percent of the total assessed value of the outdoor solid fuel heating device.

Sec. 13-1-165 through Sec. 13-1-179 Reserved for Future Use.

Article J: Modifications

Sec. 13-1-180 Height Modifications.

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

- (a) **Architectural Projections.** Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys are exempt from the height limitations of this Chapter.
- (b) **Special Structure Height Limitations.** Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smokestacks are exempt from the height limitations of this Chapter.
- (c) **Essential Services Height Limitations.** Essential services, utilities, water towers, and electrical power and communication transmission lines are subject to conditional use permits.
- (d) **Communications Structures Height Restrictions.** Communications structures such as radio and television transmission and relay towers, aerial and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line.
- (e) **Agricultural Structures Height Restrictions.** Agricultural structures such as barns, silos and water windmills shall not exceed in height twice their distance from the nearest lot line.
- (f) **Public Facilities Height Restrictions.** Public or semi-public facilities such as schools, churches, hospitals, monuments, sanitariums, libraries, governmental offices and stations may be erected to a height of sixty (60) feet, provided all required yards are increased not less than one (1) foot for each foot the structure exceeds the District's maximum height requirement.

Sec. 13-1-181 Yard Modifications.

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

- (a) **Uncovered Stair Restrictions.** Uncovered stairs, landings and fire escapes may project into any yard, but not to exceed six (6) feet and not closer than three (3) feet to any lot line, and a fire escape must be eight (8) feet or more above ground.
- (b) **Architectural Projection Restrictions.** Architectural projections such as chimneys, flues, sills, eaves, belt courses and ornaments may project into any required yard (setback requirements), but such projection shall not exceed two (2) feet.
- (c) **Cul-de-Sac and Curve Restrictions.** Residential lot frontage on cul-de-sacs and curves may be less than eighty (80) feet at the required building setback line provided the width at the building setback line is at least eighty (80) feet and the street frontage is no less than forty-five (45) feet.
- (d) **Essential Services Exemptions.** Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this Chapter.

- (e) **Street Yard Restrictions.** The required street yards may be decreased in any residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case less than ten (10) feet in any residential district and five (5) feet in any business district.

Sec. 13-1-182 Noises Exempted.

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

Sec. 13-1-183 through Sec. 13-1-199 Reserved for Future Use.

Article K: Performance Standards – Industrial and Commercial
Developments [Reserved For future Use]

Sec. 13-1-200 through Sec. 13-1-219 Reserved for Future Use.

Article L: Administration

Sec. 13-1-220 General Administrative System.

This Chapter contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the same. Certain considerations, particularly with regard to granting of permitted conditional uses, changes in zoning districts and zoning map, and amending the text of this Zoning Chapter require review and recommendation by the Plan Commission and ultimate action by the Village Board. A Zoning Board of Appeals is provided to assure proper administration of the Chapter and to avoid arbitrariness.

Sec. 13-1-221 Zoning Administrator.

The Village Board shall designate a Village official to serve as the Zoning Administrator and as the administrative enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter. The Zoning Administrator shall further:

- (a) Maintain records of all permits issued, inspections made, work approved and other official actions.
- (b) Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
- (c) Inspect all structures, lands and waters as often as necessary to assure compliance with this Chapter.
- (d) Investigate all complains made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Chapter to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by the Zoning Administrator.
- (e) Prohibit the use or erection of any structure, land or water until the Zoning Administrator has approved such use or erection.
- (f) Request assistance and cooperation from the Police Department, Village Engineer and Village Attorney as deemed necessary.

Sec. 13-1-222 Role of Specific Village Officials in Zoning Administration.

- (a) **Plan Commission.** The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Village to the Village Board, other public officials and other interested organizations and citizens. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily (but not always) recommendations to the Village Board pursuant to guidelines set forth in this Chapter as to various matters and, always, being mindful of the intent and

purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion of its own volition, conduct its own public hearing.

- (b) **Village Board.** The Village Board, the governing body of the Village, subject to recommendations by the Plan Commission and the holding of public hearings by said Board, has authority to make changes and amendments in zoning districts, the zoning map and supplementary floodland zoning map and to amend the text of this Chapter. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
- (c) **Zoning Board of Appeals.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Article N of this Chapter for additional provisions.

Sec. 13-1-223 Occupancy and Building Permit.

- (a) **Occupancy Permit Required.** No building or structure shall be occupied until a certificate of compliance has been issued by the Building Inspector determining and certifying conformity with the specifications with this Chapter, other applicable code provisions and other conditions under which the building permit has been issued.
- (b) **Building Permit Required.** It shall be unlawful for any person to commence excavation for or construction of any building or structure, or structural changes in any existing building or structure without first obtaining a building permit from the Building Inspector. No permit shall be issued for the construction, alteration or remodeling of any building or structure until application has been submitted in accordance with the provisions of the Village Code showing that the construction proposed is in compliance with the provisions of this ordinance, and other regulations of the Village.

Sec. 13-1-224 Design Review/Site Plans. Reserved for Future Use.

Sec. 13-1-225 Violations and Penalties.

- (a) **Violations.** It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission or any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enjoin a violation of this Chapter or cause a structure to be vacated or removed.
- (b) **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings.

- (c) **Penalties.** Any person, firm or corporation who fails to comply with the provisions of this Chapter or any order of the Zoning Administrator issued in accordance with this Chapter or resists enforcement shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for in Section 1-1-6 of this Code of Ordinances. Each violation and each day a violation continues or occurs shall constitute a separate offense. The Village shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution provided for in Section 1-1-6.

Sec. 13-1-226 through Sec. 13-1-239 Reserved for Future Use.

Article M: Changes and Amendments to the Zoning Code

Sec. 13-1-240 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

Sec. 13-1-241 Initiation of Changes or Amendments.

The Village Board, the Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter by reference.

Sec. 13-1-242 Procedure for Changes or Amendments.

- (a) **Request for Changes.** Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Village Board and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change of district boundaries:

- (1) Plot plan, drawn to a scale of one (1) inch equals one hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
- (2) Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
- (3) Together with additional information as may be required by the Plan Commission or Village Board.

The Village Board, the Plan Commission, the Zoning Board of Appeals are exempt from the above provisions.

- (b) **Plan Commission Review and Recommendations.**

- (1) The Zoning Administrator shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. Following receipt of the petition, the Plan Commission shall hold a public hearing upon each proposed change

or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 Notice, pursuant to Chapter 985, Wis. Stats. At least ten (10) days prior, written notice shall also be given to the Clerk of any municipality within one thousand (1,000) feet of any land that would be affected by the proposed change or amendment. Said hearing may be held jointly with the Village Board. The Plan Commission shall also notify the owners of all properties lying within one hundred (100) feet of the land proposed to be rezoned. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

- (2) Following such hearing, the Plan Commission shall review all proposed amendments to the text and Zoning Map(s) within the corporate limits of the Village, and shall recommend, in writing, that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official Minutes shall constitute the required written recommendation.
- (c) **Village Board Action.**
 - (1) Following receipt and consideration of the Plan Commission's recommendation, the Village Board shall take action on the proposed ordinance implementing the proposed change or amendment.
 - (2) The Village Board may hold an additional public hearing.
- (d) **Fee.** The application fee for a zoning change or amendment shall be in the amount of One Hundred Fifty Dollars (\$150.00) as of adoption of this ordinance, and may thereafter be set by resolution of the Village Board. The applicant shall also pay all costs incurred by the Village in notifying the public and affected property owners pursuant to Section 13-1-242(b) and (c).

Sec. 13-1-243 Protest.

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.
- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Village Board membership to adopt such amendment.

Sec. 13-1-244 through Sec. 13-1-259 Reserved for Future Use.

Article N: Zoning Board of Appeals

Sec. 13-1-260 Appeals to the Zoning Board of Appeals.

- (a) **Board of Appeals.** The Zoning Board of Appeals shall consist of five members who shall be appointed by the Village President subject to confirmation of the Village Board for terms of three years. Vacancies shall be filled for the remainder of the unexpired term only. All members of the Board shall be compensated as established from time to time by the Village Board. The Board shall have the powers and duties prescribed by Wis. Stat. s. 62.23 and as further set forth in this Code.
- (b) **Meetings.**
 - (1) **Open to Public.** All meetings and hearings of the Board of Appeals shall conform to the Wisconsin Open Meeting law.
 - (2) **Meetings.** Regular or Special meetings may be called by the Chair or by the Secretary of the Board of Appeals or at the request of two (2) members. Notice of a special meeting shall be mailed to each member at least forty-eight (48) hours prior to the time set for the meeting, or announcement of the meeting shall be made at any meeting at which all members are present.
 - (3) **Hearings.** Hearings may be held at any regular or special meeting at the time set by the Chair.
 - (4) **Quorum.** A quorum for any meeting or hearing shall consist of four (4) members, but a lesser number may meet and adjourn to a specified time.
- (c) **Powers of Zoning Board of Appeals.** In addition to these powers enumerated elsewhere in this Code of Ordinances, the Board of Appeals shall have the following powers:
 - (1) **Errors.** To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator, Building Inspector or other administrative official in the enforcement of the Zoning Code or any ordinance adopted under Sections 61.351 or 62.231 (wetlands), Chapter 87 (flood plains), Chapter 91 (farmland preservation), or Chapter 236 (subdivisions), Wis. Stats.
 - (2) **Variances.** To hear and rule on appeals for variances as will not be contrary to the public interest where, owing to 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.
 - (3) **Interpretations.** To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (4) **Unclassified Uses.** To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
 - (5) **Temporary Uses.** To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, or do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, subject to any condition required by the Board of Zoning Appeals and shall

be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Chapter shall be required.

- (d) **Board Action.** In exercising the powers under Subsection (c), the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit.
- (e) **Voting.**
 - (1) **Personal Interest.** No Board of Appeals member shall participate in the decision of or vote upon any case in which the member is financially interested, directly or indirectly, but the Chair shall direct an alternate member to act instead. Disqualification of a member for interest shall not decrease the number of votes required for acting upon any matter, but such member may be counted in determining whether a quorum is present for the transaction of business.
 - (2) **Record of Vote.** The Secretary shall record the vote of each member on every question in the minutes or, if the member is absent or fails to vote, shall indicate such fact in the record of the proceedings.

Sec. 13-1-261 Applications for Hearings.

- (a) **Time of Appeal.** Appeals shall be filed within thirty (30) days after the receipt of the written decision or order from which the appeal is taken by filing in duplicate a notice of appeal with the Village Clerk. The date of receipt of the decision shall not be counted in determining the time for filing of the appeal. Sundays and holidays shall be counted, except if the last day falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.
- (b) **Who May Appeal.** Appeals or applications to the Board may be made by:
 - (1) The owner, mortgagee, purchaser under a land contract, optionee or occupant under a written lease for one (1) year or more of the property for which relief is sought.
 - (2) Any officer (other than the Zoning Administrator), department, board or bureau affected by a decision or order of the Zoning Administrator.
 - (3) Any person aggrieved and whose use and enjoyment of property within the Village is directly and adversely affected by a decision or order of the Building Inspector, Zoning Administrator or the requested Board action.
- (c) **Appeal and Application Forms.** Every appeal or application shall be made upon forms furnished by the Village Clerk. A scale drawing shall accompany each form showing the location and size of the property, existing improvements, all abutting properties and improvements thereon and change or addition requested. The applicant or appellant shall provide all information requested on the form and any additional information requested in writing by the Chair or Secretary of the Board of Appeals which is necessary to inform the Board of the facts of the appeal. Failure to supply such information shall be grounds for dismissal of the appeal or application.
- (d) **Filing Appeal or Application.** The appellant or applicant shall file the required appeal form in duplicate with the Village Clerk. The Village Clerk shall deliver one (1) copy to the Zoning Administrator or other officer or body from whose decision an appeal is taken.

Upon receipt of an appeal, the Zoning Administrator or other officer or body responsible for the original determination shall transmit to the Secretary of the Board of Appeals all notes or papers relating to the order or decision from which the appeal is being taken.

- (e) **Fee.** The fee for applications and appeals shall be in the amount of One Hundred Fifty Dollars (\$150.00) as of adoption of this ordinance, and may thereafter be set by resolution of the Village Board. If the appellant or applicant elects the contested-case method, he or she shall also pay the amount determined by the Board of Appeals to cover the additional administrative costs involved.
- (f) **Insufficient Notice.** No appeal or application shall be considered by the Board of Appeals unless it is made on the required form. Upon receipt of any communication purporting to be an appeal or application, the Village Clerk shall supply the applicant with the proper forms which must be filed within ten (10) days, in addition to the thirty (30) days specified in Subsection (a), in order to be considered by the Board of Appeals.
- (g) **Stay of Proceedings.** An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certified to the Board of Appeals that, by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.

Sec. 13-1-262 Hearings.

- (a) **Notice of Hearing.** Notice of time, date and place of the hearing of an appeal or application shall be given in the following manner:
 - (1) By mail or personal service to the appellant or applicant and to the Zoning Administrator or other administrative official or body from whose decision an appeal is taken and Secretary of the Plan Commission not less than ten (10) days prior to the date of the hearing.
 - (2) In every case involving a variance, conditional use, exception, or public utility exception, the Village Clerk-Treasurer shall use reasonable good faith efforts to mail notice to the owners of record of all land within the area included in the application and within one hundred (100) feet of any part of the building or premises affected not less than ten (10) days prior to the hearing. Names and last-known addresses of such owners shall be furnished by the applicant at the time of filing the appeal or application.
 - (3) By publication of a Class 2 notice under Chapter 985, Wis. Stats.
 - (4) Notice of an application for a proposed special exception in a shoreland-wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources at least ten (10) days prior to the hearing.
- (b) **Appearances.** The appellant or applicant may appear in person or by his or her agent or attorney. In the absence of an appearance for or against an appeal or application, the Board of Appeals may dismiss the appeal or application or may dispose of the matter on the record before it.

- (c) **Oath.** Unless waived by the appellant or applicant and the Chair, all witnesses shall be sworn before testifying by the Chair or presiding officer.
- (d) **Compelling Attendance of Witnesses.** The Chair, or, in his absence, the presiding officer, may compel the attendance of witnesses by subpoena. Written request for subpoenas shall be filed with the Secretary of the Board of Appeals not less than two (2) days prior to the hearing except by special permission of the Chair.
- (e) **Order of Business.**
 - (1) **General Hearing.** At the hearing, the order of business shall be as follows:
 - a. Statement of the nature of the case by the Chair.
 - b. Appellant's side of the case.
 - c. Questions by Board members.
 - d. Zoning Administrator's side of the case.
 - e. Questions by Board members.
 - f. Statements by interested persons such as neighbors or abutting landowners.
 - g. Questions by Board members.
 - h. Appellant's or applicant's rebuttal.
- (f) **Evidence and Official Notice.** Written and oral testimony will be received. Hearings shall be recorded by tape recorder, video camera or by transcription.
- (g) **Adjournments.** When all appeals or applications cannot be disposed of on the day set, the Board of Appeals may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board of Appeals.
- (h) **Withdrawal.** An appellant or applicant may withdraw an appeal at any time prior to the decision, but a pending motion to grant or dismiss the appeal shall have precedence over withdrawal. Withdrawal of the appeal shall not entitle the appellant or applicant to remission of the filing fee.

Sec. 13-1-263 Decision and Disposition of Cases.

- (a) **Time of Decision.** The Board of Appeals shall render its decision either at the termination of the hearing or within thirty (30) days thereafter and shall notify the parties in interest and the Zoning Administrator in writing of its decision.
- (b) **Form of Decision.** The final disposition of an appeal or application shall be in the form of a written decision or order signed by the Chair and Secretary of the Board of Appeals. Such decision shall state the reasons for the Board's determination with findings of fact and conclusions of law and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal or grant or deny the special exception, conditional use of variance. Copies of the decision shall be sent to the applicant, Village Clerk, the Secretary of the Plan Commission and any Village committee involved.
- (c) **Basis of Decision; Findings.** At the conclusion of a hearing, the Board should reduce to writing its findings of fact and conclusions of law regarding the proper interpretation and application of the Zoning Code.
- (d) **Vote Required.** All orders or decisions of the Board of Appeals granting a variance, exception or conditional use or reversing any action or order of the administrator require the

affirmative vote of four (4) members. Whenever only four (4) members of the Board are present and the vote stands three (3) to one (1) in favor of the appellant or applicant, the matter shall be laid over for consideration and final determination at the next meeting of the Board or a special meeting noticed and called for that purpose.

- (e) **Conditions.** Variances or conditions imposed in any permit shall be stated in the decision or order embodying the Board's decision and shall also be set forth in the building, conditional use or occupancy permit issued under that order by the Zoning Administrator. A permit shall be valid only as long as the conditions upon which it is granted are observed. Whenever the Board grants an application or appeal affecting the use of any premises, shall authorization shall be deemed revoked unless the owner, occupant or his agent shall, upon request, file with the Board Secretary a written report certifying that all conditions or limitations imposed by the Board have been conformed to and maintained. Variances, substitutions or conditional use permits approved by the Board shall expire six (6) months after issuance if the performance of work is required and substantial work has not commenced.
- (f) **Filing of Decision.** Every order of decision of the Board of Appeals shall be immediately filed with the Secretary who shall thereupon forward the decision to the Village Clerk and mail a copy to the applicant or appellant. Copies of decisions granting conditional uses or variances in a floodplain, shoreland or wetland district shall be mailed to the district office of the Wisconsin Department of Natural Resources.

Sec. 13-1-264 Variances.

(a) Purpose; Board of Appeal Review.

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this Zoning Code would cause undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) Persons requesting a variance shall submit such request to the Board of Appeals, who shall make a determination on the request following notice and hearing.
- (3) The Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Code as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the zoning Code will result in unnecessary hardship and so that the spirit of the Zoning Code shall be observed and substantial justice done. No variance shall have the effect of allowing in any district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
- (4) For the purposes of this Section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

- (b) **Application for Variances.** The application for a variance shall be filed pursuant to Section 13-1-261.
- (c) **Public Hearing of Application.** The public hearing for a variance shall be conducted pursuant to Section 13-1-262.
- (d) **Prohibited Variances.** The Board of Appeals shall not grant use variances in floodplain or wetland and conservancy districts. In all other districts, no use variance shall be granted unless the applicant has first petitioned for a zoning amendment or a conditional use permit, if applicable, and upon a showing that no lawful and feasible use of the subject property can be made in the absence of such variance. Any use variance granted shall be limited to the specific use described in the Board's decision and shall not permit variances in yard, area or other requirements of the district in which located.
- (e) **Action of the Board of Appeals; Standards.** For the Board of Appeals, it must find that:
 - (1) Denial of the variance may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Code should be changed.
 - (2) The conditions upon which a petition for a variance is based are unique to the property for which the variance is being sought and 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.
 - (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.
 - (4) The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
 - (5) The proposed variance will not undermine the spirit and general and specific purposes of the Zoning Code, specifically the standards in Article D of this Chapter.
- (f) **Conditions.** The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

Sec. 13-1-265 Review by Court of Record.

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

Sec. 13-1-266 through 13-1-279 Reserved for Future Use.

Article O: Historic Preservation Standards

Sec. 13-1-280 through Sec. 13-1-299 Reserved for Future Use.

Article P: Definitions

Sec. 13-1-300 Definitions.

(a) For the purposes of this Chapter, the following definitions shall be used, unless a different definition is specifically provided. 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 permissive.

(1) **Abutting.** Having property or district lines in common; e.g. two lots are abutting if they have property lines in common.

(2) **Accessory Building or Use.**

a. An accessory building or use is one which:

1. Is customary and clearly incidental to the principal building or principal use;
2. Serves exclusively the principal building or principal use;
3. Is subordinate in area, extent or purpose to the principal building or principal use;
4. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
5. Is located on the same zoning lot as the principal use served, with exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot as the building or use served.

b. An accessory building or use includes, but is not limited to, the following:

1. A children's playhouse, garden house or private greenhouse;
2. A garage, carport, shed or building for storage incidental to a permitted use;
3. Incinerators incidental to a permitted use;
4. Storage of goods used in or produced by permitted manufacturing activities on the same zoning lot with such activities, unless such storage is excluded by the district regulations;
5. The production, processing, cleaning, servicing, testing, repair or storage of merchandise normally incidental to a permitted retail service or business use if conducted by the same ownership as the principal use;
6. Off-street motor vehicle parking areas and loading facilities;
7. Signs, as permitted and regulated in each district incorporated in this Chapter; and
8. Earth station dish antennas, which are ground-mounted or building-mounted.

(3) **Acre, Net.** The actual land devoted to the land use, excluding public streets, public lands or unusable lands, and school sites contained within 43,560 square feet.

(4) **Adjacent.** Neighboring or within visible proximity; e.g. includes property that is across the street or public right of way and includes all properties directly impacted by a proposed development whether abutting or not.

(5) **Alley.** A public way not more than twenty-four (24) feet wide which affords only a secondary means of access to abutting property.

- (6) **Apartment.** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.
- (7) **Arterial Street.** A public street or highway used or intended to be used primarily for large volume or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.
- (8) **Awning.** An awning is a retractable, rooflike cover, temporary in nature, which projects from the wall of a building.
- (9) **Basement.** That portion of any structure located partly below the average adjoining lot grade which is not designed or used primarily for year-around living accommodations.
- (10) **Block.** A block is a tract of land bounded by streets or by a combination of streets and public parks, cemeteries, railroad right-of-way, bulkhead lines or shorelines of waterways. A block may be located in part beyond the boundary lines of corporate limits of the Village.
- (11) **Boarding House.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by a rearrangement for compensation for three (3) or more persons not members of a family, but not exceeding twelve (12) persons and not open to transient customers.
- (12) **Buildable Lot Area.** The portion of a lot remaining after required yards have been provided.
- (13) **Building.** A building is any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land. When any portion thereof is completely separated from every other portion by masonry or fire wall without any window, which wall extends from the ground to the roof, then such portion shall be deemed to be a separate building.
- (14) **Building, Completely Enclosed.** A completely enclosed building is a building separated on all sides from the adjacent open space or from other buildings or structures by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.
- (15) **Building Coverage.** Building coverage shall mean the proportion of the lot area, expressed as a percent, that is covered by the maximum horizontal cross-section of a building or buildings.
- (16) **Building, Detached.** A detached building is a building surrounded by open space on the same lot.
- (17) **Building Height.** Building height is a vertical distance from the curb level or the approved ground level opposite the center of the front of a building to the highest point of the roof in the case of a flat roof, to the deck line of a mansard roof, and to the mean-height level between eaves and ridges of a gable, hip or gambrel roof.
- (18) **Building, Principal.** A building in which the principal use of the lot on which it is located is conducted.
- (19) **Building Setback Line.** A line parallel to the lot line at a distance parallel to it, regulated by the yard requirements set up in this Code.

- (20) **Bulk.** Bulk is the term used to indicate the size and setbacks of buildings or structures and the location of such buildings or structures with respect to one another and includes the following:
- a. Size and height of buildings;
 - b. Location of exterior walls at all levels in relation to lot lines, streets or to other buildings;
 - c. Gross floor area of buildings in relation to lot area (floor area ratio).
 - d. All open spaces allocated to buildings; and
 - e. Amount of lot area provided per dwelling unit or lodging room.
- (21) **Business.** An occupation, employment or enterprise which occupies time, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered.
- (22) **Channel.** Those floodlands normally occupied by a stream of water under average annual high-water flow conditions while confined within generally well-established banks.
- (23) **Clinic, Medical and Dental.** A "medical and dental clinic" is a building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their professions. The clinic may include an accessory dental or medical laboratory. It shall not include in-patient care or operating rooms for major surgery.
- (24) **Club or Lodge, Private.** A private club or lodge is a non-profit association of persons who are bona fide members paying annual dues which owns, hires or leases a building or portion thereof, the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a Board of Directors, Executive Committee or similar body chosen by the members at their annual meeting. It shall be permissible to serve food and meals on such premises provided adequate dining room space and kitchen facilities are available. Where properly licensed under existing Village ordinances, the consumption of intoxicating beverages by members of such club or lodge or their guests may be permitted.
- (25) **Community Living Arrangement.** The following facilities licensed or operated or permitted under the authority of the Wisconsin State Statutes: Child welfare agencies under Section 48.60, foster homes for children under Section 48.02(6), group homes for children under Section 48.02(7), and community-based residential facilities under Section 50.01(1g), but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformance with applicable Sections of the Wisconsin State Statutes, including Sections 46.03(22), 59.69(15), 62.23(7)(i) and 62.23(7a), and amendments thereto, and also the Wisconsin Administrative Code.
- (26) **Conditional Uses.** Uses of a special nature as to make impractical their predetermination as a principal use in a district. See Article D.
- (27) **Conforming Building or Structure.** A conforming building or structure is any building or structure which:
- a. Complies with all the regulations of this Chapter or any amendment thereto governing bulk or the zoning district in which such building or structure is located; or

- b. Is designed or intended for a conforming use.
- (28) **Conservation Standards.** Guidelines and specifications for soil and water conservation practices and management enumerated in the *Technical Guide*, prepared by the Natural Resources Conservation Service for Dane County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities from which the landowner selects that alternative which best meets the landowner's needs in developing soil and water conservation.
- (29) **Controlled Access Arterial Street.** The condition in which the right of owners or occupants of abutting land or other persons to access, light, air or view in connection with an arterial street is fully or partially controlled by public authority.
- (30) **Convalescent Home and Nursing Home.** A convalescent home or a nursing home is a home for the aged, infirm, chronically ill or incurable persons in which five (5) or more persons not of the immediate family are received, kept or provided with food and shelter or care for compensation but not including hospital clinics or similar institutions devoted primarily to the diagnosis and treatment of disease or injury, maternity cases or mental illness.
- (31) **Curb Level.** The curb level for any building is the level of the established curb in front of such building measured at the center of such front.
- (32) **Development.** Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations or disposition of materials.
- (33) **District, Basic.** A part or parts of the Village for which the regulations of this Chapter governing the use and location of land and building are uniform.
- (34) **District, Overlay.** Overlay districts, also referred to herein as regulatory areas, provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more strict of the conflicting requirements shall apply.
- (35) **Dwelling.** A building or part of a building containing one (1) or more dwelling units and also containing other directly associated elements such as hallways, storage areas or common laundry facilities. For purposes of this Chapter, this term does not include "group lodging facilities."
- (36) **Dwelling, Attached.** A dwelling separated from another dwelling unit and not having any portion of any roof, wall or floor in common with another dwelling unit.
- (37) **Dwelling, Detached.** A detached dwelling is one which is entirely surrounded by open space on the same lot.
- (38) **Dwelling, Multiple-Family.** A multiple-family dwelling is a building, or portion thereof, containing three (3) or more dwelling units.
- (39) **Dwelling, Single-Family.** A single-family dwelling is a building containing one (1) dwelling unit only.

- (40) **Dwelling, Two (2) Family.** A two (2) family dwelling is a building containing two (2) dwelling units only.
- (41) **Dwelling Unit.** An area within a dwelling that is designed, occupied or intended to be occupied by a family (or by a non-family household) as permitted by this Chapter as separate living quarters with private kitchen, sanitary, sleeping and living quarters within the unit.
- (42) **Efficiency Unit.** An efficiency unit is a dwelling unit consisting of one (1) principal room exclusive of bathroom, kitchen, hallway, closets or dining alcove directly off the principal room, providing that such dining alcove shall not exceed ninety (90) square feet in area and shall not be used for sleeping purposes.
- (43) **Elderly Dwelling.** A building, or portion thereof, designed, designated and used exclusively by a person who is fifty-five (55) years of age or older, or a family, the head of which or spouse is fifty-five (55) years of age or older.
- (44) **Essential Services.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.
- (45) **Establishment, Business.** A business establishment is a place of business carrying on operations which are physically separate and distinct from those of any other place of business located on the same zoning lot.
- (46) **Family.** An individual or group of two (2) or more individuals who are related by blood, marriage or adoption, together with not more than four (4) additional persons not so related, living as a single household in a dwelling unit. For purposes of this Chapter, family includes "non-family households."
- (47) **Family Day Care.** The provision of day care for children for compensation within a dwelling whether or not licensed by the State, including educational services so long as the care and services are taking place within a dwelling.
- (48) **Farming - General.** General farming shall include floriculture, forest and game management, orchards, raising of grain, grass, mint and seedcrops, raising of fruits, nuts and berries, sod farming and vegetable farming. General farming includes the operating of such an area for one (1) or more of the above uses with the necessary accessory uses for treating or storing the produce, provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- (49) **Farmstead.** A single-family residential structure located on a parcel of land, which primary land use is associated with agriculture.
- (50) **Floor Area.** The sum of the gross floor area for each of a building's stories measured from the exterior limits of the faces of the structure. The floor area of a building includes basement floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the

principal building which is designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance.

- (51) **Floor Area Ratio.** An intensity measured as a ratio derived by dividing the total floor area of a building by the gross area site. Where the lot is part of a larger development and has no bufferyard, that lot area may be used instead of the gross site area.
- (52) **Foster Family Home.** The primary domicile of a foster parent which is four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin Statutes and amendments thereto.
- (53) **Frontage.** All the property butting on one (1) side of a street between two (2) intersecting streets or all of the property abutting on one (1) side of a street between an intersecting street and the dead end of a street.
- (54) **Garage – Private.** A detached accessory building or portion of the principal building, designed, arranged, used or intended to be used for storage of automobiles of the occupant of the premises.
- (55) **Garage – Public.** Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing or public parking of motor vehicles.
- (56) **Gross Site Area.** The area of land which is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. The gross site area shall be legally described and made part of the application for zoning approvals.
- (57) **Group Foster Home.** Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.
- (58) **Group Lodging Facilities.** Building or parts of buildings designed, occupied or intended to be occupied as living quarters on a basis other than as a dwelling, dwelling unit, hotel or motel.
- (59) **Group Lodging House.** A group lodging facilities containing general lodging rooms not having kitchen facilities, offered for rent or comparable compensation on a monthly or longer basis. Meals or access to common meal preparation facilities may be offered as part of the service to occupants.
- (60) **Guest, Permanent.** A permanent guest is a person who occupies or has the right to occupy on a monthly or longer basis a hotel or apartment hotel accommodation as his domicile and place of permanent residence.
- (61) **Home Occupation.** Any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit or in structures accessory thereto.
- (62) **Home Professional Office.** A home occupation consisting of the office of a recognized profession.
- (63) **Hotel.** A facility containing sleeping rooms with private or semi-private bathroom facilities offered overnight lodging to the public for compensation and catering primarily to the traveling public. A hotel shall offer services such as maid, telephone, desk and vending services. It may offer a restaurant, recreational facilities and meeting facilities.

- (64) **Hotel, Apartment.** An apartment hotel is a building in which at least ninety percent (90%) of the accommodations are dwelling units or are occupied by permanent guests.
- (65) **Household.** A family or non-family group living in a nontransient manner in a single dwelling unit.
- (66) **Impervious Surface.** Impervious surfaces are those which do not absorb water. They consist of all buildings, parking areas, driveways, road, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.
- (67) **Impervious Surface Ratio.** A measure of the intensity of land use which is determined by dividing the total area of all impervious surfaces on a site by the gross site area.
- (68) **Improvement.** Any building, structure, place, work of art or other object which is all or part of any physical betterment of real property.
- (69) **Improvement Parcel.** A parcel of property containing an improvement which is treated as a single entity for the purpose of levying real estate taxes. The term "improvement parcel" shall also include any unimproved area of land which is treated as a single parcel for real estate tax purposes.
- (70) **Junk.** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition. Junk includes, but is not limited to, vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.
- (71) **Junk Yard.** A junk yard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A junk yard includes an automobile wrecking or dismantling yard, but does not include uses established entirely within enclosed buildings.
- (72) **Kennel, Animal.** An animal kennel is any premises, or portion thereof, where dogs, cats and other household pets are maintained, boarded, bred or cared for in return for remuneration, or are kept for the purpose of sale.
- (73) **Landscaped Area.** The area of the site which is planted and continually maintained in vegetation, including grasses, ground cover, shrubs, bushes and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters.
- (74) **Loading Area.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.
- (75) **Lodging Room.** (For Determining Lot Area Requirements and Off-Street Parking Requirements). For the purpose of determining the lot area requirements, any lodging room designed or intended to be occupied by more than two (2) persons shall be determined as one (1) lodging room for each two (2) persons, provided, however, that in a lodging house or a fraternity and sorority house the number of lodging rooms shall be determined by dividing the total number of persons intended to occupy the lodging rooms by two (2).

- (76) **Lot.** A parcel of land having frontage on a public street, or other officially approved means of access, 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 and other open space provisions of this Code as pertaining to the district wherein located.
- (77) **Lot Area.** The lot area is the area of a horizontal plane bounded by the front, side and rear lot lines.
- (78) **Lot, Corner.** A corner lot is a lot of which at least two (2) adjacent sides abut for their full lengths upon a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at its points of beginning within the lot or at the points of intersection of the side lot lines with the street line intersect at an interior angle of less than one hundred thirty-five (135) degrees.
- (79) **Lot Coverage (Residential).** The area of a lot occupied by the principal building or buildings and accessory building.
- (80) **Lot Coverage (Except Residential).** The area of a lot occupied by the principal buildings or buildings and accessory buildings including any driveways, parking areas, loading areas, storage areas and walkways.
- (81) **Lot Depth.** The lot depth is the mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.
- (82) **Lot, Interior.** A lot situated on a single street which is bounded by adjacent lots along each of its other lines and is not a corner lot.
- (83) **Lot Line.** A property boundary line of any lot held in single or separate ownership, except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the abutting street or alley right-of-way line.
- (84) **Lot Line, Front.** The front lot line, in the case of a lot abutting upon only one (1) street, shall mean the line separating such lot from such street. In the case of any other lot, the owner shall, for the purpose of this Chapter, have the privilege of electing any street lot line the front lot line, providing that such choice, in the opinion of the Zoning Administrator, will not be injurious to the existing, or to the desirable future development of the adjacent properties.
- (85) **Lot Line, Rear.** The rear lot line shall mean that lot line which is opposite the most distant from the front lot line. In the case of an irregular, triangular or gore-shaped lot, a line twenty (20) feet in length, entirely within the lot parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining depth of rear yard.
- (86) **Lot Line, Side.** A side lot line shall mean any lot line not a front lot line or a rear lot line.
- (87) **Lot Lines.** Lot lines shall mean the property lines bounding the lot.
- (88) **Lot Lines and Area.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (89) **Lot of Record.** A lot of record is a lot which is part of a subdivision or a certified survey map which has been recorded in the Office of the Register of Deeds of Dane County or a parcel of land, the deed to which was recorded in the Office of

said Register of Deeds prior to the effective date of this Chapter. Any lot or parcel of land created through a violation of any other applicable laws or ordinances of the State of Wisconsin and the Village of Rockdale shall not, in this instance, be considered a lot of record.

- (90) **Lot, Reversed Corner.** A reversed corner lot is a corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.
- (91) **Lot, Substandard.** A parcel of land held in separate ownership having frontage on a public street, or other approved means of access, occupied or intended to be occupied by a principal building or structure, together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas or other open space provisions of this Code as pertaining to the district wherein located.
- (92) **Lot, Through.** A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (93) **Lot Width.** The lot width is the horizontal distance between the side lot lines of a lot, measured at right angles to the lot depth, said measurement to be made at the rear line of the required front yard.
- (94) **Lot, Zoning.** A zoning lot or lots is a single tract of land located within a single block which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, a zoning lot to lots may or may not coincide with a lot of record.
- (95) **Minor Structures.** Any small, movable accessory erection or construction such as birdhouses, tool houses, pet houses, play equipment, arbors and walls and fences under four (4) feet in height.
- (96) **Motel.** A facility offering services of a hotel but where the sleeping rooms are physically arranged so that most have access to outside, adjacent parking areas without passing through the lobby.
- (97) **Nameplate.** A nameplate is a sign indicating the name and address of a building, or the name of an occupant thereof, and the practice of a permitted occupation therein.
- (98) **Nonconforming Building or Structure.** A nonconforming building or structure is any building or structure which:
 - a. Does not comply with all of the regulations of this Chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located; or
 - b. Is designed or intended for a nonconforming use.
- (99) **Nonconforming Use.** A nonconforming use is any use of land, buildings or structures which does not comply with all the regulations of this Chapter or of any amendment hereto governing use for the zoning district in which such use is located.
- (100) **Nonfamily Households.** A group of individuals not exceeding five (5) in number who do not constitute a "family" as defined herein and who live as a single household in a dwelling unit.

- (101) **Nursery School.** A nursery school is a facility licensed as a day care center by the State of Wisconsin where a person or persons provide for compensation and/or consideration for service, group care for four (4) or more children under seven (7) years of age, for less than twenty-four (24) hours a day at a location other than the child's own home or the homes of relatives or guardians.
- (102) **Nursing Home.** An establishment used as a dwelling place by the aged, infirm, chronically ill or incurably afflicted, in which not less than three (3) persons live or are kept or provided for on the premises for compensation, excluding clinics and hospitals and similar institutions devoted to the diagnosis, treatment or the care of the sick or injured.
- (103) **Office for a Professional Person.** An office for a professional person is one in which services are performed by persons engaged in a profession requiring advanced training in a recognized professional specialty and including the fields of religion, architecture, engineering, law, medicine, personal health services and instruction in the liberal or fine arts.
- (104) **Parking Lot.** A structure or premises containing five (5) or more parking spaces open to the public.
- (105) **Parties in Interest.** Includes all abutting property owners, all property owners within one hundred (100) feet, and all property owners of opposite frontages.
- (106) **Professional Office in a Home.** A professional office in a home shall mean the office or studio in his residence or a person engaged in a recognized professional specialty and including the fields of religion, architecture, engineering, law, medicine, personal health services and instruction in the liberal or fine arts, provided that such use shall comply with all of the conditions of a home occupation, except that mechanical equipment customarily appurtenant to said profession may be used, provided no external manifestations thereof are apparent at the property line.
- (107) **Public Way.** A public way is any sidewalk, street, alley, highway or other public thoroughfare.
- (108) **Railroad Right-of-Way.** A railroad right-of-way is a strip of land containing railroad tracks and customary auxiliary facilities for only track operation. For the purpose of this Chapter, a railroad right-of-way does not include land used or intended to be used for switching, spur, lead, team or siding tracks, freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, car yards or classification yards.
- (109) **Retail.** The sale of goods or merchandise in small quantities to the consumer.
- (110) **Roadside Stand.** A roadside stand is a temporary structure which is not permanently affixed to the ground and is readily removable in its entirety, which is used solely for the display or sale of farm products produced on the premises upon which such roadside stand is located. No roadside stand shall be more than three hundred (300) square feet in ground area and there shall not be more than one (1) roadside stand on any one (1) premises.
- (111) **Row House.** A place of abode not more than two (2) stories in height, arranged to accommodate three (3) or more attached living units in which each living unit is separated from the adjoining unit by an unpierced vertical occupancy separation of not less than one (1) hour fire-resistive construction, extending

- from the basement or lowest floor to the underside of the roof boards. Each living unit shall have separate entrances and exits leading directly to the outside.
- (112) **Screening.** Screening is a hedge, wall or fence to provide a visual separator and physical barrier not less than four (4) feet nor more than six (6) feet in height, unless otherwise provided for in this Chapter.
- (113) **Setback.** The minimum horizontal distance between the front lot line and the nearest point of the foundation of that portion of the building to be enclosed. The overhang cornices shall not exceed twenty-four (24) inches. Any overhang of the cornice in excess of twenty-four (24) inches shall be compensated by increasing the setback by an amount equal to the excess of cornice over twenty-four (24) inches. Uncovered steps shall not be included in measuring the setback.
- (114) **Side Yard.** A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.
- (115) **Signs.** Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity or product and which is visible from any public street or highway.
- (116) **Story.** That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having one-half (1/2) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (117) **Story, Half.** That portion of a building under a gable, hip or mansard roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than four and one-half (4-1/2) feet above the finished floor of such story. In the case of one (1) family dwellings, two (2) family dwellings and multi-family dwellings less than three (3) stories in height, a half (1/2) story in a sloping roof shall not be counted as a story for the purposes of this Code.
- (118) **Street.** Property other than an alley or private thoroughfare or travelway which is subject to public easement or right-of-way for use as a thoroughfare and serves as a principal means of access to abutting property.
- (119) **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 street or highway right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) street yards.
- (120) **Structural Alterations.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.
- (121) **Structure.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

- (122) **Temporary Auxiliary Apartment.** A living arrangement that permits an elderly or handicapped person to live in a temporary separate living area within a single-family detached dwelling unit in the R-1 Residential District, or which permits a relative or personal attendant of an elderly or handicapped person to live in a temporary, separate living area within such a dwelling unit. Such living area may contain separate bath and kitchen facilities to permit a degree of independence. Ingress and egress for such a living area may be either from within the principal dwelling unit or from a side or rear entrance.
- (123) **Temporary Structure.** A movable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure, such as billboards.
- (124) **Trailer.** A trailer is any structure which is or may be mounted upon wheels for moving about and is propelled by its own or drawn by other motive power and which is used as a dwelling or as an accessory building or structure in the conduct of a business, trade or occupation or issued for hauling purposes.
- (125) **Usable Open Space.** Usable open space is that part of the ground level of a zoning lot, other than in a required front or corner side yard, which is unoccupied by driveways, drive aisles, service drives, off street parking spaces and/or loading berths and is unobstructed to the sky. This space of minimum prescribed dimension shall be available to all occupants of the building and shall be usable for greenery, drying yards, recreational space, gardening, and other leisure activities normally carried on outdoors. Where and to the extent prescribed in these regulations, balconies and roof areas, designed and improved for outdoor activities, may also be considered as usable open space. The usable open shall be planned as an assemblage or singularly designed area that maximizes the size for open space usage. The only exception to this standard is where the required open space is designed to be part of the individual living units in the form of patios or decks.
- (126) **Use.** The purpose or activity for which the land or building thereof is designed, arranged or intended, or for which it is occupied or maintained.
- (127) **Use, Accessory.** A subordinate building or use which is located on the same lot on which the principal building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use, when permitted by district regulations.
- (128) **Use, Conditional.** A conditional use is a use which, because of its unique or varying characteristics, cannot be properly classified as a permitted use in a particular district. After due consideration, as provided for in this Chapter, of the impact of such use upon neighboring land and of the public need for the particular use at a particular location, such conditional use may or may not be granted.
- (129) **Use, Permitted.** A permitted use is a use which may be lawfully established in a particular district or districts provided it conforms with all requirements and regulations of such district in which such use is located.
- (130) **Use, Principal.** The main use of land or building as distinguished from subordinate or accessory use.

- (131) **Utilities.** Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays and gas regulation stations, inclusive of associated transmission facilities, but not including sewage disposal plants, municipal incinerators, warehouses, shops, storage yards and power plants.
- (132) **Vision Clearance.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line.
- (133) **Yard.** An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except the vegetation. The street and rear yards extend the full width of the lot.
- (134) **Yard, Front.** A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the building. The side where the address is shall be considered the front yard.
- (135) **Yard, Rear.** A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.
- (136) **Yard, Side.** That part of the yard lying between the main building and a side lot line, and extending from the required front yard (or from the front lot line, if there is no required front yard) to the required rear yard.
- (137) **Zero Lot Line.** The concept whereby two (2) respective dwelling units within a building shall be on separate and abutting lots and shall meet on the common property line between them, thereby having zero space between said units.
- (138) **Zoning Permit.** A permit issued by the Zoning Administrator to certify that the use of lands, structures, air and waters subject to this Chapter are or shall be used in accordance with the provisions of said Chapter.