Mineral Point, Wisconsin

CITY OF MINERAL POINT

137 HIGH STREET, SUITE 1
MINERAL POINT, WI 53565
608-987-2361

AGENDA

CITY OF MINERAL POINT PLAN COMMISSION MEETING
Thursday, December 3, 2026, 5:30 PM
City Hall Community Room

1. Call to Order, Roll Call, and Confirmation of Compliance with the Open Meetings Law.
2. Approval of November 5, 2026 Minutes.
3. Discussion and consideration on proposed amendments to the City of Mineral Point Zoning Code.
4. Adjourn.

Agenda Posted and Distributed: Friday, November 20, 2026.

Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/2961469544752010?p=DpaMSrgCFlq6cqJy3t
Meeting ID: 296 146 954 475 201 0
Passcode: mv7fq9bV

Reasonable accommodations for participation in this meeting by persons with disabilities, as defined by the Americans with Disabilities Act, will be made upon request and if feasible. Please contact the City Clerk's office (608-987-2361) at least 24 hours prior to the scheduled meeting so that necessary accommodations can be provided

Mineral Point, Wisconsin

CITY OF MINERAL POINT

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608-987-2361

MINUTES

CITY OF MINERAL POINT PLAN COMMISSION MEETING
Thursday, November 5, 2026, 5:30 PM
City Hall Community Room

CALL TO ORDER/ROLL CALL

Alder Burrows called the meeting to order at 5:33 pm.

Danny Clark, Mayor	Excused	Brian Blanchette	Present
Keith Burrows	Present	Maureen May-Grimm	Present
Alex Ramshur	Present	Jeff Meyer	Present
Tom Johnston	Present		
Others Present: Administrator Maggied, Clerk-Treasurer Skelding			

APPROVAL OF MINUTES – SEPTEMBER 3, 2026 MEETING

Motion (May-Grimm/Ramshur) to approve September 3, 2026, minutes. Motion carried, all voting aye (6-0).

CONSIDERATION OF BREWERY CREEK SUBDIVISION REPLAT REQUESTED BY THE CITY OF MINERAL POINT TO CORRECT MINOR ERRORS IN THE ORIGINAL PLAT OF BREWERY CREEK SUBDIVISION.

Administrator Maggied explained that a preliminary resolution was introduced in September 2026 as the first step in a two-part process to correct minor errors in the original Brewery Creek Subdivision plat. The current request represents the second phase of the process, which involves discontinuing small portions of land affected by the original platting errors and re-platting the property to reflect the corrections. The replat is necessary in conjunction with the discontinuance of these areas.

Motion (May-Grimm/Meyer) to recommend Council approval of the Brewery Creek Subdivision Replat requested by the City of Mineral Point to correct minor errors in the original plat of Brewery Creek Subdivision. Motion carried, all voting aye (6-0).

ADJOURN

Motion (Meyer/May-Grimm) to adjourn at 5:36 pm. Motion carried, all voting aye (6-0).

DRAFT

TITLE XV: LAND USAGE

Chapter

150. BUILDING REGULATIONS
151. HISTORIC PRESERVATION
152. FLOODPLAIN ZONING
153. SUBDIVISIONS
154. ZONING CODE
155. WELLHEAD PROTECTION
156. COMPREHENSIVE PLAN

CHAPTER 150: BUILDING REGULATIONS

Section

150.01 Building Inspector
150.02 State Codes Adopted
150.03 Uniform Dwelling Code
150.04 State Uniform Commercial Building Code Adopted
150.05 Permit Required
150.06 Unsafe Buildings
150.07 Fire Limits
150.08 Uniform Fire Code
150.09 Violations

150.99 Penalty

§ 150.01 BUILDING INSPECTOR.

(A) *Appointment.* The Building Inspector shall be appointed by the Mayor, subject to confirmation by the Common Council, for a term to be determined by contract.

(B) *Compensation.* The Building Inspector shall receive compensation as shall be negotiated by contract.

(C) *Powers and duties.*

(1) *Powers.*

(a) The Building Inspector shall enforce the state codes adopted under § 150.02 and all of the provisions of this chapter and all other ordinances, the administration of which shall be delegated to him or her by the Common Council.

(b) In carrying out his or her powers and duties, the Building Inspector may, at all reasonable times, enter upon public or private premises and make inspections thereof, and he or she may require the production of any building permit required under this chapter or Ch. 154. The Building Inspector is authorized to obtain special inspection warrants as needed to perform his or her duties as provided under Wis. Stat. § 66.0119.

(2) *Duties.*

(a) The Building Inspector shall keep a record of all applications for building permits and mobile home and mobile home park permits.

(b) He or she shall make an annual written report to the Common Council on or before April 1 as requested, giving a general summary of the work of his or her office during the preceding year.

(D) *Qualifications*. The Building Inspector shall be certified by the Division of Safety and Buildings, as specified by Wis. Stats. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector.

Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (Note: Contact the Division of Safety and Buildings at (608) 261-8500 for certification information.)

(1989 Code, § 14.01)(Am. Ord. 15-2020, passed 10-13-2020)

§ 150.02 STATE CODES ADOPTED.

The following provisions of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and made a part of this chapter:

(A) Uniform Dwelling Code - Wis. Adm. Code, Chs. SPS 320-325.

(B) Electrical Code - Wis. Adm. Code, Ch. SPS 316.

(C) Commercial Code-Wis. Adm. Code, Chs. SPS 360-366

(D) Plumbing Code-Wis. Admin. Code, Chs. 381-382

(E) Flammable Liquids Code - Wis. Adm. Code, Ch. ATCP 93 (1989 Code, § 14.02)

(1989 Code, § 14.01, Am. Ord. 15-2020, passed 10-13-2020)

§ 150.03 UNIFORM DWELLING CODE.

(A) *Authority.* These regulations are adopted under the authority granted by Wis. Stats. § 101.65.

(B) *Purpose.* The purpose of this section is to promote the general health, safety and welfare and to supplement the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

(C) *Scope.* The scope of this section includes the construction and inspection of all 1- and 2-family dwellings irrespective of date of construction as well as the construction and inspection of garages and other residential outbuildings and alterations and additions to dwellings.

(D) *Building permit required.* No person shall alter, in excess of $5,000 value within any 12-month period, build, add on to or alter any building within the scope of this section or § 150.02(A) without first obtaining a building permit for the work from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition, as determined by the Building Inspector, is exempt from permit requirements. Residing, reroofing, replacement of windows and doors which does not require modification of existing openings, finishing of interior surfaces and installations of cabinetry shall be exempt from permit requirements. Any addition or alteration, regardless of cost, made to a building shall be made in conformance with the applicable sections and provisions of this section.

(1989 Code, § 14.01)(Am. Ord. 15-2020, passed 10-13-2020)

§ 150.04 STATE UNIFORM COMMERCIAL BUILDING CODE ADOPTED.

(A) *State Code adopted.* The Administrative Code provisions, promulgated by the SPS, describing and defining regulations with respect to commercial buildings in the Wisconsin Administrative Code are hereby

adopted and by reference made a part of this chapter as if fully set forth herein. In addition to any other applicable Administrative Code provisions, Chapters SPS 361-366, Wisconsin Commercial Building Code are specifically incorporated herein. The State Plumbing Code, Chapters SPS 381 and 382, are also made a part of this chapter as if fully set forth herein. The State Electrical Code, Chapter SPS 316, is also made a part of this chapter as if fully set forth herein. Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this chapter to secure uniform statewide regulation of commercial buildings in the City of Mineral Point. A copy of these Administrative Code provisions and any future amendments, revisions or modifications shall be kept on file in the office of the Building Inspector for the City of Mineral Point.

(B) *Scope.* The scope of this section includes the construction and inspection of all commercial buildings irrespective of date of construction as well as the construction and inspection of garages and other residential outbuildings and alterations and additions to dwellings.

(C) *Existing buildings.* The Wisconsin Uniform Commercial Building Code shall also apply to the following buildings and conditions:

(1) An existing building to be occupied as a commercial building, which building was not previously so occupied.

(2) No person shall alter, in excess of $5,000 value within any 12-month period, build, add on to or alter any building within the scope of this section or § 150.02(C) without first obtaining a building permit for the work from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant condition, as determined by the Building Inspector, is exempt from permit requirements. Residing, reroofing, replacement of windows and doors which does not require modification of existing openings, finishing of interior surfaces and installations of cabinetry shall be exempt from permit requirements.

(3) Any addition or alteration, regardless of cost, made to a building shall be made in conformance with the applicable sections and provisions of this section.

(1989 Code, § 14.01)(Am. Ord. 15-2020, passed 10-13-2020)

§ 150.05 PERMIT REQUIRED; FEES.

(A) No building subject to inspection pursuant to this Chapter shall be constructed, enlarged, repaired, or altered without a permit therefore from the Building Inspector.
(1989 Code, § 14.04)(Am. Ord. 735, passed 10-7-2008) Penalty, see § 150.99

(B) *Building permit fees.* The building permit fee shall be determined by resolution of the Common Council.
(Ord. 617, passed 5-1-2000)(Am. Ord. 15-202, passed 10-13-2020) Penalty, see § 150.99

§ 150.06 UNSAFE BUILDINGS.

(A) Whenever the Common Council or officer designated by the Council within the city shall determine that in its judgment any building located within the city is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or

use so that it would be unreasonable to repair the same, it may order the owner of the premises to raze and remove the building or part thereof or, if it can be made safe and sanitary by repairs, to repair and make safe and sanitary the building or to raze and remove the same at the owner's option.

(B) Such findings that a building is unfit for human habitation, occupancy or use shall be made in writing in the form of an order and filed with the City Clerk-Treasurer and, where such determination is made by the Common Council, made a part of the minutes of the meeting at which the finding was made, and the order shall state whether or not the building can be repaired.

(C) (1) Such findings and order shall be communicated to the owner. The order shall specify the time in which the order shall be complied with and, if repairs are ordered to be made, the repairs shall be specified.

(2) The order requiring razing of the building or repair thereof or correction of an unsafe or insanitary condition shall be served upon the owner of record or his or her agent, where an agent is in charge of the building, in the manner provided for service of summons in a circuit court. An order under par. (1) shall be served on the holder of an encumbrance of record by 1st class mail at the holder's last-known address and by publication as a class 1 notice under Ch. 985, Wis. Stats.

(3) If the owner of a building or any encumbrance of record cannot be found, the order may be served by posting on the main entrance of the building and by publishing in the official newspaper of the city 2 consecutive publications at least 10 days before the time limited in the order commences to run. If the owner and the owner's agent cannot be found or if the owner is deceased and an estate has not been opened, the order may be served by posting it on the main entrance of the building and by publishing it as a class 1 notice under Ch. 985, Wis. Stats., before the time limited in the order begins to run. The time limited in the order begins to run from the date of service on the owner or owner's agent or, if the owner and agent cannot be found, from the date that the order was posted on the building.

(D) If a building subject to an order under par. (B) contains personal property or fixtures which will unreasonably interfere with the razing or repair of the building or if the razing makes necessary the removal, sale or destruction of the personal property or fixtures, the building inspector or other designated officer may order in writing the removal of the personal property or fixtures by a date certain. The order shall be served as provided in par. (C). If the personal property or fixtures are not removed by the time specified the inspector may store, sell or, if it has no appreciable value, destroy the personal property or fixture. If the property is stored the amount paid for storage is a lien against the property and against the real estate and, to the extent that the amount is not reimbursed under Wis. Stat. § 632.103 (2) from funds withheld from an insurance settlement, shall be assessed and collected as a special tax against the real estate if the real estate is owned by the owner of the personal property and fixtures. If the property is stored the owner of the property, if known, shall be notified of the place of storage and if the property is not claimed by the owner it may be sold at the expiration of 6 months after it has been stored. The handling of the sale and the distribution of the net proceeds after deducting the cost of storage and any other costs shall be as specified in par. (F) and, when required, a report made to the circuit court as specified in par. (F).

(E) If the owner shall fail or refuse to comply within the time prescribed in the order, the Common Council, or other designated officer, shall cause the building or part thereof to be razed and removed in the manner specified in Wis. Stat. § 66.0413.

(F) If an order to raze a building has been issued, the governing body or other designated officer under

the contract or arrangement to raze the building may sell the salvage and valuable materials at the highest price obtainable. The net proceeds of the sale, after deducting the expenses of razing the building, shall be promptly remitted to the circuit court with a report of the sale or transaction, including the items of expense and the amounts deducted, for the use of any person entitled to the net proceeds, subject to the order of the court. If there remains no surplus to be turned over to the court, the report shall so state.

(G) If the building or part thereof is insanitary and unfit for human habitation, occupancy and use and is not in danger of structural collapse, the Building Inspector or other officer designated by the Common Council shall post a placard on the premises containing the following words: "This building cannot be used for human habitation, occupancy or use." The Building Inspector or other designated officer shall prohibit the use of the building for human habitation, occupancy or use until the necessary repairs have been made. Any person who shall rent, lease or occupy a building which has been condemned for human habitation, occupancy or use shall be subject to a forfeiture of not less than $5 nor more than $50 for each week of the violation or part thereof.

(H) A person affected by any order made under this paragraph may appeal as provided in Wis. Stat. § 66.0413((1)(h).

(I) Wis. Stat. § 66.0413, so far as it is applicable, is hereby made a part of this section. Nothing in this section shall preclude the City from taking action against unsafe buildings under any other applicable statute or ordinance.

(1989 Code, § 14.01)(Am. Ord. 15-2020, passed 10-13-2020)

§ 150.07 FIRE LIMITS.

(A) *Fire limits described.* All that part of the City of Mineral Point which is embraced within the following limits shall be known as the fire limits, to-wit: The B-C Central Business District under the Zoning Code.

(B) *Definitions.* The terms fire-resistive construction, mill construction, ordinary construction, frame construction and fire-retardant roof covering shall have the meaning as defined in Wis. Adm. Code, SPS §§ 375.02, 375.03, 375.04, 375.05 and 375.07.

(C) *Regulations within fire districts.*

(1) *Requirements.* Every building hereafter erected, remodeled, altered, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this chapter. Enclosing walls, division walls and party walls shall be of 1-hour fire-resistive walls in an existing building enlarged, altered or remodeled after the effective date of this code and of 4-hour fire-resistive walls in buildings erected or moved in the fire district after the effective date of this code, as provided in Wis. Adm. Code SPS § 375.08, which is hereby made a part of this chapter with respect to all buildings and structures within the fire district. No building of frame construction shall hereafter be built within or moved into the fire district.

(2) *Exceptions.* No building of frame construction shall be constructed within the fire district except the following, and no such building or structure shall be located within 5 feet of any lot line or structure:

(a) Temporary 1-story frame buildings for use of builders;

(b) One-story sheds not over 15 feet high, open on the long side and with an area not exceeding 500 square feet. A wooden fence shall not form the back or side of such sheds;

(c) Greenhouses not more than 15 feet in height; and

(d) Private garages for not more than 2 noncommercial automobiles, if not over 15 feet high and not more than 250 square feet in area, having exterior walls of metal, concrete or masonry, located on the same lot with a dwelling.

(D) *Fire retardant roofing.*

(1) Every roof hereafter constructed within the fire district, including buildings listed in division (C) above, shall be covered with a roofing having a fire-resistive rating equivalent to Class B or better of the Underwriters Laboratories, Inc., classification.

(2) No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of division (D)(1) of this section.

(1989 Code, § 14.01)(Am. Ord. 15-2020, passed 10-13-2020)

§ 150.08 UNIFORM FIRE CODE.

(A) Wisconsin Statute section 101.14, Wisconsin Administrative Code Chapters SPS 314 and 330 and NFPA 1 Uniform Fire Code and documents adopted by Chapter 2 thereof, copies of which are on file and are open to inspection by the public in the office of the City Clerk/Treasurer, are hereby and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance takes effect, the provisions thereof shall be controlling within the limits of the City of Mineral Point. The same are hereby adopted as the Fire Code of the City of Mineral Point, for the purpose of prescribing regulations governing conditions hazardous to life or property from fire or explosion and for providing for issuance of permits, collection of fees, and issuance of citations.

(B) The Fire Chief shall hold the office of Fire Inspector, pursuant to § 101.14, Wis. Stats., and shall also fill the duties of such position as prescribed in that statute and this Fire Code. The Fire Chief shall have the authority to appoint one or more deputies, who shall have the same powers and fulfill the duties of Fire Inspector as prescribed in this Fire Code.

(Ord. 729, passed 5-6-2008)(Am. Ord. 744, passed 12-7-2010)(Am. Ord. 15-2020, passed 10-13-2020)

§ 150.09 VIOLATIONS.

(A) Any person who shall violate any provision of this chapter or standard hereby adopted or fail to comply therewith; or who shall violate or fail to comply with any order made thereunder; or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder; or fail to operate in accordance with any certificate or permission issued hereunder; and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by a court

of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and non-compliance, respectively, shall be subject to a forfeiture as provided under § 150.99. The imposition of a forfeiture for any one violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions; each day that the prohibited condition is maintained shall constitute a separate offense.

(B) Nothing in this ordinance shall be construed to limit the authority of the Building Inspector, Fire Chief, Police Chief or their deputies or designees to enforce this chapter by means of seeking injunctive relief, enforcing laws or ordinances prohibiting public nuisances or withholding building permits or withdrawing building permits by means of a stop work order.

(C) Each day of noncompliance with any of the provisions of this chapter constitutes a separate violation.

§ 150.99 PENALTY.

The forfeiture for violations of this chapter shall be not less than $25 nor more than $100 for each day of noncompliance.
(1989 Code, § 14.03) (Am. Ord. 371, passed - -)(Am. Ord. 617, passed 5-1-2000)(Am. Ord. 15-202, passed 10-13-2020)

CHAPTER 151: HISTORIC PRESERVATION

Section

151.01 ~~Purpose and intent~~Intent and purpose
151.02 Definitions
151.03 Historic Preservation Commission
~~151.03~~151.04 Local landmark and district designation
~~151.04~~151.05 Certificate of Appropriateness ~~P~~procedures
151.06 ~~Conformance with regulations~~Compliance
151.07 Economic hardship
~~151.05~~151.08 Emergency action
~~151.06 Maintenance of landmarks, landmark sites and historic districts~~
~~151.07 Conditions dangerous to life, health or property~~

151.99 Penalty

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§ 151.01 ~~PURPOSE AND~~ INTENT AND PURPOSE.

~~(A)~~ *Intent.* *It* is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements of special character or special historical interest or value is a public necessity and is required in the interest of health, prosperity, safety and welfare of the people.

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(A)

(B) *Purpose.* As an exercise of the city's zoning and police powers for the purpose of promoting the public health, safety, and general welfare, and pursuant to the authority granted under Wisconsin Statutes, the purpose of this chapter is to:

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(1) Realize the preservation and rehabilitation of structures and sites which represent or reflect elements of the city's cultural, social, economic, political, archaeological, and architectural heritage;

(2) Safeguard the city's historic and cultural heritage, as embodied and reflected in historic resources, which constitute an important and irreplaceable part of the city's identity;

(3) Promote the use of historic properties for education, inspiration, and economic benefit;

(4) Encourage the preservation, rehabilitation, and continued use of historic properties in a manner that strengthens the city's sense of place and contributes to its economic vitality; and

(5) Foster civic pride in the accomplishments of past generations by recognizing, preserving, and promoting resources that illustrate the city's historical development, and by educating the public about the value of historic preservation and the community's shared heritage.

(6) Ensure that preservation is an integral part of community planning and development for the benefit of present and future generations.

~~(B) The purpose of this chapter is to:~~

~~(1) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;~~

~~(2) Safeguard the city's historic and cultural heritage as embodied and reflected in such~~

~~landmarks and historic districts;~~

~~(3) Stabilize and improve property values;~~

~~(4) Foster civic pride in the beauty and noble accomplishments of the past;~~

~~(5) Protect and enhance the city's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry;~~

~~(6) Strengthen the economy of the city; and~~

~~(7) Promote the use of historic districts and landmarks for the education, pleasure and welfare of the people of the city.~~

(1989 Code, § 28.01)

§ 151.02 DEFINITIONS.

The following definitions shall apply to this chapter.

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

CERTIFICATE OF APPROPRIATENESS *("COA")*. A document issued by the Commission approving alteration or modification of exterior features, construction, demolition, or placement of signs affecting a Local Landmark or property within a Local Historic District. A COA certifies that proposed work complies with the guidelines of this chapter. A COA is a prerequisite to issuance of a building permit, when applicable.~~A certificate issued by the Historic Preservation Commission indicating that new construction, alterations or demolition to any landmark, landmark site or structure located within the Historic District is in accordance with the standards and requirements of § 151.03(C)(2). Such a certificate must first be obtained prior to the issuance of a building permit for the above stated purposes.~~

COMMISSION. The Historic Preservation Commission established under this chapter and serving as the city's local landmarks commission pursuant to Wisconsin statutes.~~created under this chapter.~~

DEMOLITION BY NEGLECT. The deterioration of a Local Landmark or property within a Local Historic District resulting from the failure of the owner or responsible party to provide ordinary maintenance and repair, where such neglect threatens or leads to structural instability, loss of historic integrity, or eventual demolition. This term includes the failure to correct conditions such as weather infiltration, structural damage, or other deficiencies that, if left unaddressed, will result in substantial impairment or loss of the property.

EXTERIOR FEATURE. Architectural elements which are visible from a public way including, but not limited to, windows, doors, roofing, chimneys, siding, trim, cladding, decks, porches, patios, balconies, fences, landscaping, walkways, railings, signs, and decorative details including, but not limited to, columns, cornices, pediments, brackets, lighting fixtures, moldings, and shutters.

LOCAL HISTORIC DISTRICT. A geographically defined area designated under this chapter. Properties within a Local Historic District are subject to regulation under this chapter to preserve their

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historic character.~~An area designated by the Commission which contains one or more landmarks or landmark sites, as well as those abutting improvement parcels which the Commission determines should fall under the provisions of this chapter to assure that their appearance and development is harmonious with such landmarks or landmark sites. District boundaries are shown on the city official zoning map.~~

~~***IMPROVEMENT.*** Any building, structure, place, work of art or other object constituting a physical betterment of real property or any part of such betterment.~~

~~***IMPROVEMENT PARCEL.*** The unit of property which includes a physical betterment constituting an improvement and the land embracing the site thereof and is treated as a single entity for the purpose of levying real estate taxes; provided, however, that the term ***IMPROVEMENT PARCEL*** shall also include any unimproved area of land which is treated as a single entity for such tax purposes.~~

LOCAL LANDMARK. A property designated under this chapter that possesses historic, archaeological, or aesthetic significance in the development, heritage, or cultural characteristics of the city, state, or nation. A Local Landmark is subject to regulation under this chapter to preserve its historic character~~Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the city, state or nation and which has been designated as a ***LANDMARK*** pursuant to the provisions of this chapter~~.

NATIONAL REGISTER OF HISTORIC PLACES *("NRHP").* An official list of properties maintained by the National Park Service, which are recognized for their historical, architectural, archaeological, or cultural significance, and deemed worthy of preservation. Properties are classified as either contributing, which add to the historic significance, integrity, or character of the district, or as non-contributing property, which does not add to the historic significance because it was constructed outside the period of significance or has been altered to the extent that it no longer retains its historic integrity.

PRESERVATION. The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

PROPERTY. A unit of real property treated as a single entity for the purpose of levying real estate taxes, including the land (i.e., the site) and any improvement including, but not limited to, any building, structure, or other object constituting a physical betterment of the land. Property includes unimproved land when treated as a single entity for such tax purposes.

REHABILITATION. The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.

~~***LANDMARK SITE.*** Any parcel of land of historic significance due to a substantial value in tracing the history of aboriginal man or upon which an historic event has occurred and which has been designated as a ***LANDMARK SITE*** under this chapter, or an improvement parcel or part thereof on which is situated a landmark and any abutting improvement parcel or part thereof used as and constituting part~~

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~~of the premises on which the landmark is situated.~~
(1989 Code, § 28.02)

§ 151.03 HISTORIC PRESERVATION COMMISSION

(C) *Composition*. The Commission shall consist of seven members: one Alderperson and six city residents with an interest in historic preservation. At least one member shall have expertise in history, archaeology, architectural history, architecture, or historic architecture.

(D) *Appointment*. Members shall be appointed by the Mayor, subject to confirmation by the Common Council, for three-year terms. Appointments should reflect diverse backgrounds, skills, and experience.

(E) *Chair*. The Commission shall select a Chair from its members, who shall preside over meetings and ensure the orderly conduct of Commission business. The Chair shall provide an annual report of activities to the Common Council.

(F) *Two-Person Committee*. The Chair may appoint a two-person committee from the Commission to act on COA applications as provided under this chapter. The committee shall report its actions to the Commission.

(G) *Ad Hoc Committees*. The Chair may appoint ad hoc committees to consider specific matters and report recommendations to the Commission. Each committee shall include at least one Commission member.

(H) *Authority*. The Commission shall exercise the authority granted under this chapter. Final decisions of the Commission may be appealed to the Common Council as provided in this chapter.

(I) *Additional duties*. The Commission shall:

(1) Promote public education regarding the city's historic resources and benefits of preservation, and make available preservation information and information about the work of the Commission.

(2) Encourage property owners to utilize available historic preservation tax credits.

(3) Maintain the city's eligibility as a Certified Local Government under Wisconsin Statutes.

(4) Work with the State Historic Preservation Officer to nominate eligible properties to the National and State Registers of Historic Places.

(5) Review this chapter at least every five years and recommend revisions to the Common Council.

(6) Ensure that a citywide intensive architectural survey is conducted at least every 30 years by a qualified architectural historian and assist in implementing its recommendations, including updates to NRHP property classifications as contributing or non-contributing.

(7) Recommend acceptance of donations, grants, or other funding for historic preservation which shall be administered by the city and placed in a restricted account for that purpose.

(J) *Records.* Records of applications for Certificates of Appropriateness, including supporting materials, determinations, and related documentation, shall be maintained in accordance with applicable legal recordkeeping requirements and shall become part of the permanent property records maintained by the City.

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(A) *Composition and terms.* An Historic Preservation Commission is hereby created, consisting of 7 members. Of the membership, 1 shall be an Alderperson, and the remaining six members shall be citizen members who shall demonstrate interest, experience, and/or expertise in any or all of the following areas: architecture, architectural history, history, public history, planning, real estate, archeology, landscape architecture, cultural anthropology, conversation, or any other closely related field. Each member shall have to the highest extent practicable a known interest in historic preservation, and if possible at least one shall be an architect or qualified historic preservation professional and one shall be a real estate broker. The Mayor shall appoint the members whose backgrounds are diverse from the other members. The Mayor shall appoint the members subject to confirmation by the Common Council. Of the initial members so appointed, two shall serve a term of 1 year, two shall serve a term of 2 years and three shall serve a term of 3 years. Thereafter, the term for each member shall be 3 years.

(Am. Ord. 2025-09, passed 3-11-2025)

(B) *Designation criteria for landmarks and landmark sites.*

(1) For the purposes of this chapter, a landmark or landmark site designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural or cultural significance to the city, such as historic structures or sites which:

(a) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community;

(b) Are identified with historic personages or with important events in national, state or local history;

(c) Embody the distinguishing characteristics of an architectural type specimen inherently valuable for a study of a period, style, method of construction or of indigenous materials or craftsmanship; or

(d) Are representative of the notable work of a master builder, designer or architect whose individual genius influenced his or her age.

(2) The Commission may adopt specific operating guidelines for landmark and landmark site designation, provided such are in conformance with the provisions of this section.

(C) *Powers and duties.*

(1) Designation. The Commission shall have the power, subject to § 151.04, to designate landmarks, landmark sites and historic districts within the city limits. These designations shall be made based upon division (B) above. Once designated by the Commission, the landmarks, landmark sites and historic districts shall be subject to all the provisions of this section. The Common Council has final authority over all actions of the Commission, especially those being disputed or of a controversial nature.

(2) Regulation of construction and alteration.

(a) Any alteration or modification to designated landmarks, landmark sites or structures within the historic district of the city which seeks to remove architectural features, change window sashes, modify sidings or roofs or involves other changes, including the placement

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~~of signs, regardless of cost, shall first require a certificate of appropriateness from the Commission.~~

~~(b) In addition to division (C)(2)(a) above, no owner or person in charge of a landmark, landmark site or improvement in an historic district shall alter or reconstruct all or any part of the exterior of such property, construct any improvement upon any such designated property or cause or permit any such work to be performed upon the property, unless a certificate of appropriateness has been granted by the Commission. These exterior improvements pertain not only to the building structure, but to improvements to the property, and include but are not limited to the construction, alteration or modification of fences, walls and other such visible incidentals. Without such a certificate, a zoning permit shall not be issued and the proposed alteration or modification shall not be permitted.~~

~~(c) In reviewing applications for alterations or modifications, the Commission shall require complete and clear drawings and specifications of the work to be accomplished to be furnished by the applicant and use the following criteria upon which to base its decision of granting a certificate of appropriateness:~~

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~~*1. General review criteria.*~~

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~~*a.* Every reasonable effort shall be made to provide a compatible use for a property which requires alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.~~

~~*b.* The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.~~

~~*c.* All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.~~

~~*d.* Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.~~

~~*e.* Distinctive stylistic features or examples of skilled craftsmanship which characterizes a building, structure or site shall be treated with sensitivity.~~

~~*f.* Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than as conjectural designs or availability of different architectural elements from other buildings or structures.~~

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

h. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when the alterations and additions do not destroy significant historical, architectural or cultural material and the design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

j. Whenever possible, new additions or alterations to structures shall be done in such a manner that if the additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

2. *Specific review criteria.*

a. Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in the historic district.

b. Proportions of windows and doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within the historic district.

c. Relationship of building masses and spaces. The relationship of a structure within the historic district to the open space between it and adjoining structures should be compatible.

d. Roof shape. The design of the roof should be compatible with the architectural style and character of the landmarks and surrounding structures in the historic district.

e. Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmarks and of surrounding structures and landscapes in the historic district.

f. Scale. The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures in the historic district.

g. Directional expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in the historic district should be compatible with dominant horizontal or vertical expression of surrounding structures. The directional expressions of a landmark after alteration, construction or partial demolition should be compatible with the original architectural style or character of a landmark in the historic district.

h. Architectural details. Architectural details, including materials, colors and

textures, should be treated so as to make a landmark compatible with the original architectural style or character of a landmark in the historic district.

(d) Upon the filing of an application with the Commission and payment of a fee as set forth in the City's fee schedule, the Commission shall determine:

1. Whether in the case of a landmark the proposed work would change, destroy or affect any exterior architectural feature of the improvement upon which the work is to be done; and

2. Whether in the case of construction of a new improvement the exterior of the improvement would affect or not harmonize with the external appearance of other neighboring improvements on the site or in the district.

(Am. Ord. 670, passed 1-4-2005)(Am. Ord. 01-2021, passed 1-12-2021)

(e) If the Commission determines division (d) above in the negative, it shall approve the certificate, otherwise it shall deny the request for approval. Tie Commission shall make this decision within 30 days after the filing of the application. Nothing contained herein shall be deemed to prevent the appeal of such denial to the Circuit Court. The Certificate of Appropriateness shall expire within six (6) months of the date of issuance unless substantial work has commenced.
(Am. Ord. 738, passed 6-2-2009)

(f) If the Commission denies the request for a certificate of appropriateness, the Commission and the applicant shall cooperate and work together for a period of up to 6 months following the date of the initial application to find a mutually agreeable method of completing the proposed work. At any time during the 6 month period, if no such mutually agreeable method is determined and both parties appear to be deadlocked on the issue, the applicant may appeal the decision of the Commission to the Common Council, which may grant a certificate of appropriateness by a 3/4 majority vote of all members in favor. At the time the Common Council hears the appeal, both the applicant and representatives from the Historic Preservation Commission shall be present to state their case and justify their actions.

(g) The Commission shall from time to time appoint from its members a committee of 2 who shall be notified by the City Clerk-Treasurer of all requests for application for certificates of appropriateness. That committee shall determine whether or not the request is of sufficient significance to be decided by the full Commission. If the committee determines that it is not of such significance, it will decide the matter and, if approved, will direct that a certificate of appropriateness be issued without further action. If such committee determines that a matter is of sufficient significance to be heard by the full Commission, it will notify both the applicant and the City Clerk-Treasurer of the decision. Thereupon, all of the provisions of this chapter relative to applications for certificates of appropriateness shall apply. If a request is decided by the committee against the applicant, the applicant can request a hearing by the full Commission within 30 days from the date of the committee's decision. The committee shall make a full report of its actions at each meeting of the Commission.
(Ord. 445, passed - -)

(3) Regulation of demolition. No permit to demolish all or part of a landmark or improvement

in an historic district shall be granted by the Building Inspector, except as follows:

(a) No person in charge of a landmark or improvement in an historic district shall be granted a permit to demolish the property without written approval of the Commission.

(b) At the time as such person applies for a permit to demolish the property, the application shall be filed with the Commission. Upon such application, the Commission may refuse to grant written approval for a period of up to 6 months from the time of the application, during which time the Commission and applicant shall undertake serious and continuing discussions for the purpose of finding a method to save the property. During this period, the applicant and the Commission shall cooperate in attempting to avoid demolition of the property. At any time during this 6-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, if both parties appear to be deadlocked on the issue, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the applicant may appeal the decision of the Commission to the Common Council, which may grant a permit to demolish the subject property by a 3/4 majority vote of all members in favor. At the time the Common Council hears the appeal, both the applicant and representatives from the Historic Preservation Commission shall be present to state their case and justify their actions.

(4) Recognition of landmarks and landmark sites. At such time as a landmark or landmark site has been properly designated in accordance with division (B) of this section and § 151.04, the Commission may, in consultation with the owner and, if he or she is agreeable, cause to be prepared and erected on the property at city expense a suitable plaque declaring that the property is a landmark or landmark site. The plaque shall be so placed as to be easily visible to passing pedestrians. In the case of a landmark, the plaque shall state the accepted name of the landmark, the date of its construction and other information deemed proper by the Commission. In the case of a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site and such other information deemed appropriate by the Commission.

(5) Sale of landmarks and landmark sites. Any party who is listed as the owner of record of a landmark site at the time of its designation, who can demonstrate to the Commission that by virtue of that designation he or she is unable to find a buyer willing to preserve the landmark or landmark site even though he or she has made reasonable attempts in good faith to find and attract such a buyer, may petition the Commission for rescission of its designation. Following the filing of the petition with the secretary of the Commission:

(a) The owner and the Commission shall work together in good faith to locate a buyer for the subject property who is willing to abide by its designation.

(b) If at the end of a period not exceeding 6 months from the date of the petition no such buyer can be found and if the owner still desires to obtain the rescission, the Commission shall rescind its designation of the subject property.

(c) In the event of such rescission, the Commission shall notify the City Clerk-Treasurer, Building Inspector and the City Assessor of same and shall cause the same to be recorded at its own expense in the office of the Iowa County Register of Deeds.

(d) Following any such rescission, the Commission may redesignate the subject property a landmark or landmark site at any time thereafter it is petitioned to do so by the property owner.

(6) Regulation of signs. The Commission shall be responsible for the regulation of signs within the historic district. Prior to construction and/or placement, all signs proposed for the historic district shall first be granted a certificate of appropriateness to be issued by the Commission. Signs occurring in the historic district shall be subject to the provisions of Ch. 154 of this municipal code and shall conform to the specific regulations of the zoning district upon which the historic district overlays. The application fee for the certificate of appropriateness shall be as set forth in the City's fee schedule.
(Am. Ord. 670, passed 1-4-2005)(Am. Ord. 1-2021, passed 1-12-2021)

(7) Other duties. In addition to those duties already specified in this section, the Commission shall:

(a) Encourage property owners to make use of available tax credits to sites it has designated under the provisions of this section in order to encourage landmark owners to assist in carrying out the intent of this chapter.

(b) Work closely with the State Historic Preservation Officer (SHPO) in order to include those eligible properties outside the existing National Register Historic District to be included on the National Register of Historic Places.

(c) Continue to fulfill the requirements necessary to maintain the city's eligibility as a certified local government as long as the designation continues in effect.

(d) Conduct an intensive architectural survey of all property in the city to be carried out by a qualified architectural historian. Such a survey shall identify all significant historical properties in the city and shall serve as a basis for creating a plan whose primary intent is to manage the city's historic resources. The development of such a plan shall also be the responsibility of the Commission or the qualified person or firm it designates. Implementation of the plan, together with periodic updates, shall be the responsibility of the Commission.

(e) Work for the continuing education of the citizens of the city about the historic heritage of this city and the landmarks and landmark sites designated under the provisions of this section. Emphasis should also be placed on the economic benefits of historic preservation to the community.

(f) As it deems it advisable, receive and solicit funds for the purpose of landmarks preservation in the city. These funds shall be placed in a special city account for that purpose.

(g) The Historic Preservation Commission shall review this chapter no less often than every 5 years. Any revisions or additions deemed logical or necessary shall be submitted to the Common Council with a recommendation for formal adoption into this chapter. In addition, the Commission shall periodically report its activities to the Common Council at a regularly scheduled Council meeting.

~~(h) Appropriate preservation booklets and articles prepared by the Commission shall be made available for public distribution. Such material shall contain the city ordinances and codes applicable to preservation, instructions on how to work with these codes and ordinances, a list of city officials and members of the Historic Preservation Commission and other pertinent data, forms and instructions.~~

~~(i) The mayor may appoint, with the approval of the city council, a Commissioner of the Historic District who shall be notified by the City Clerk-Treasurer of all requests for certificates of appropriateness. The Commissioner shall determine whether or not an application for a certificate of appropriateness is of sufficient importance to be decided by the full Historic Preservation Commission or a two-person committee of the Historic Preservation Commission. If the application does not rise to the level of significance to be decided by the full Historic Preservation Commission or a two-person committee of the Historic Preservation Commission, the Commissioner may decide the matter, and if approved, will direct that a certificate of appropriateness be issued without further action.~~

(1989 Code, § 28.03)(Am. Ord. 776, passed 3-14-2016)

§ 151.04 LOCAL LANDMARK AND DISTRICT DESIGNATION~~PROCEDURES~~.

(A) *Authority*. The Commission may designate Local Landmarks and Local Historic Districts within the city whose properties so designated shall be subject to the provisions of this chapter.

(B) Designation Criteria.

(1) *Local Landmarks*. A property may be designated a Local Landmark if it:

(a) Is a contributing property to the NRHP or listed on the State Register of Historic Places;

(b) Reflects the cultural, political, economic, or social history of the community, state, or nation;

(c) Is associated with a person or event with historic significance;

(d) Has exterior features which embody distinctive characteristics of a type, period, style, method of construction, or craftsmanship; or,

(e) Represents the work of a master builder, designer, or architect.

(2) *Local Historic Districts*. A geographically defined area may be designated a Local Historic District if it contains a concentration of properties which:

(a) Are Local Landmarks, contributing properties or are eligible for listing on the NRHP, or listed on the State Register of Historic Places;

(b) Are associated with a person or event with historical significance; or,

(c) Possess a unified architectural or historical character.

(C) *Nomination Procedure.* A nomination for designating a Local Landmark or Local Historic District may be made to the Commission or by the Commission. A nomination for modification of a designated Local Historic District may be made to the Commission. Such nomination shall include a detailed property description, a

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statement of significance which assesses how a nominee is eligible under designation criteria, a statement indicating whether the property owner consents to the nomination, and other documentation supporting a reasoned argument of designation.

(D) *Designation Procedure.*

(1) The Commission shall hold a public hearing prior to designation or rescission.

(2) Notice of the hearing shall be provided at least 10 days in advance to the owner of the subject property, to property owners within 200 feet, and shall be published as a Class 1 notice under Wisconsin Statutes.

(3) Following the hearing, the Commission may designate the nominee as a Local Landmark, designate a Local Historic District, modify a Local Historic District, or rescind such designation.

(4) Written notice of any designation shall be provided to the property owner, city Clerk-Treasurer, Assessor, and the State Historical Society.

(E) *Recording and Zoning*. Local Landmark or Local Historic District designation and modification shall be recorded with the Iowa County Register of Deeds. The Commission shall notify the Common Council so the property may be appropriately zoned in accordance with this code.

(F) *Recognition and Preservation Agreements.* The property owner may install a plaque identifying the property as a Local Landmark. The Commission may enter into voluntary preservation agreements or restrictive covenants with property owners, which shall be recorded with the Register of Deeds.

(G) *Rescission of Designation.*

(1) The Commission may consider rescinding a Local Landmark designation if it determines that:

(a) The property has deteriorated to the extent it no longer retains the historic integrity necessary to meet eligibility criteria for listing in the National Register of Historic Places; or

(b) New or previously unavailable information demonstrates the property no longer satisfies criteria upon which the designation was originally based.

(2) The Commission may consider amending a Local Historic District designation if it determines that new information demonstrates an area of the district no longer satisfies criteria upon which the designation was originally based. Notice of the hearing shall be provided as required for designation.

(3) If rescinded, the Commission shall notify the city Clerk-Treasurer, Assessor, State Historical Society, Iowa County Register of Deeds, and the Common Council.

~~*(4) Designation of landmarks, landmark sites and historic districts.* The Commission may, after notice and public hearing, establish landmarks, landmark sites and historic districts or rescind such designation after application of the criteria in § 151.03(B). At least 10 days prior to the hearing, the Commission shall notify the owners of record as listed in the office of the City Assessor, who are owners of~~

~~property situated, in whole or in part, within 200 feet of the boundaries of the property affected. Notice of the hearing shall also be published as a Class 1 notice under the Wisconsin Statutes. The Commission shall then conduct the public hearing and, in addition to the notified persons, may hear expert witnesses and shall have the power to subpoena any witnesses and records as it deems necessary. The Commission~~

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~~may conduct an independent investigation into the proposed designation or rescission. Within 10 days after the close of the public hearing, the Commission may designate the property as either a landmark, a landmark site or include it in an historic district or rescind the designation. After the designation or rescission has been made, notification shall be sent to the property owner or owners and to such other persons as appeared at the public hearing. Notification shall also be given to the City Clerk-Treasurer, Building Inspector and the City Assessor. The Commission shall cause such designation or rescission to be recorded at city expense in the office of the Iowa County Register of Deeds.~~

~~*(B) Petition for a historic zone.* Following the designation of each historic landmark or landmark site, the Commission shall petition the Common Council for a rezoning of each such property from its original zoning classification to Special District H as permitted in Ch. 154 of this municipal code.~~

~~*(C) Voluntary restrictive covenants.* The owner of any landmark or landmark site may at any time following such designation of his or her property enter into a restrictive covenant on the subject property after negotiation with the Commission. The Commission may assist the owner in preparing the covenant in the interest of preserving the landmark or landmark site and the owner shall record the covenant in the office of the Iowa County Register of Deeds and shall notify the City Assessor of the covenant and the conditions thereof.~~

(1989 Code, § 28.04)

§ 151.05 CERTIFICATE OF APPROPRIATENESS PROCEDURES ~~CONFORMANCE WITH REGULATIONS~~.

(A) *Requirement.* A COA shall be required for exterior alteration, modification or demolition of buildings designated under the provisions of this chapter, new construction on a Local Landmark site or in a Local Historic District, or placement of signage affecting such landmark or historic district property.

(B) *Ordinary Maintenance Exemption*. The provisions of this section shall not apply to ordinary maintenance and repair. Ordinary maintenance and repair includes work that corrects deterioration, decay, or wear and tear by repair, cleaning, stabilization, or replacement in kind, where the work does not involve a material change in exterior appearance, architectural features, historic character, or historic materials. Typical examples of ordinary maintenance include repainting previously painted surfaces, cleaning gutters, replacing broken window glass without changing sash or design, repairing existing roofing with matching materials, caulking, weatherstripping, repairing existing wood siding with matching materials, mechanical, electrical, or plumbing repairs not affecting historic features and routine landscaping and lawn care. Work that is not usually considered ordinary maintenance includes removing or replacing historic windows, changing siding materials, altering roof shape or materials, additions or new construction, demolition, changes to architectural details, and installing visible modern elements that alter appearance.

(C) *Pre-Application Consultation*. Prior to applying for a COA, an applicant is encouraged to consult with city staff, the Commission Chair, or a member of the Commission to discuss the proposed work and applicable guidelines. Consultation may assist applicants in preparing applications but does not constitute formal review or approval of the application under this chapter.

(D) *Application*. Applications shall be filed with the City Clerk on forms prescribed by the Commission and shall include drawings, specifications, or other information reasonably necessary for the Commission's review. The Common Council may establish a filing fee.

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(E) *Demolition.* No Local Landmark or property within a Local Historic District may be razed unless the City complies with the notice requirements pursuant to Wis. Stat. § 66.0413(3)(c). No raze order shall be issued by the City for demolition of a Local Landmark or a property within a Local Historic District without Commission review and recommendation. No permit to raze shall be issued for demolition of a Local Landmark or property within a Local Historic District without Commission approval. If the Commission does not approve the permit to raze, the applicant may appeal to the Common Council, which may authorize issuance of a permit to raze by a majority vote.

(F) *Signs.* Signs within a Local Historic District require a COA in addition to complying with the sign and zoning regulations under this code.

(G) *Review*.

(1) The Chair shall review the application and request additional information if the submission is incomplete or lacks sufficient detail for consideration.

(2) The Chair shall refer the application to the two-person committee or place it on the agenda of the next Commission meeting.

(3) The two-person committee may approve a COA for minor work, as defined by the Commission, within 10 days of receipt of a complete application or refer the application to the Commission. The committee shall not deny an application.

(4) The Commission shall act within 30 days of:

(a) filing of a complete COA application;

(b) referral from the two-person committee; or

(c) receipt of additional information requested to complete the application.

(H) *Standards for review*. In reviewing applications, the Commission shall use the *Secretary of the Interior's Standards for the Treatment of Historic Properties,* as published by the National Park Service, as guidance. The Commission shall approve only work that is compatible with the historic character of the property and its surroundings and does not substantially impair the property's historic integrity.

(I) *Design Guidelines*. The Commission may prepare design guidelines to assist property owners. Such guidelines shall be consistent with this chapter and the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as published by the National Park Service. Design guidelines shall be advisory and shall not have the force of law.

(J) *Determination*. After its review, the Commission may decide to:

(1) issue a Certificate of Appropriateness;

(2) request modifications to the application, including submission of additional information; or

(3) deny the application. If denied, the Commission and applicant may continue to work toward a mutually acceptable solution for up to six months.

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(K) *Appeal*. An applicant may appeal a denial to the Common Council. The Council may reverse the decision and issue a COA by a majority vote of its members.

~~Every person in charge of any landmark, landmark site or improvement in an historic district shall maintain same or cause or permit it to be maintained in a condition consistent with the provisions of this section.~~

(1989 Code, § 28.05)

§ 151.06 ~~MAINTENANCE OF LANDMARKS, LANDMARK SITES AND HISTORIC DISTRICTS~~COMPLIANCE.

(A) *Compliance.* Every owner or person responsible for a Local Landmark or property within a Local Historic District shall maintain the property in compliance with the provisions of this chapter.

(B) *Failure to Maintain.* Evidence of a failure to maintain may include, but is not limited to:

(1) Deterioration of foundations, exterior walls, structural supports, roofs or other horizontal members;

(2) Deterioration of exterior features;

(3) Temporary covering of window or door openings;

(4) Visible existence of rot, decay, holes, or other hazardous structural conditions;

(5) Interior deterioration causing or contributing to exterior deterioration.

(C) *Investigation*. Upon a written complaint or observation of failure to maintain, the City Administrator may direct a qualified person to investigate the property conditions to determine if the property condition meets demolition by neglect as defined under this chapter.

(D) *Inspection*. If demolition by neglect is determined, an inspection with entry to the property may be conducted by the City Building Inspector. If entry is refused, the City Building Inspector may obtain a special inspection warrant pursuant to Wis. Stat. § 66.0119.

(E) *Enforcement.* If the inspection of the City Building Inspector shall confirm the existence of demolition by neglect, the City may request a recommendation from the Commission regarding corrective action. If the Commission recommends corrective action, the City shall issue a Notice of Violation to the property owner outlining the required actions. If corrective action has not commenced within thirty (30) days of the issuance of the notice, the demolition by neglect is declared to be a public nuisance and the City may proceed with enforcement measures. Such measures may include abatement of the public nuisance under § 92.15 of the Code or the issuance of a citation imposing a forfeiture of $100 per day, plus applicable costs, for each day the violation continues. These enforcement measures are in addition to, and not in lieu of, any other legal or equitable remedies available to the City.

~~(A) Every person in charge of an improvement on a landmark site or in a historic district shall keep in good repair all of the exterior portions of the improvement and all interior portions thereof, which, if not so maintained, may cause or tend to cause the exterior portions of the improvement to fall into a state of disrepair, including but not limited to the following conditions:~~

~~(1) The deterioration of exterior walls or other vertical supports;~~

~~(2) The deterioration of roofs or other horizontal members;~~

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~~(3) The deterioration of external chimneys;~~

~~(4) The deterioration or crumbling of exterior plasters or mortar;~~

~~(5) The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows and doors;~~

~~(6) The boarding up of windows or doors;~~

~~(7) The peeling of paint, rotting, holes and other forms of decay;~~

~~(8) The deterioration of the surrounding environment, such as fences, gates, sidewalks, steps, signs, accessory structures and landscaping;~~

~~(9) The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions; and~~

~~(10) Any deterioration of interior portions of a structure which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.~~

~~(B) Notices of violations shall be issued by the Commission Chairperson, after consultation with and approval by the Commission. If the Commission determines that it is necessary to physically enter a landmark structure, landmark site, or improvement to inspect the premises to determine whether a violation of division (A) of this section has occurred, such physical entry and inspection shall be done by the City Engineer. If an owner refuses permission for the City Engineer to enter for purposes of inspection, the City Engineer may obtain a Warrant of Entry, pursuant to Wis. Stats. § 66.0119. A notice of violation issued by the Commission Chairperson shall specify that the violation shall be corrected within 30 days or that a plan of correction, acceptable to the Commission be submitted within the 30 day period. If the alleged violation is not corrected within 30 days or if an acceptable plan is not submitted within 30 days or if a submitted and approved plan of correction is not followed, the Chairperson of the Commission may issue a citation providing for forfeiture of $100, plus costs. Each day the violation remains uncorrected shall be considered a separate violation.~~

~~(C) The penalties provided in division (B) above shall be in addition to and not in lieu of any other legal or equitable remedies available to the Commission, including obtaining an order of the court to enjoin the continuation of the violation.~~

(1989 Code, § 28.06) (Am. Ord. 697, passed 8-1-2006)

§ 151.07 ECONOMIC HARDSHIP~~CONDITIONS DANGEROUS TO LIFE, HEALTH OR PROPERTY~~.

(A) Where applying provisions of this chapter would result in undue economic hardship to the owner of a Local Landmark or property within a Local Historic District, the owner may apply to the Commission for relief.

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(B) The Commission shall work with the owner to consider an economically feasible alternative that may be approved by the Commission.

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(C) If no economically feasible alternative is identified, the applicant shall provide financial information

reasonably necessary to demonstrate that compliance under this chapter would deprive the owner of a reasonable economic return from the property.

(D) The Commission may consider the following factors to determine economic hardship:

(1) The cost of the proposed work compared to the value of the property;

(2) The current and potential economic use of the property;

(3) Whether the property can be put to a reasonable beneficial use without the proposed alteration or demolition;

(4) Any other information relevant to the economic viability of the property.

~~(A)~~ If the Commission finds that an economic hardship exists, it may approve such alteration or demolition as is necessary to relieve the hardship while minimizing adverse effects on the historic resource.~~Nothing contained in this chapter shall prohibit the making of necessary construction, reconstruction, alteration or demolition of any improvement on a landmark site or in an historic district pursuant to order of any governmental agency or pursuant to any court judgment for the purpose of remedying emergency conditions determined to be dangerous to life, health or property. In this case, no approval from the Commission shall be required.~~

(E)

~~**(1989 Code, § 28.07)**~~

§ 151.08 EMERGENCY ACTION.

Nothing in this chapter shall prevent construction, alteration, or demolition ordered by a governmental agency or court to remedy conditions determined to be dangerous to life, health, or property. In such cases, Commission approval shall not be required.

§ 151.99 PENALTY.

Except as otherwise provided, any person who violates any provision of this chapter or any order issued under it ~~, rule or regulation made hereunder~~ shall be subject to a penalty as provided in § 10.99 of this municipal code.
(1989 Code, § 28.10)

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CHAPTER 152: FLOODPLAIN ZONING

Section

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Editor's note:
This chapter was established by Ordinance No. 771, passed 12-17-2015.

STATUTORY AUTHORIZATION, FINDING OF FACY, STATEMENT OF PURPOSE, TITLE AND GENERAL PROVISIONS

§ 152.01 STATUTORY AUTHORIZATION.

This chapter is adopted pursuant to the authorization in Wis. Stats. §§ 61.35 and 62.23, for villages and cities: 59.59, 59.692, and 59.694 for counties; and the requirements in 87.30.

§ 152.02 FINDING OF FACT.

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience and general welfare and tax base.

§ 152.03 STATEMENT OF PURPOSE.

This ordinance is intended to regulate floodplain development to:

(1) Protect life, health and property;

(2) Minimize expenditures of public funds for flood control projects;

(3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;

(4) Minimize business interruptions and other economic disruptions;

(5) Minimize damage to public facilities in the floodplain;

(6) Minimize the occurrence of future flood blight areas in the floodplain;

(7) Discourage the victimization of unwary land and homebuyers;

(8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and

(9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

§ 152.04 TITLE.

This ordinance shall be known as the Floodplain Zoning Ordinance for The City of Mineral Point, Mineral Point, Wisconsin.

§ 152.05 GENERAL PROVISIONS.

(1) AREAS TO BE REGULATED

This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(2) OFFICIAL MAPS & REVISIONS

The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1- 30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Article VIII *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the City Clerk, 137 High Street, Suite 1, Mineral Point WI. If more than one map or revision is referenced, the most restrictive information shall apply.

(a) OFFICIAL MAPS: Based on the FIS:

1. Flood Insurance Rate Map (FIRM), panel numbers 55049C0370D, 55049C0502D, **55049C0510D,** dated **12/16/2015** with corresponding profiles that are based on the Flood Insurance Study (FIS) dated **12/16/2015, Volume Number 55049CV000A.**

Approved by: The DNR and FEMA

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The regional floodplain areas are divided into three districts as follows:

(a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters and are contained within AE Zones as shown on the FIRM.

(b) The Floodfringe District (FF) is that portion between the regional flood limits and the floodway and displayed as AE Zones on the FIRM.

(c) The General Floodplain District (GFP) is those areas that may be covered by floodwater during the regional flood and does not have a BFE or floodway boundary determined, including A, AH and AO zones on the FIRM.

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s. 152.80. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s. 152.67(3) and the criteria in (a) and (b) below**.** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s. 152.80.

(a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.

(b) Where flood profiles do not exist for projects, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s. 152.80.

(6) COMPLIANCE

Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when
s. 30.2022, Stats., applies.

(8) ABROGATION AND GREATER RESTRICTIONS

(a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; s. 62.23 for cities; s. 61.35 for villages; or s. 87.30, Stats., which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

(b) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) INTERPRETATION

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) WARNING AND DISCLAIMER OF LIABILITY

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) ANNEXED AREAS FOR CITIES AND VILLAGES

The Iowa County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program* (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN

§ 152.15 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN.

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with flood-resistant materials; be constructed to minimize flood damages and to ensure that utility and mechanical equipment is designed and/or located so as to prevent water from entering

or accumulating within the equipment during conditions of flooding.

Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s. 152.65(2). Adequate drainage shall be provided to reduce exposure to flood hazards and all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damages.

§ 152.16 HYRAULIC AND HYDROLOGIC ANALYSES.

(1) No floodplain development shall:

(a) Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height; or

(b) Cause any increase in the regional flood height due to floodplain storage area lost.

(2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s. 152.80 are met.

§ 152.17 WATERCOURSE ALTERATIONS.

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits. The standards of s. 152.016 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained.

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s. 152.80, the community shall apply for a Letter of Map Revision (LOMR) from FEMA. Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process.

§ 152.18 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT.

Development which requires a permit from the Department, under chs. 30 and 31, Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s. 152.80.

§ 152.019 PUBLIC OR PRIVATE CAMPGROUNDS.

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions:

(1) The campground is approved by the Department of Health Services;

(2) A land use permit for the campground is issued by the zoning administrator;

(3) The character of the river system and the campground elevation are such that a 72- hour warning of an impending flood can be given to all campground occupants;

(4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation;

(5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations;

(6) Only camping units that are fully licensed, if required, and ready for highway use are allowed;

(7) The camping units shall not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours;

(8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section;

(9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section;

(10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements for the floodplain district in which the structure is located;

(11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued; and

(12) All service facilities, including but not limited to refuse collection, electrical service, gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or floodproofed to the flood protection elevation.

FLOODWAY DOSTRICT (FW)

§ 152.25 APPLICABILITY.

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 152.48.

§ 152.26 PERMITED USES.

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if:

- they are not prohibited by any other ordinance;
- they meet the standards in s. 152.27 and 152.28; and
- all permits or certificates have been issued according to s. 152.65.

(1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting.

(2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips.

(3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 152.27(4).

(4) Uses or structures accessory to open space uses, or classified as historic structures that comply with ss. 152.27 and 152.28.

(5) Extraction of sand, gravel or other materials that comply with s. 152.27(4).

(6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats.

(7) Public utilities, streets and bridges that comply with s. 152.27(3).

§ 152.27 STANDARDS FOR DEVELOPMENT.

(1) GENERAL

(a) Any development in the floodway shall comply with s. 152.15 and have a low flood damage potential.

(b) Applicants shall provide the following data to determine the effects of the proposal according to s. 152.16 and 152.65(2)(c):

1. A cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or

2. An analysis calculating the effects of this proposal on regional flood height.

(c) The zoning administrator shall deny the permit application if the project will cause any increase in the flood elevations upstream or downstream, based on the data submitted for subd. (b) above.

(2) STRUCTURES

Structures accessory to permanent open space uses or functionally dependent on a waterfront

location may be allowed by permit if the structures comply with the following criteria:

(a) Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage;

(b) Shall have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings shall be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) Must be anchored to resist flotation, collapse, and lateral movement;

(d) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and

(e) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.

(3) PUBLIC UTILITIES, STREETS AND BRIDGES
Public utilities, streets and bridges may be allowed by permit, if:

(a) Adequate floodproofing measures are provided to the flood protection elevation; and

(b) Construction meets the development standards of s. 152.16.

(4) FILLS OR DEPOSITION OF MATERIALS
Fills or deposition of materials may be allowed by permit, if:

(a) The requirements of s. 152.16 are met;

(b) No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and all other requirements have been met;

(c) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and

(d) The fill is not classified as a solid or hazardous material.

§ 152.28 PROHIBITED USES.

All uses not listed as permitted uses in s. 152.26 are prohibited, including the following uses:

(1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses;

(2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;

(3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;

(4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department- approved campgrounds that meet the applicable provisions of local ordinances and ch. SPS 383, Wis. Adm. Code;

(5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;

(6) Any solid or hazardous waste disposal sites;

(7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code; and

(8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

FLOODFRINGE DISTRICT (FF)

§ 152.35 APPLICABILITY.

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s. 152.48.

§ 152.36 PERMITED USES.

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s. 152.37 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 152.65 have been issued.

§ 152.37 STANDARDS FOR DEVELOPMENT.

S. 152.16 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of Article VI *Nonconforming Uses*;

(1) RESIDENTIAL USES

Any structure, including a manufactured home, which is to be newly constructed or moved into the floodfringe, shall meet or exceed the following standards. Any existing structure in the floodfringe must meet the requirements of Article VI *Nonconforming Uses*;

(a) The elevation of the lowest floor shall be at or above the flood protection elevation on fill unless the requirements of s. 152.37(1)(b) can be met. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure.

(b) The basement or crawlway floor may be placed at the regional flood elevation if it is dry floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;

(c) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in subd. (d).

(d) In developments where existing street or sewer line elevations make compliance with subd. (c)

impractical, the municipality may permit new development and substantial improvements where roads are below the regional flood elevation, if:

1. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

2. The municipality has a DNR-approved emergency evacuation plan.

(2) ACCESSORY STRUCTURES OR USES

Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation.

(3) COMMERCIAL USES

Any commercial structure which is erected, altered or moved into the floodfringe shall meet the requirements of s. 152.37(1). Subject to the requirements of s. 152.37(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(4) MANUFACTURING AND INDUSTRIAL USES

Any manufacturing or industrial structure which is erected, altered or moved into the floodfringe shall have the lowest floor elevated to or above the flood protection elevation or meet the floodproofing standards in s. 152.69. Subject to the requirements of s. 152.37(5), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

(5) STORAGE OF MATERIALS

Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 152.69. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

(6) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

(a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s. 152.69.

(b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

(7) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s. 152.69(3), to the flood protection elevation and meet the provisions of all local ordinances and ch. SPS 383, Wis. Adm. Code.

(8) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s. 152.69(3), to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.

(9) SOLID WASTE DISPOSAL SITES
Disposal of solid or hazardous waste is prohibited in floodfringe areas.

(10) DEPOSITION OF MATERIALS
Any deposited material must meet all the provisions of this ordinance.

(11) MANUFACTURED HOMES
(a) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.

(b) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:

1. have the lowest floor elevated to the flood protection elevation; and

2. be anchored so they do not float, collapse or move laterally during a flood

(c) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the floodfringe in s. 152.37(1).

(12) MOBILE RECREATIONAL VEHICLES
All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 152.37(11)(b) and (c). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

GENERAL FLOODPLAIN DISTRICT (GFP)

§ 152.45 APPLICABILITY.

The provisions for this district shall apply to all floodplains mapped as A, AO or AH zones.

§ 152.46 PERMITTED USES.

Pursuant to s. 152.48, it shall be determined whether the proposed use is located within the floodway or floodfringe.

Those uses permitted in the Floodway (s. 152.26) and Floodfringe (s. 152.36) Districts are allowed within the General Floodplain District, according to the standards of s. 152.47, provided that all permits or certificates required under s. 152.65 have been issued.

§ 152.47 STANDARDS FOR DEVELOPMENT.

Article III applies to floodway areas, Article IV applies to floodfringe areas. The rest of this ordinance applies to either district.

(1) In AO/AH Zones the structure's lowest floor must meet one of the conditions listed below whichever is higher:

(a) at or above the flood protection elevation; or

(b) two (2) feet above the highest adjacent grade around the structure; or

(c) the depth as shown on the FIRM

(2) In AO/AH zones, provide plans showing adequate drainage paths to guide floodwaters around structures.

§ 152.48 DETERMINING FLOODWAY/FLOODFRINGE LIMITS.

Upon receiving an application for development within the general floodplain district, the zoning administrator shall:

(1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures; and the flood zone as shown on the FIRM.

(2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries.

(a) A Hydrologic and Hydraulic Study as specified in s. 152.65(2)(c).

(b) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;

(c) Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.

NONCONFORMING USES

§ 152.55 GENERAL.

(1) APPLICABILITY

If these standards conform with s. 59.69(10), Stats., for counties or s. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or

any amendment thereto.

(2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

(a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification; this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

(b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;

(c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;

(d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 152.37(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

(e) No maintenance to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 152.37(1).

(f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 152.37(1).

(g) Except as provided in subd. (h), if any nonconforming structure or any structure with a

nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

(h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the minimum federal code requirements below are met and all required permits have been granted prior to the start of construction.

1. Residential Structures

a. Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts or perimeter walls. Perimeter walls must meet the requirements of s. 152.69(2).

b. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy and shall be constructed with methods and materials resistant to flood damage.

c. Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. In A Zones, obtain, review and utilize any flood data available from a federal, state or other source.

e. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 152.47(1).

f. in AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure.

2. Nonresidential Structures

a. Shall meet the requirements of s. 152.55(2)(h)1a-f.

b. Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation; or, together with attendant utility and sanitary facilities, shall meet the standards in s. 152.69(1) or (2).

c. In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s. 152.47(1).

(3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s. 152.27(1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 152.69 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s. 152.55(2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a

historic structure and is the minimum necessary to preserve the historic character and design of the structure.

§ 152.56 FLOODWAY DISTRICT.

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition:

(a) Has been granted a permit or variance which meets all ordinance requirements;

(b) Meets the requirements of s. 152.55;

(c) Shall not increase the obstruction to flood flows or regional flood height;

(d) Any addition to the existing structure shall be floodproofed, pursuant to s. 152.69, by means other than the use of fill, to the flood protection elevation; and

(e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:

1. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;

2. The parts of the foundation located below the flood protection elevation must beconstructed of flood-resistant materials;

3. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and

4. The use must be limited to parking, building access or limited storage.

(2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s. 152.69(3) and ch. SPS 383, Wis. Adm. Code.

(3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s. 152.69(3) and chs. NR 811 and NR 812, Wis. Adm. Code.

§ 152.57 FLOOPFRINGE DISTRICT.

(1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the

municipality, and meets the requirements of s. 152.37 except where s. 152.57(2) is applicable.

(2) Where compliance with the provisions of subd. (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 152.67, may grant a variance from those provisions of subd. (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

(a) No floor is allowed below the regional flood elevation for residential or commercial structures;

(b) Human lives are not endangered;

(c) Public facilities, such as water or sewer, shall not be installed;

(d) Flood depths shall not exceed two feet;

(e) Flood velocities shall not exceed two feet per second; and

(f) The structure shall not be used for storage of materials as described in s. 152.37(5).

(3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, 152.69(3) and ch. SPS 383, Wis. Adm. Code.

(4) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance, s. 152.69(3) and ch. NR 811 and NR 812, Wis. Adm. Code.

ADMINISTRATION

Where a zoning administrator, planning agency or a board of adjustment/appeals has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

§ 152.65 ZONING ADMINISTRATOR.

(1) DUTIES AND POWERS
The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers:

(a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.

(b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate.

(c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred.

(d) Keep records of all official actions such as:

1. All permits issued, inspections made, and work approved;
2. Documentation of certified lowest floor and regional flood elevations;
3. Floodproofing certificates.
4. Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
5. All substantial damage assessment reports for floodplain structures.
6. List of nonconforming structures and uses. .

(e) Submit copies of the following items to the Department Regional office:

1. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;

2. Copies of case-by-case analyses and other required information including an annual summary of floodplain zoning actions taken.

3. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

(f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.

(g) Submit copies of amendments to the FEMA Regional office.

(2) LAND USE PERMIT

A land use permit shall be obtained before any new development; repair, modification or addition to an existing structure; or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include:

(a) GENERAL INFORMATION

1. Name and address of the applicant, property owner and contractor;

2. Legal description, proposed use, and whether it is new construction or a modification;

(b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain:

1. Location, dimensions, area and elevation of the lot;

2. Location of the ordinary highwater mark of any abutting navigable waterways;

3. Location of any structures with distances measured from the lot lines and street center lines;

4. Location of any existing or proposed on-site sewage systems or private water supply systems;

5. Location and elevation of existing or future access roads;

6. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;

7. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);

8. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s. 3.0 or 4.0 are met; and
9. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 152.16. This may include any of the information noted in s. 152.27(1).

(c) HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State. The study contractor shall be responsible for the technical adequacy of the study. All studies shall be reviewed and approved by the Department.

1. Zone A floodplains:
   a. Hydrology
      i. The appropriate method shall be based on the standards in ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

   b. Hydraulic modeling
      The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

      i. determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study.

      ii. channel sections must be surveyed.

      iii. minimum four foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping.

      iv. a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location.

      v. the most current version of HEC_RAS shall be used.

vi. a survey of bridge and culvert openings and the top of road is required at each structure.

vii. additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet.

viii. standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices.

ix. the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet.

c. Mapping

A work map of the reach studied shall be provided, showing all cross section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway.

i. If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation.

ii. If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided.

2. Zone AE Floodplains

a. Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis: Determination of Regional Flood Discharge.*

b. Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis: Determination of Regional Flood Elevation* and the following:

i. Duplicate Effective Model.

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot.

ii. Corrected Effective Model.
The Corrected Effective Model shall not include any man-made physical changes since the effective model date, but shall import the model into the most current version of HEC-RAS for Department review.

iii. Existing (Pre-Project Conditions) Model.
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model.

iv. Revised (Post-Project Conditions) Model.
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions.

v. All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes.

vi. Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and topwidths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated.

c. Mapping
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions:

i. Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans.

ii. Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised.

iii. Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries.

iv. If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications.

v. The revised floodplain boundaries shall tie into the effective floodplain boundaries.

vi. All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model

input numbering scheme.

vii. Both the current and proposed floodways shall be shown on the map.

viii. The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map.

(d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause.

(3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

(a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;

(b) Application for such certificate shall be concurrent with the application for a permit;

(c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

(d) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s. 152.69 are met.

(4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

§ 152.66 ZONING AGENCY.

(1) The City of Mineral Point Planning Commission shall:

(a) oversee the functions of the office of the zoning administrator; and

(b) review and advise the governing body on all proposed amendments to this ordinance, maps and text.

(2) The City of Mineral Point Planning Commission shall not:

(a) grant variances to the terms of the ordinance in place of action by the Board of Adjustment/Appeals; or

(b) amend the text or zoning maps in place of official action by the governing body.

§ 152.67 BOARD OF ADJUSTMENTS/APPEALS.

The Board of Adjustment/Appeals, created under s. 59.694, Stats., for counties or s. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The zoning administrator shall not be the secretary of the Board.

(1) POWERS AND DUTIES

The Board of Adjustment/Appeals shall:

(a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance;

(b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map; and

(c) Variances - Hear and decide, upon appeal, variances from the ordinance standards.

(2) APPEALS TO THE BOARD

(a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.

(b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1. Notice - The board shall:

   a. Fix a reasonable time for the hearing;
   b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing; and
   c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.

2. Hearing - Any party may appear in person or by agent. The board shall:

   a. Resolve boundary disputes according to s. 152.67(3);
   b. Decide variance applications according to s. 152.67(4); and
   c. Decide appeals of permit denials according to s. 152.68.

(c) DECISION: The final decision regarding the appeal or variance application shall:

1. Be made within a reasonable time;

2. Be sent to the Department Regional office within 10 days of the decision;

3. Be a written determination signed by the chairman or secretary of the Board;

4. State the specific facts which are the basis for the Board's decision;

5. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application; and

6. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.

(3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:

(a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined;

(b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board; and

(c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s. 152.80.

(4) VARIANCE

(a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:

1. Literal enforcement of the ordinance will cause unnecessary hardship;

2. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;

3. The variance is not contrary to the public interest; and

4. The variance is consistent with the purpose of this ordinance in s. 152.03.

(b) In addition to the criteria in subd. (a), to qualify for a variance under FEMA regulations, the following criteria must be met:

1. The variance shall not cause any increase in the regional flood elevation;

2. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE; and

3. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the

ordinance.

(c) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district;

2. Be granted for a hardship based solely on an economic gain or loss;

3. Be granted for a hardship which is self-created.

4. Damage the rights or property values of other persons in the area;

5. Allow actions without the amendments to this ordinance or map(s) required in Article VIII *Amendments*; and

6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(d) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to $25.00 per $100.00 of coverage. A copy shall be maintained with the variance record.

§ 152.68 TO REVIEW APPEALS OF PERMIT DENIALS.

(1) The Zoning Agency (s. 152.66) or Board shall review all data related to the appeal. This may include:

(a) Permit application data listed in s. 152.65(2);

(b) Floodway/floodfringe determination data in s. 152.48;

(c) Data listed in s. 152.27(1)(b) where the applicant has not submitted this information to the zoning administrator; and

(d) Other data submitted with the application, or submitted to the Board with the appeal.

(2) For appeals of all denied permits the Board shall:

(a) Follow the procedures of s. 152.67;

(b) Consider zoning agency recommendations; and

(c) Either uphold the denial or grant the appeal.

(3) For appeals concerning increases in regional flood elevation the Board shall:

(a) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases may only be allowed after amending the flood profile and map and all appropriate

legal arrangements are made with all adversely affected property owners as per the requirements of s. 152.80; and

(b) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist.

§ 152.69 FLOODPROOFING.

(1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation and submits a FEMA Floodproofing Certificate.

(2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either:

(a) certified by a registered professional engineer or architect; or

(b) meets or exceeds the following standards:

1. a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. the bottom of all openings shall be no higher than one foot above grade; and

3. openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(3) Floodproofing measures shall be designed, as appropriate, to:

(a) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

(b) Protect structures to the flood protection elevation;

(c) Anchor structures to foundations to resist flotation and lateral movement;

(d) Minimize or eliminate infiltration of flood waters; and

(e) Minimize or eliminate discharges into flood waters.

§ 152.70 PUBLIC INFORMATION.

(1) Place marks on structures to show the depth of inundation during the regional flood.

(2) All maps, engineering data and regulations shall be available and widely distributed.

(3) Real estate transfers should show what floodplain district any real property is in.

AMENDMENTS

§ 152.80 AMENDMENTS.

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 152.81.

(1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s. 152.81. Any such alterations must be reviewed and approved by FEMA and the DNR.

(2) In A Zones increases equal to or greater than 1.0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s. 152.81.

§ 152.81 GENERAL.

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s. 152.82 below. Actions which require an amendment to the ordinance and/ or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following:

(1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height;

(2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM;

(3) Any changes to any other officially adopted floodplain maps listed in s. 152.05(2)(b);

(4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain;

(5) Correction of discrepancies between the water surface profiles and floodplain maps;

(6) Any upgrade to a floodplain zoning ordinance text required by s. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality; and

(7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

§ 152.82 PROCEDURES.

Ordinance amendments may be made upon petition of any party according to the provisions of s. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. The petitions shall include all data required by ss. 152.48 and 152.65(2). The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes.

(1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s. 62.23, Stats., for cities and villages or s. 59.69, Stats., for counties.

(2) No amendments shall become effective until reviewed and approved by the Department.

(3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

ENFORCEMENT AND PENALTIES

§ 152.90 ENFOREMENT AND PENALTIES.

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators.
A violator shall, upon conviction, forfeit to the municipality a penalty of $50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s. 87.30, Stats.

DEFINITIONS

§ 152.95 DEFINITIONS.

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

1. A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

2. AH ZONE – See “AREA OF SHALLOW FLOODING”.

3. AO ZONE – See “AREA OF SHALLOW FLOODING”.

4. ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

5. ALTERATION – An enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.

6. AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.

7. BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

8. BASEMENT – Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

9. BUILDING – See STRUCTURE.

10. BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

11. CAMPGROUND – Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

12. CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick- up truck, or tent that is fully licensed, if required, and ready for highway use.

13. CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

14. CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

15. CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

16. DECK – An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

17. DEPARTMENT – The Wisconsin Department of Natural Resources.

18. DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the

improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

19. DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

20. ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway.

21. FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program.

22. FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

23. FLOOD or FLOODING – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:
    - The overflow or rise of inland waters;
    - The rapid accumulation or runoff of surface waters from any source;
    - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
    - The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

24. FLOOD FREQUENCY – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

25. FLOODFRINGE – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

26. FLOOD HAZARD BOUNDARY MAP – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

27. FLOOD INSURANCE STUDY – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

28. FLOODPLAIN – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

29. FLOODPLAIN ISLAND – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

30. FLOODPLAIN MANAGEMENT – Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

31. FLOOD PROFILE – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

32. FLOODPROOFING – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

33. FLOOD PROTECTION ELEVATION – An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: FREEBOARD.)

34. FLOOD STORAGE – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

35. FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

36. FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

37. HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation.

38. HEARING NOTICE – Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

39. HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

40. HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

41. HISTORIC STRUCTURE – Any structure that is either:
    - Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
    - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to

qualify as a registered historic district;

- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

42. INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0.00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

43. LAND USE – Any nonstructural use made of unimproved or improved real estate. (Also see DEVELOPMENT.)

44. LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building.

45. LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR 60.3.

46. MAINTENANCE – The act or process of restoring to original soundness, including redecorating, refinishing, non structural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems or structures.

47. MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."

48. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.

49. MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

50. MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring if concrete pads.

51. MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self- propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters

for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

52. MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.

53. MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.

54. MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.

55. MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.

56. MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.

57. MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

58. NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

59. NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment.

60. NEW CONSTRUCTION – For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

61. NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

62. NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

63. OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

64. OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 152.05(2), which has been approved by the Department and FEMA.

65. OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures.

66. ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

67. PERSON – An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

68. PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

69. PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

70. REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

71. REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

72. START OF CONSTRUCTION – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

73. STRUCTURE – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to,

roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

74. SUBDIVISION – Has the meaning given in s. 236.02(12), Wis. Stats.

75. SUBSTANTIAL DAMAGE – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

76. SUBSTANTIAL IMPROVEMENT – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not, however, include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions; or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

77. UNNECESSARY HARDSHIP – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

78. VARIANCE – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

79. VIOLATION – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

80. WATERSHED – The entire region contributing runoff or surface water to a watercourse or body of water.

81. WATER SURFACE PROFILE – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

82. WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

CHAPTER 153: SUBDIVISIONS

Section

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§ 153.01 POLICY.

It is hereby declared to be the policy of the city to consider the subdivision of land and the subsequent development of the subdivided plat as subject to the control of the city pursuant to the official master plan for the orderly, planned, efficient and economical development of the city. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health, or peril from fire, flood or other menace, and land shall not be subdivided until proper provision has been made for drainage, water, sewerage, utilities and capital improvements such as schools, parks, recreation facilities, transportation facilities and improvements.
(Ord. 540, passed 9-5-1995)

§ 153.02 PURPOSE.

The purpose of this chapter is to promote the public health, safety and general welfare of the city, and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to ensure proper legal description and proper monumenting of subdivided land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewage, utilities and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of character of the city with a view of conserving the value of buildings placed upon land, providing the best environment for human habitation and for encouraging the most appropriate use of land throughout the city.
(Ord. 540, passed 9-5-1995)

§ 153.03 JURISDICTION.

Except as otherwise specifically set forth in § 153.09 of this chapter, jurisdictional limits of these regulations shall be all lands within the corporate limits of the city and all unincorporated areas within 1-1/2 miles of its corporate limits, subject to the provisions of Wis. Stats. Ch. 66.
(Ord. 540, passed 9-5-1995)

§ 153.04 COMPLIANCE.

(A) No person may divide any land located within the jurisdictional limits of these regulations which results in a major subdivision, minor subdivision or replat, as defined herein, and no such major subdivision, minor subdivision or replat shall be entitled to be recorded without full compliance with all requirements of this chapter and Wis. Stats. Ch. 236.

(B) The provisions of this chapter shall not apply to:

(1) Transfer of interest in land by will or pursuant to court order;

(2) Leases for a term not to exceed 10 years, mortgages or easements; or

(3) Sale or exchange of parcels of land between owners of adjoining properties if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the city zoning ordinance or other applicable ordinances or laws.
(Ord. 540, passed 9-5-1995)

§ 153.05 DEFINITIONS.

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

ASSESSOR. An individual appointed by the Council for the purpose of establishing true values of property for taxation.

BUILDING LINE. A line parallel to and at a given distance from the street right-of-way. There shall be no building or structure erected in this area.

DIRECTOR. The State Director of Regional Planning and Community Assistance, Wisconsin Department of Local Affairs and Development or such other official as may be delegated by law to approve plats at the state level.

DRAINAGE. A natural or manmade ditch or watercourse in which surface water or high groundwater can be drained from an area.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within 1-1/2 miles of the corporate limits of the city, as provided in Wis. Stats. § 236.02(2), subject to the provisions of Wis. Stats. § 66.32.

GREENWAY. A parcel of land containing a natural waterway or drainageway intended to be used in whole or in part for open space, surface drainage, parks, recreation, utilities, streets or any other purpose deemed by

the city to be for the public good or welfare.

MAP. The drawing required for a minor subdivision and the same as the certified survey map provided for in Wis. Stats. § 236.34.

OUTLOT. A parcel of land other than a lot or block so designated on a plat.

PLAT. The drawing required for a major subdivision.

REPLAT. The changing of the boundaries of a recorded subdivision or a part thereof.

ROADWAY. That portion of the street which is used for vehicular traffic.

STREET. A right-of-way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, drive, lane, place or however otherwise designated and includes all of the area between the street or right-of-way lines. All lots shall abut upon a public street. ***STREETS*** are further designated as follows:

(1) *Alley.* A street which is a secondary means of access for vehicular traffic.

(2) *Boundary street.* A street in a subdivision in which part of the right-of-way is within the subdivision and the rest of the right-of-way is outside the subdivision.

(3) *Collector street.* A street which carries traffic from local streets to the system of major arterials and includes the principal entrance streets to residential development.

(4) *Cul-de-sac.* A local street with only 1 outlet which terminates in a turnaround for the reversal of traffic.

(5) *Dead-end street.* A street that does not connect with a street system opened to traffic.

(6) *Frontage street.* A local street which is parallel with and adjacent to a major arterial street and which provides access to abutting properties and protection from traffic.

(7) *Local street.* A street which is used primarily for access to abutting properties.

(8) *Partial street.* A street in a subdivision in which part of the right-of-way is within the subdivision, but the rest of the right-of-way is not owned by the city.

(9) *Major arterial street.* A street which is used primarily for fast or high-volume through traffic.

SUBDIVIDER. Any person, firm, corporation or any agent thereof, dividing or proposing to divide land resulting in a subdivision.

SUBDIVISION. When used alone, ***SUBDIVISION*** shall include both major and minor subdivisions. A replat is also a ***SUBDIVISION.***

(1) *Subdivision major plat.* A division of a lot, parcel or tract of land by the owner thereof or his or her agent for the purpose of sale or of building development where:

(a) The act of division creates 5 or more parcels or building sites 5 acres each or less in area; or 5 or more parcels or building sites of 5 acres each or less in area are created by successive divisions within a period of 5 years.
(Am. Ord. 559, passed 11-6-1996)

(b) The act of division or the creation of any parcels or building sites results in the creation or alteration of any street or alley.

(c) The definitions herein shall apply with equal effect to the division or creation of parcels or building sites whether or not the tracts shall at that time be part of a previously platted subdivision.

(2) *Subdivision minor plat (certified survey).* In those instances where lots are created but in insufficient numbers to require a plat under the requirements of this section, any proposed lot division shall comply with the recorded certified survey provisions of Wis. Stats. Ch. 236, and the standards of Wis. Adm. Code, Ch. Trans. 233 of the State Board of Health; and shall be approved by the Council in accordance with the procedure for submitting subdivisions, except that no state agency review is required.

SURVEYOR. A State of Wisconsin registered land surveyor. (Ord. 540, passed 9-5-1995)

§ 153.06 GENERAL PROVISIONS.

(A) *Subdivisions.*

(1) A major subdivision shall be accomplished by means of a plat in accordance with Wis. Stats. Ch. 236, and this chapter.

(2) A minor subdivision shall be accomplished by means of a certified survey map in accordance with Wis. Stats. Ch. 236, and this chapter.

(3) For both major and minor subdivisions, lot sizes shall conform to the area and width requirements of the zoning code within the corporate limits of the city or to any ordinance of the town or county in the extraterritorial plat approval jurisdiction.

(4) All subdivisions within the corporate limits or within the extraterritorial plat approval jurisdiction of the city, as defined herein, must be filed for approval of the Plan Commission in accordance with procedures established in this chapter.

(B) *Replat.* Where it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries, the subdivider shall vacate or alter the recorded plat as provided in Wis. Stats. Ch. 236. The subdivider shall then follow the same procedure for the replat as for an original plat as required by this chapter.

(C) *Land suitability.* Where a proposed subdivision contains land deemed by the Plan Commission to be unsuitable for development because of poor drainage, flood conditions, soil conditions, subsurface conditions, topography or any other feature, approval shall be withheld. Conditional approval of the preliminary plat shall be granted if the subdivider shall, at his or her own expense, prepare and submit to the Commission engineering plans designed to correct the adverse conditions and to carry out the plans or provide the performance bond to insure that the plans will be completed prior to approval of the final plat.

(D) *Requirements.* The proposed subdivision shall conform to:

(1) The provisions of Wis. Stats. Ch. 236;

(2) All applicable provisions of this code and town or county ordinances, if applicable;

(3) The city master plan and official map or any portion thereof;

(4) All subdivisions and the lots contained therein shall have a plan which shows service by a public sewer and water; and

(5) The rules of the Division of Highways, State Department of Transportation relating to safety of access and the preservation of the public interest and investment in the street if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

(Ord. 540, passed 9-5-1995)

(E) *Fee for consideration of certified survey map.* Application for approval of a minor subdivision by means of a certified survey map must be accompanied by a fee receipt from the City Clerk-Treasurer in the amount established under the City's fee schedule.

(Ord. 670, passed 1-4-2005, Am. Ord. 02-2021, passed 01-12-2021)

§ 153.07 PLAT APPROVAL PROCEDURE.

(A) *Preliminary meeting.* Before filing a preliminary plat the subdivider is encouraged to consult with the Plan Commission and the Council for advice regarding general requirements affecting the proposed development. A sketch of the proposed subdivision drawn on a topographic survey map should be submitted. The subdivider should also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.

(B) *Preliminary plat.* The subdivider shall file 10 copies of the preliminary plat or map with the Clerk-Treasurer, which copies to be forwarded to appropriate city and state approving authorities. The preliminary plat shall show clearly the existing conditions of the adjoining sites including data on covenants, land characteristics, available community facilities and utilities, easements, street locations and lot widths and depths. The proposed layout shall be shown on a topographic map at a scale of 1 inch equals 100 feet having 2-foot contour intervals and shall identify the improvements, e.g., grading, tree planting, paving, installation of the facilities and dedications of land which the subdivider proposes to make and shall indicate when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be stated. The Council Board shall reject, approve or approve conditionally the preliminary plat within 90 days as provided by statute.

(C) *Final plat.* Four copies of the final plat shall be submitted to the Council within 6 months of preliminary plat acceptance unless this requirement is waived in writing by the Council. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Wis. Stats. § 236.12(2). The final plat shall be accompanied by detailed construction plans of all improvements. Final plats shall be presented to the Council at least 10 work days prior to the meeting at which they are to be considered and shall be accepted or rejected by the Council within 60 days of their submission if all the applicable provisions of this chapter and Wis. Stats. Ch. 236 have been complied with. Approved final

plats shall be recorded in accordance with the statutory requirements prior to the time that lots are offered for sale, reference is made to the map for sale purposes, or use is made of lot and block numbers shown on the plat. (Ord. 540, passed 9-5-1995)

§ 153.08 DESIGN STANDARDS.

(A) *Streets.*

(1) The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect in the city. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses and public convenience and safety.

(2) All lots shall have access to a public street.

(3) Street locations shall be consistent with any applicable street plan officially adopted by the city. All street right-of-way widths, radii of curvature and grades shall conform to the following requirements:

Type of Street	***R.O.W. Width to be Dedicated***	***Pavement width (Face of Curb to Face of Curb)***
Arterial streets	60 feet	38 feet
Collector streets	60 feet	36 feet
Minor streets	58 feet	34 feet
Cul-de-sac and frontage streets	58 feet	34 feet
Type of Street	***R.O.W. Width to be Dedicated***	***Pavement width (Face of Curb to Face of Curb)***
Alleys	24 feet	20 feet
Pedestrian ways	10 feet	5 feet

(4) Collector streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.

(5) Minor streets shall be so laid out as to discourage their use by through traffic.

(6) Where a subdivision abuts or contains an existing or proposed arterial highway, the Council shall require a frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(7) Reserve strips controlling access to streets shall not be provided except where control of the strip is placed with the appropriate public body.

(8) Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.

(9) Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the subdivision in conformity with the other requirements of this chapter. Where a half-street has been dedicated adjacent to a subdivision, the remaining half of the street shall be dedicated by the subdivider of the adjoining land.

(10) Permanent dead-end streets or cul-de-sacs shall not be longer than 600 feet, shall have a minimum width of 58 feet and terminate with a turn-around having a right-of-way diameter of at least 120 feet, and a minimum surface radius of 40 feet.

(11) Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner on curved streets.

(12) No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Council.

(B) *Blocks and lots.*

(1) A block is a parcel of land bounded on at least 1 side by a street and on the other sides by natural or manmade barriers or unplatted land. The lengths, widths and shapes of blocks shall be determined by the following:

(a) Building site needs;

(b) Zoning code lot size and dimensional requirements;

(c) Needs for convenient access, circulation, control and safety of street traffic; and

(d) Limitations and opportunities of topography.

(2) Block lengths shall normally not exceed 1,500 feet or be less than 400 feet in length.

(3) To provide adequate access and circulation to playgrounds, schools, shopping centers or other community facilities, the Council may require that walkways be provided, either along streets or through the center of blocks.

(4) Double frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and side disadvantages.

(5) The Council may require that natural features including trees be preserved and that appropriate landscaping be provided.

(C) *Easements.* Easements shall be provided where required by the Plan Commission, Board of Public Works and utility companies for storm and sanitary sewers, gas, water, power, telephone, television cable and the like. They shall be at least 10 feet in width. Where a subdivision is traversed by a watercourse, channel or stream, an easement shall be provided for an adequate drainage conforming substantially with the lines and area of the watercourse, channel or stream. The location, width, alignment and any proposed improvement of such drainageway shall be subject to approval by the Plan Commission and the Board of Public Works. Wherever possible, stormwater drainage shall be maintained by landscaped, open channel of adequate width and grade hydraulically to achieve maximum potential volumes of flow. Sizes and design details shall be subject to review and approval by the Council.

(D) *Land suitability.* No land shall be subdivided which is held unsuitable for the proposed use by the Plan Commission for reason of flooding, inadequate drainage, soil and rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. The Council, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing.

(Ord. 540, passed 9-5-1995)

§ 153.09 REQUIRED IMPROVEMENTS.

(A) *General provisions.*

(1) *Installation of improvements.* Before final plat approval of any subdivision within the city is granted, the subdivider shall either install the improvements required under this section or shall furnish the Clerk-Treasurer with a satisfactory surety performance bond or other form of satisfactory surety to the city to cover the subdivider's cost of the required improvements as estimated by the City Engineer. The purpose of this surety is to secure the actual construction and installation of the improvements immediately after final plat approval or at a time in accordance with the requirements of the Council.

(2) *Surety bond.* If a surety performance bond is furnished as provided in division (A)(1) above, all required improvements must be completed within 1 year from approval of the final plat. If not so completed and unless good cause can be shown for granting an extension of time, the Council, at its option, may cause all the uncompleted work to be constructed and the parties executing the bond shall be firmly bound for the payment of all necessary costs thereof. The Clerk-Treasurer shall return the bond to the subdivider upon the completion and acceptance of the required improvements, at which time a 1-year maintenance guarantee bond must be filed guaranteeing the timely repair of any defects that may occur in the ensuing 1 year.

(3) *Plans and specifications.* At the option of the Council, the plans and specifications for any or all of the required improvements may be prepared by the City Engineer or consultants of the city. If the subdivider is required by the Council to furnish plans and specifications, they shall be prepared by a registered engineer and approved by the City Engineer or consultants of the city and any state agency having jurisdiction over such plans. In either case, the subdivider shall be responsible for the cost of plan preparation and any surveys needed to prepare the plans.

(4) *Construction.* The Council may undertake construction of any improvement at the request of the subdivider. Construction must be approved by the Public Works Committee and the subdivider must deposit a check or cash with the Clerk-Treasurer in the amount of the estimated cost of the work prior to the start of construction. Payment in full shall be made to the city, or reimbursement to the subdivider, upon completion of the work and determination of the total cost of the project. The construction of any improvements not undertaken by the city shall be the responsibility of the subdivider.

(5) *Inspection.* All construction shall be subject to inspection, as designated by the Council. The cost of such inspection on construction undertaken by the city will be included in the cost of construction. The cost of inspection on construction undertaken by the subdivider shall be charged to the subdivider.

(6) *Dedication of facilities and improvements.* All facilities and improvements installed prior to the final approval of the plat shall be dedicated to the city along with streets and other public areas upon approval of the plat. Facilities and improvements completed under bond or other financial guarantee, after approval of the plat, shall be considered dedicated to the city upon their approval and acceptance and release of the bond or other guarantee. Prior to the release of the bond or other guarantee, the subdivider shall file a 1-year maintenance guarantee bond guaranteeing the timely repair of any defects that may occur in the ensuing year.

(7) *Survey monuments.* The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stats Ch. 236 and as may be required by the City Engineer.

(B) *Sanitary sewer and water.*

(1) A public sanitary sewer system and water system adequate to serve the subdivision and compatible with the city-wide sanitary sewer and water development plans shall be provided and include a lateral connection for each system to each lot and a satisfactory connection to the city sanitary sewer system and water system. Each lateral shall be marked in the field.

(2) If it is necessary to traverse on unimproved land with sanitary sewer to serve the subdivision, the city shall install the sanitary main and the subdivider shall pay the cost of the construction. The Council shall reimburse the subdivider to the extent that special assessments are levied for such construction. In the event such special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.

(3) The Council may authorize the subdivider to construct any sanitary sewer facility as hereinbefore provided. However, in the event the construction benefits land outside the subdivision, authorization will be granted only if the subdivider waives in writing any and all rights to reimbursement from the city.

(C) *Streets.* After the installation of temporary block corner monuments and all underground facilities by the subdivider, and after the street grades have been established by the subdivider and submitted to the Board of Public Works for approval, streets shall be constructed by the subdivider in accordance with the following standards:

(1) *Grading and graveling.* The subdivider shall grade the full width of the right-of-way of all streets to be dedicated in accordance with plans and standard specifications approved by the Director of Public Works. The subdivider shall grade the pavement width to subgrade and surface with 6 inches of crushed stone.

(2) *Blacktopping.* The year after the installation of the crushed stone in the roadway, the subdivider, at his or her expense, shall apply a standard 6-inch curb and 18-inch gutter, and a full-width bituminous surface at a completed depth of at least 2-1/2 inches, all in accordance with plans and specifications as approved by the Director of Public Works. In the event the pavement width of any street exceeds 38 feet, except for cul-de-sac turnarounds, the expense of installing the crushed rock and blacktopping for the additional width shall be paid by the city.

(3) *Curb and gutter.* Prior to blacktopping, the subdivider shall install the standard 6-inch curb and 18-inch gutter in accordance with plans and specifications approved by the Director of Public Works. The subdivider shall pay 100% of the cost.

(D) *Storm sewer.* Storm sewer facilities shall be constructed within the subdivision boundaries in the locations and sizes needed to accommodate the design flow volumes. Such facilities shall include mains, channels, inlets, catch basins and laterals as required. If the city is required to construct storm sewer facilities outside of the boundaries of the subdivision to serve the subdivision facilities, the subdivider shall share in the cost of the facilities in the same ratio that the area of the subdivision bears to the total area served by the outside construction.

(E) *Utilities.* The subdivider shall cause gas, electrical power, CATV and telephone facilities to be installed in such a manner as to make service available to each lot. The subdivider shall have written statements from all the utilities stating that the easements as shown on the final plat are acceptable to them.
(Ord. 540, passed 9-5-1995)

§ 153.10 INTERPRETATION.

In the interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
(Ord. 540, passed 9-5-1995)

§ 153.11 VARIANCES.

(A) *General.* Where the Council finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these regulations; and further provided that the Council shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case as follows:

(1) The granting of the variance will not be detrimental to the public safety, health or welfare, or injurious to other property as located.

(2) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought, and not applicable to other property.

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.

(4) The variance will not in any manner vary the provisions of the zoning code, master plan or official map.

(B) *Conditions.* In approving variances, the Council may require such conditions as will, in its

judgment, secure substantially the objectives of the standards or requirements of the regulations.

(C) *Procedures.* A petition for any such variance shall be submitted in writing by the subdivider at the time when the preliminary plat is filed for the consideration of the Plan Commission and the Council. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

(Ord. 540, passed 9-5-1995)

§ 153.99 PENALTY.

(A) Any person convicted of failure to comply with the provisions of this chapter shall forfeit not less than $25 nor more than $200 and the costs of prosecution for each violation, and in default of payment of the forfeiture and costs, shall be imprisoned in the County Jail until payment is made, but such imprisonment shall not exceed 30 days. Each day a violation exists or continues shall constitute a separate offense.

(B) Also, failure to comply with the requirements of this chapter invalidates purported transfers of titles at the option of the purchaser, in accordance with the provisions of Wis. Stats. Ch. 236.

(C) In addition, the remedies provided by Wis. Stats. Ch. 236 shall be available to the city.

(Ord. 540, passed 9-5-1995)

CHAPTER 154: ZONING CODE

Section

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§ 154.01 INTRODUCTION.

(A) *Authority*. These regulations are adopted under the authority granted by Section 62.23(7) of Wisconsin Statutes.

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

(C) *Intent*. It is the general intent of this Ordinance to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures, so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drain-age; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

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

(E) *Interpretation*. The provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the city and shall not be deemed a limitation or repeal of any other

power granted by Wisconsin Statutes.

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

(G) *Title*. This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, CITY OF MINERAL POINT, WISCONSIN."

(H) *Effective Date*. This Ordinance shall be effective after proper public hearing, adoption by the City Council, and publication or posting as provided by law.

§ 154.02 GENERAL PROVISIONS.

(A) *Jurisdiction*.

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

(2) *Extraterritorial Jurisdiction*. The provisions of this Ordinance relating to the unincorporated area shall become effective when adopted by the City Council in accordance with provisions of Section 62.23(7a), Wisconsin Statutes. The failure of the City Council to take such action shall in no way invalidate the application of this Ordinance to any property, building or structure located within the city.

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

(C) *Enforcement*. The provisions of this Ordinance shall be enforced by the Zoning Administrator. He shall keep a record of all applications for Zoning Permits issued, with a notation of any complications for such Zoning Permits, and a record of all such Permits issued, with a notation of any conditions that may have been imposed by the Board of Appeals under the provisions of Section 154.12 of this Ordinance. He shall file and safely keep copies of all plans submitted. He shall also keep a record of every identifiable complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each such complaint. All such records and plans shall form a part of the records of his office and shall be available for the use of the City Council and of other official agencies and officials of the City of Mineral Point.

(D) *Zoning Permit*.

(1) Applications for a Zoning Permit. Applications shall be made to the Zoning Administrator on forms furnished by him. Applications shall be submitted in duplicate, except that when a site plan approval under Section 154.02(D)(3) is required, they shall be submitted in quadruplicate. They shall include the following, where applicable.

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

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

(c) Plat of survey prepared by a registered land surveyor, showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading, areas and driveways; existing highway access restrictions; existing and proposed front, side and rear yards. In addition, the play of survey shall show the location, elevation and use of any abutting lands and their structures within fort (40) feet of the subject site.

(d) Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be reviewed by the City Engineer to ascertain that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and state health agency regulations.

(e) Proposed water supply plan, if municipal water service is not available. This plan shall be reviewed by the City Engineer. The owner shall certify, in writing, that an adequate and safe supply of water will be provided.

(f) Additional information as may be required by the Plan Commission; City Engineer; and Zoning, Building, Plumbing, or Health Inspectors; including all information required for site plan approval under Section 154.02(D)(3) of this Ordinance.

(g) Fee receipt from the city clerk/treasurer in the amount established under the City's fee schedule.
(Am. Ord. 03-2021, passed 1-12-2021)

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

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

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

(b) Administration. The Zoning Administrator shall make a preliminary review of the

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

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

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

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

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

4. The landscaping and appearance of the completed site. The Plan Commission may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this section.

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

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

1. Application. Application for a Certificate of Occupancy shall be made

coincident with the application for a Zoning Permit. The application shall state the intended use of the land or building.

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

3. Fees. No fees shall be charged for a Certificate of Occupancy.

(f) Restrictions

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

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

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

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

5. Principal Structures. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or moved onto a lot,

except for planned area developments in accordance with the provisions of this Ordinance.

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

7. Private Sewer and Water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system, designed in accordance with Wis. Stat. sec. 236.16~~Section H65, Wisconsin Administrative Code~~. In any district where a public water service or public sewerage service is not available, the lot width and area shall be determined in accordance with Wis. Stat. sec. 236.16~~Section H65, Wisconsin Administrative Code~~, but for one-family dwellings, shall be not less than 100 feet and not less than 20,000 square feet, respectively.

Commented [EH5]: The section referenced has been replaced by SPS 385, however SPS 385 no longer imposes minimum lot size requirements. Wis. Stat. sec. 236.16 does impose minimum lot widths of 60 feet and minimum area of 7,200 sqft if a lot is not served by public sewer.

8. Except for a building's roof, trim, facia, soffits, gutters, and downspouts, no building, principal or accessory, attached or detached, shall be constructed or altered in a residential district using any metal material. (Exempt: Garden type sheds under 100 sq. ft.)

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

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

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

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

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

    b. Fee receipt from the city clerk/treasurer in the amount established under the City's fee schedule.
    (Am. Ord. 03-2021, passed 1-12-2021)

    c. Conditional Use permits must be renewed by re-application upon the transfer of ownership or control of the property to a new owner or lessee.

4. Unclassified or Unspecified Uses. May be permitted by the Plan Commission after the Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

5. Temporary Uses. Temporary uses, such as real estate sales, field offices, or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator.

6. Performance Standards. Performance standards listed in Section 154.11 shall be complied with by all uses in all districts.

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

(h) Joint Use. No part of any lot, yard, parking area or other space required for a structure or use shall be used for any other structure or use.

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

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

§ 154.03 DEFINITIONS.

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

ABUTTING. Having a common property line or district line.

ACCESSORY BUILDING. See Building, Accessory.

ACCESSORY USE. See Use, Accessory.

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

ANTENNA, SATELLITE. Any accessory structure capable of receiving, for the sole benefit of the principal use, radio or television signals from the transmitter of a transmitter-relay located in planetary orbit. This definition includes but is not limited to satellite receivers, satellite dish antennas,

satellite disks, direct-broadcast systems, and television reception-only systems.

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

APARTMENT HOUSE. See Dwelling, Multiple.

APPROVED USE. See Use, Approved.

ARTERIAL STREET. See Street, Arterial.

ATTACHED SIGN. A permanent sign directly affixed to or primarily supported by a building. Includes awning signs, canopy signs, projecting signs, and wall signs.
(Ord. 2024-1, passed 1-9-2024)

AWNING SIGN. An attached sign on a fixed or retractable architectural projection made of rigid or nonrigid materials that is anchored to and supported by a building.
(Ord. 2024-1, passed 1-9-2024)

BANNER. A temporary sign constructed of fabric, pliable plastic or other nonrigid material of any shape, in which more than one edge or surface is secured to another structure or support to prevent movement.
(Ord. 2024-1, passed 1-9-2024)

BASEMENT. A space of full story height below the first floor which is not designed or used primarily for year-around living accommodations. Space partly below grade which is designed and finished as habitable space is not defined as basement space.

BED AND BREAKFAST. A place of lodging as licensed by the State of Wisconsin which provides four (4) or fewer rooms for rent to tourists or other transients for more than ten (10) nights in a twelve (12) month period. The establishment must be the owner's personal residence, it must be occupied by the owner at the time of rental, and the only meal served to guests is breakfast.

BILLBOARD. An advertising device, either free-standing or attached to a building, which is used to display information not related to the use or ownership of the establishment or the property upon which it is located.

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

BOARD. The Board of Appeals, as provided in Section 154.12 of this Ordinance.

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

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

BUILDING, ACCESSORY. A use subordinate building, the use of which is purely incidental to that of the main building, and which does not occupy more than thirty percent (30%) of the required rear yard.

BUILDING. ALTERATIONS OF. Any change or re-arrangement of the supporting members (such as bearing walls, beams, columns, or girders) of a building, an addition to a building, or movement of a building from one location to another.

BUILDING FAÇADE. That portion of any exterior elevation of a building extending from ground level to the top of a parapet wall or eaves, and horizontally across the entire width of the building elevation.
(Ord. 2024-1, passed 1-9-2024)

BUILDING, HEIGHT OF. The vertical distance from the mean elevation of the finished grade along the front of the building to the highest point on a flat roof, or to the deck line of a mansard roof, or to the mean height between eaves and ridge for gable, hip or gambrel roofs. (See Figure 1, Appendix.)

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

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

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

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

CANOPY SIGN. An attached sign on a freestanding architectural projection that is anchored by columns or cantilevers.
(Ord. 2024-1, passed 1-9-2024)

CARPORT. See Garage, Private.

CELLAR. A portion of a building located partly or wholly underground, and having two-thirds or more of its clear floor-to-ceiling height below the average grade of the adjoining ground. (See paragraph entitled "Basement".)

CERTIFICATE OF OCCUPANCY. A written statement issued by the Zoning Administrator which permits the use of a building or lot or a portion of a building or lot, and which certifies compliance with the provisions of this Ordinance for the specified use and occupancy.

CLINIC. A building used by a group of doctors or dentists for the examination or treatment of persons on an out-patient or non-boarding basis only.

CLUB. A building owned, leased or hired by a non-profit association of persons who are bona fide members paying dues, the use of which is restricted to said members and their guests.

CONDITIONAL USES. See Use, Conditional.

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

CURB GRADE. The level of the established curb in the front of a building, measured at the center of such front. Where no curb has been established, the City Council shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this Ordinance.

DIRECTIONAL SIGN. A sign that provides instruction or direction and is located entirely on the property to which it pertains, does not display a business name or logo on more than 20 percent of the sign face, and does not exceed 9 square feet in size and 4 square feet in height. Directional signs include, but are not limited to, such signs identifying entrances and exits, parking areas, drive-thru lanes, drive-up windows, and restrooms.
(Ord. 2024-1, passed 1-9-2024)

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

DWELLING, SINGLE-FAMILY. A detached building designed, arranged or used for, and occupied exclusively by one (1) family. “Dwelling, Single Family includes a manufacture home.

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

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

DYNAMIC EFFECT. A visual effect on a frame in which the illusion of motion is used on an electronic message center sign.
(Ord. 2024-1, passed 1-9-2024)

ELECTRONIC MESSAGE CENTER SIGN or EMU. An on-premise sign on which the message is changed by electronic process. Messages displayed include, but are not limited to, copy, art, graphics, time and temperature, public service announcements, and advertising of products or services.
(Ord. 2024-1, passed 1-9-2024)

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

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

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

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

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

FLOOR AREA.

(1) For Residential Uses, the sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages and basements, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.

(2) For Uses Other than Residential, the area measured from the exterior faces of the exterior walls, or from the centerline of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

FOOTCANDLE. A measure of illuminance in which 0.1 footcandle equals one lumen per square foot.
(Ord. 2024-1, passed 1-9-2024)

FRAME. A complete, static display screen on an electronic message center sign.
(Ord. 2024-1, passed 1-9-2024)

FREESTANDING SIGN. A sign supported by a structure affixed to the ground, as opposed to being affixed to a building. Also commonly referred to as “ground sign,” “monument sign,” “pole sign,” or “pylon sign.”
(Ord. 2024-1, passed 1-9-2024)

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

FRONTAGE, LOT. The smallest dimension of a lot abutting a public street, measured along the street line. (See Figure 3, Appendix.)

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

GARAGE, PRIVATE. An accessory building or portion of the principal building used for vehicular storage only, and having a capacity of not more than three (3) automobiles, or not more than one (1) automobile per family housed in the building to which such garage is accessory, whichever is the greater, and in which space may be used for not more than one (1) commercial vehicle, and in which space may be rented for not more than three (3) vehicles of others not occupants of the building to which such garage is accessory. The term also includes carport and, when related to the context, shall relate to the storage of one (1) or more vehicles.

GARAGE, REPAIR. A building used for the care, repair or storage of motor vehicles, for where such vehicles are left for remuneration, hire or sale. This includes premises commonly known as gasoline stations or service stations.

GASOLINE STATION. Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel, and oil or other lubricating substances; sale of motor vehicle accessories; and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such vehicles.

HOUSEHOLD OCCUPATION. Any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises; does not exceed twenty- five percent (25%) of the area of any floor; uses only household equipment; and for which no stock in trade is kept or sold, except that made on the premises. A household occupation includes such uses as baby sitting, millinery, dress-making, canning, laundering, crafts, and insurance and real estate brokers; but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, or photographic studios.

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

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

JUNK YARD. An open space where waste, used or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber, tires and bottles. A "junk yard" also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

LIGHT TRESPASS. Light from an artificial source that intrudes upon an area where it is not wanted or does not belong.
(Ord. 2024-1, passed 1-9-2024)

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

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

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

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

LOT, REVERSED CORNER. A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear. (See Figure 2, Appendix.)

LOT, THROUGH. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot", both public streets shall be deemed front lot lines. (See Figure 2, Appendix.)

LOT, ZONING. A single tract of land located within a single block, which at time of filing for a zoning permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control.

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

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

LOT WIDTH. The width of a parcel of land measured along the front building line. (See Figure 3, Appendix.)

MANUFACTURED HOME. “Manufactured Home” means a structure certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426, which, when placed on the site:

(1) Is set on a permanent enclosed perimeter foundation wall in accordance with sec. 70.043(1). Stats.; and Subchapters III, IV, and V of ch. Comm 21; Wis. Admin. Code; or is set on a comparable enclosed foundation system approved by the building inspector. The building inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

(2) Is installed in accordance with the manufacturer’s instructions.

(3) Is properly connected to utilities.

(4) Mobile Home. A one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, and used without permanent foundation.

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

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

MOTOR FREIGHT TERMINAL. A building or area in which freight brought by motor truck is assembled or stored for routing in intra-state and interstate shipment by motor truck.

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

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

(1) Does not comply with all of the regulations of this Ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

(2) Is designed or intended for a non-conforming use.

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

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

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

NURSING HOME. Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

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

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

PERMANENT SIGN. An attached or freestanding sign constructed, maintained and operated in a manner to remain in a fixed place over its useful life.
(Ord. 2024-1, passed 1-9-2024)

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

PLANNED RESIDENTIAL DEVELOPMENT. See Planned Area Development.

PROJECTING SIGN. An attached sign that projects more than 18 inches from a building façade or wall.
(Ord. 2024-1, passed 1-9-2024)

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

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

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

RAILROAD RIGHT-OF-WAY. A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

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

SATELLITE ANTENNA. See Antenna, Satellite.

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

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

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

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

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

SIGN AREA. The size of a sign, calculated as the entire area within the periphery of a regular geometric form or combinations of geometric forms on which all elements of a message(s) are displayed. In the case of double-faced signs, where both faces advertise a single facility, product or service, only one face is used to calculate sign area.
(Ord. 2024-1, passed 1-9-2024)

SIGN COPY. The actual physical sign message, including any lettering, numerals, figures, emblems, designs, trade names, trademarks, or other alphabetic or pictorial imagery applied to any background. Sign copy is expressed as the sum of the geometric shape(s) encompassing separate individual letters, words or graphic elements on a background.
(Ord. 2024-1, passed 1-9-2024)

SIGN FACE. The surface of a sign upon or through which the copy of the sign is displayed.
(Ord. 2024-1, passed 1-9-2024)

SIGN STRUCTURE. The area of all sign faces, structural supports, decorative trim and architectural features of the entire sign entity.
(Ord. 2024-1, passed 1-9-2024)

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

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

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

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

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

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

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

TEMPORARY SIGN. A sign constructed, maintained and operated in a manner to be temporarily placed either in the ground or on a building façade or wall. Temporary signs may include, but are not limited to, banners, real estate signs, political signs, inflatable signs, banners, sale signs, construction signs, special events signs, and manual or electronic reader boards.
(Ord. 2024-1, passed 1-9-2024)

TRANSITION. A visual effect used in an electronic message center sign to change from one message to another. Transition effects include, but are not limited to, fading, dissolving, traveling, and scrolling.
(Ord. 2024-1, passed 1-9-2024)

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

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

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

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

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

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

VEHICLE SIGN. A sign(s) permanently painted or affixed on the surface of a licensed, motorized vehicle that is used on a day-to-day basis to transport goods and/or provide services.
(Ord. 2024-1, passed 1-9-2024)

WALL SIGN. An attached sign affixed parallel to and extending less than 18 inches from a building façade, wall or architectural projection. Also commonly referred to as “fascia sign.”
(Ord. 2024-1, passed 1-9-2024)

WINDOW SIGN. A sign affixed to or etched on the interior side of any building window that displays a message intended to be visible on the exterior side.
(Ord. 2024-1, passed 1-9-2024)

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

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

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

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

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

YARD, INTERIOR SIDE. A side yard, which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

ZONING DISTRICT. An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

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

§ 154.04 ZONING DISTRICTS.

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

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

FD Flood Hazard District
H Historic District

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

Commented [EH6]: We should site to the most recent map.

(1) Vacation of public streets and alleys shall cause the land vacated to automatically revert to the same district as the abutting side.

(2) Annexations to or consolidations with the city subsequent to the effective date of this ordinance shall be placed in the A-2 Agricultural Transition District unless the annexation ordinance temporarily places the land in another district. Within one (1) year of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the City Council.

(B) Zoning Map. A certified copy of the Official Zoning Map shall be adopted and approved with the text, as part of this ordinance, and shall bear upon its face the attestation of the mayor and city clerk, and shall be available to the public in the office of the city clerk. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

(C) R-1 Single-Family Residential District. The R-1 Single-Family Residential District is to provide for low-density detached single-family homes within Mineral Point's corporate limits.

(1) Permitted Uses.

(a) Single-family dwellings.

(b) Horticulture and gardening, but not including commercial gardens or greenhouses.

(c) Essential facilities and services, including, but not limited to the educational facilities within an R-1 Single Family Residential District.

Commented [EH7]: Not sure I am understanding this language, particularly in light of (2)(d) making elementary and secondary schools conditional uses. Besides schools, what kind of educational facilities are we talking about ? Stadiums and sports fields? It seems strange to me that elementary and secondary education schools are conditional uses, but other educational facilities are permitted uses.

(d) Accessory uses such as private garages and carports and paved parking areas when located on the same lot and not including the conduct of business, except as permitted household occupation or conditional use, provided that no such garage shall be erected prior to the execution of the principal building to which it is accessory.

(2) Conditional Uses.

(a) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.

(b) Satellite antennas as defined in Section 154.03 and provided for in Section 154.06.

(c) Utilities in all districts, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

(d) Public, parochial, and private elementary and secondary schools, and churches, provided

the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty (50) feet from any residential district boundary line.

(e) Public recreation facilities including archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sports fields, stadiums, swimming pools, and zoological and botanical gardens, provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary, with approval from the Plan Commission.

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

(a) Maximum Building Height:
1. Principal Buildings: 30 feet, 2 1/2 stories
2. Accessory Buildings: 15 feet, 1 story

(b) Maximum Building Area:
1. Principal Buildings: none
2. Accessory Buildings: 864 square feet. An Accessory Building shall be no larger than the Principal Building.

(c) Minimum Front Yard Setback from Highway or Street R.O.W.: 30 feet

(d) Minimum Rear Yard Setback:
1. Principal Buildings: 30 feet
2. Accessory Buildings: 8 feet (10 feet from an alley)

(e) Minimum Side Yard Setback:
1. Principal Buildings: 12 feet (15 feet for street side of corner lot)
2. Accessory Buildings: 8 feet (15 feet for street side of corner lot)

(f) Minimum Lot Width: 80 feet

(g) Minimum Lot Area: 9,600 square feet

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

(1) Permitted Uses.

(a) Any use permitted in the R-1 Single-Family Residential District.

(b) Two-family dwellings.

(c) Duplexes.

(d) No more than two apartments within a single building.

(2) Conditional Uses.

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

(b) Funeral parlors.

(c) Rooming houses, boarding houses and bed and breakfast establishments.

(d) Uses customarily incidental to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.

(e) Home occupations and professional offices as defined in Section 154.03, when incidental to the principal residential use, situated on the same property, and carried on by the resident occupant, subject to the following conditions:

1. Such use shall not exceed twenty-five percent (25%) of the classified floor area of the principal building in which it is located.

2. Only household equipment may be used and no stock in trade may be kept or sold, except that made on the premises.

3. Such uses shall not employ more than one person not a resident on the premises.

4. Any off-street parking area shall be maintained reasonably dustless, and adequately screened from adjoining residential properties.

(f) Three apartments within a building, provided that:

1. Three separate apartments within the same building existed as such on or before October 12, 2021, and were in continuous use as apartments for at least five (5) years prior to October 12, 2021. For purposes of this subsection, "continuous" shall mean that each apartment within the building has been rented or used as residential living space for at least 48 out of the 60 months preceding October 12, 2021. Applicants for conditional use permits under this subs. (f)~~6.~~ will be required to complete an affidavit of continuous use and may be required to provide additional evidence of continuous use.

2. No enlargement of any apartment within the building occurs subsequent to September 14, 2021, unless the purpose of such enlargement is to reduce the number of apartments from three to no more than two.

3. No additional apartment units may be added subsequent to September 14, 2021, in any building within the R-2 District that would increase the number of units to more than two.

4. Each apartment meets the standards of the relevant building code for the State of Wisconsin.

(Ord. 15-2021, passed 10-12-2021)

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

(a) Maximum Building Height:

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

(b) Maximum Building Area:
1. Principal Buildings: none
2. Accessory Buildings: 864 square feet. An Accessory Building shall be no larger than the Principal Building.

(c) Minimum Front Yard Setback from Highway or Street R.O.W.: 30 feet

(d) Minimum Rear Yard Setback:
1. Principal Buildings: 30 feet
2. Accessory Buildings: 8 feet (10 feet from an alley)

(e) Minimum Side Yard Setback:
1. Principal Buildings: 12 feet (15 feet for street side of corner lot)
2. Accessory Buildings: 8 feet (15 feet for street side of corner lot)

(f) Minimum Lot Width: 60 feet

(g) Minimum Lot Area: 7,200 square feet

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

(1) Permitted Uses.

(a) Multiple-family housing units, including two-family units.

(b) Horticulture and gardening, but not including commercial gardens or greenhouses.

(c) Essential services.

(d) Charitable or non-profit institutions and facilities.

(e) Accessory uses.

(2) Conditional Uses.

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

(b) Single-family detached residences.

(c) Rooming houses, boarding houses, and bed and breakfast establishments.

(d) Clubs, fraternities, lodges, and meeting places of a non-commercial nature; provided that all principal structures and uses are not less than twenty-five (25) feet from any lot line.

(e) Rest homes, nursing homes, homes for the aged, clinics, and nursery schools; provided that all principal structures and uses are not less than fifty (50) feet from any lot line.

(f) Home occupations and professional offices, subject to the conditions set forth under Section 154.04(D)(2)(e).

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

(a) Maximum Building Height:
1. Principal Buildings: 40 feet, 3 stories
2. Accessory Buildings: 15 feet, 1 story

(b) Maximum Building Area:
1. Principal Buildings: none
2. Accessory Buildings: 864 square feet. An Accessory Building shall be no larger than the Principal Building. (Ord. 761, passed 6-4-2013)

(c) Minimum Front Yard Setback from Highway or Street R.O.W.: 25 feet

(d) Minimum Rear Yard Setback:
1. Principal Buildings: 25 feet
2. Accessory Buildings: 10 feet from alley

(e) Minimum Side Yard Setback:
1. Multi-Family Building: 12 feet (15 feet for street side of corner lot)
2. Accessory Buildings: 15 feet for street side of corner lot

(f) Minimum Lot Width: 66 feet, 70 feet for corner lots

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

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

(1) Permitted Uses.

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

(2) Conditional Uses.

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

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

(a) Maximum Building Height:
   1. Principal Buildings: 30 feet, 2 stories
   2. Accessory Buildings: 15 feet, 1 story

(b) Minimum Front Yard Setback from Highway or Street R.O.W.: 30 feet

(c) Minimum Rear Yard Setback:
   1. Principal Buildings: 40 feet (50 feet when abutting residential areas)
   2. Accessory Buildings: 40 feet (50 feet when abutting residential areas)

(d) Minimum Side Yard Setback:
   1. Principal Buildings: 40 feet (50 feet when abutting residential areas)
   2. Accessory Buildings: 40 feet (50 feet when abutting residential areas)
   3. In addition, each side of the entire park must be s e t back 80 feet from adjacent uses.

(e) Minimum Park Width: 300 feet

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

(g) Regulations and Standards: The following requirements shall be met by all mobile home parks:

   1. There shall be one (1) mobile home parking space for each mobile home in such park and such parking space shall be graveled or paved with concrete or bituminous material. Each mobile home parking space shall be not less in length than the length of the mobile home to be parked therein, plus five (5) feet.

   2. There shall be two (2) automobile parking spaces for each mobile home. Each space shall not be less than nine (9) feet wide and one-hundred eighty (180) square feet in area, exclusive of maneuvering and access space, and shall be surfaced as provided in i. above.

   3. There shall be a system of driveways, not less than thirty-three (33) feet wide, surfaced with concrete or bituminous material, providing access from each mobile home and automobile parking space within such mobile home park, to the public street or highway; provided that there shall not be more than two (2) entrances from or exists to such street or highway from any one (1) such park without written approval of the Plan Commission. Portions of entrance drives from the street or highway to the nearest mobile home site may be not less than twenty-four (24) feet wide when approved by the Plan Commission.

   4. Each mobile home shall be separated from all other mobile homes by not less than thirty (30) feet and from access drives by not less than fifteen (15) feet. The dwelling unit density shall be as specified above.

   5. Each mobile home park shall provide suitable recreation areas in accordance with site development plans approved by the Plan Commission. Each park shall also provide an adequate storage area for recreational and seasonal equipment. Such storage area shall be enclosed by a well-maintained fence or other enclosure approved by the Plan

Commission.

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

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

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

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

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

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

    b. The planting screen or beautification and landscaping plan required by subparagraph vii. be established and maintained.

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

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

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

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

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

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

service center.

(1) Permitted Uses.

(a) The following are all permitted uses in the C-1 District: art and school supply stores; automotive servicing and repairs; automotive parts sales stores; appliance stores; barber shops and beauty parlors; banks and other financial institutions, including loan and finance companies; business offices; candy and ice cream stores; caterers; clothing repair shops; clinics; clubs; cocktail lounges and taverns, with permit by the Plan Commission; commercial schools; confectioneries, delicatessens; dental clinics; department stores; drug stores; electrical supply; florist shops; food lockers; furniture stores; gasoline stations; heating supply; hotels and motels; ice delivery stations; insurance and real estate agencies; jewelry stores; liquor stores; lumber yards; medical clinics; newspaper offices and light service printers; opticians and optical stores; paint stores, retail only; parking facilities; photographic studios; professional offices; restaurants; small animal hospitals; tourist information and hospitality centers; undertaking establishments; upholsterer's shops; variety stores; vegetable stores; grocery and convenience stores; and any other similar retail uses not specifically listed above which are compatible with established uses on adjoining properties. Also, dwelling units above the ground floor.

(b) The above permitted uses are subject to the following restrictions:

1. Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor. (Am. Ord. 746, passed 12-7-2010)

2. All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

3. All business, servicing or processing, except for off-street parking or loading, and eating establishments in which a portion of their trade is conducted outside, shall be conducted within completely enclosed buildings.

4. The parking of trucks, as an accessory use when used in the conduct of a permitted business listed in this section, shall be limited to vehicles of not over 14,000 pounds gross vehicle weight when located within 150 feet of a Residential District boundary line.

(2) Conditional Uses.

(a) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.

(b) Utilities, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

(c) Public passenger transportation terminals such as heliports and bus and rail depots, (excluding airports, airstrips, and landing fields), provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

(d) Drive-in banks and other drive-in type establishments offering goods and services directly to customers waiting in parked motor vehicles.

(e) Funeral homes, provided that all principal structures and uses are not less than twenty-five (25) feet from any lot line.

(f) Vehicle service, washing, and repair stations; garages; taxi stands; and parking lots, provided that all gas pumps are not less than thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line. Gasoline stations shall be a minimum of five hundred (500) feet from any church or public or parochial school.

(g) Any development within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate, and controlled access traffic ways, and within 1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses, and no principal structures shall be erected closer than one hundred (100) feet to their rights-of-way.

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

(i) Dwelling units below the second floor.

(j) Business use on any floor above the ground floor. (Ord. 746, passed 12-7-2010)

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

(a) Maximum Building Height:
1. Principal Buildings: 40 feet, 3 stories
2. Accessory Buildings: 20 feet, 1 story

(b) Minimum Front Yard Setback from Highway or Street R.O.W.: None

(c) Minimum Rear Yard Setback:
1. Principal Buildings: 30 feet
2. Accessory Buildings: 15 feet

(d) Minimum Side Yard Setback:
1. Principal Buildings: 10 feet if side yard is provided, 15 feet if abutting a residential area
2. Accessory Buildings: 15 feet if abutting a residential area

(e) Minimum Lot Width: 33 feet

(f) Minimum Lot Area: 3,700 feet

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

(1) *Permitted Uses.* The following are all permitted uses in the C-2 District: agricultural services; automotive repair, services, and garages; bowling alleys, pool halls, handball and racquetball clubs; general building contractors; general contractors--heavy construction, lawn and garden services, miscellaneous repair services, motor freight transportation and warehousing; retail trade--building materials, lawn and garden supply, mobile home dealers, boat dealers, recreation and utility trailer dealers, and motor vehicle dealers; special trade contractors; wholesale trade--durable and non-durable goods; hotel and motel; restaurant; gas and service station; convenience stores; all group child care centers regulated by Wis. Admin. Code Ch. DCF 251.
(Am. Ordinance No. 2026-05, passed 9-8-2026)

(2) Conditional Uses.

(a) Any conditional use permitted in the C-1 Central Business District.

(b) Eating and drinking establishments.

(c) Grocery and convenience stores.

(d) Clinics.

(e) Professional offices.

(f) Archery ranges, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges, golf courses, gymnasiums, ice boating, music halls, polo fields, pools, riding academies, skating rinks, sports fields, stadiums, swimming pools, and zoological and botanical gardens, provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary and with approval from the Plan Commission.

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

(a) Maximum Building Height:
1. Principal Buildings: 30 feet, 2 1/2 stories
2. Accessory Buildings: 20 feet, 1 story

(b) Minimum Front Yard Setback from Highway or Street R.O.W.: 50 feet

(c) Minimum Rear Yard Setback:
1. Principal Buildings: 30 feet
2. Accessory Buildings: 15 feet

(d) Minimum Side Yard Setback;
1. Principal Buildings: 10 feet minimum, 30 feet total; 15 feet when abutting a residential area
2. Accessory Buildings: 8 feet, 15 feet when abutting a residential area

(e) Minimum Lot Width; 132 feet

(f) Minimum Lot Area: 8,000 square feet

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

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

(a) Automotive body repairs; automotive upholstery; cleaning, pressing, and dyeing establishments; commercial bakeries; commercial green-houses; distributors; farm machinery sale and repair; food locker plants; laboratories; machine shops; manufacture and bottling of non-alcoholic beverages; painting; printing; publishing; storage and sale of machinery and equipment; trade and contractor's offices; warehousing; and wholesaling.

(b) Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, leather, metals, paper, plaster, plastics, textiles, and wood.

(c) Manufacture, fabrication, processing, packaging and packing of confections; cosmetics; electrical appliances; electronic devices; food, except cabbage, fish and fish products, meat and meat products, and pea vining; instruments; jewelry; pharmaceuticals; tobacco; and toiletries.

(d) Inside storage.

(e) Greenways, open spaces, and parking in open areas.

(2) Conditional Uses.

(a) Airports, airstrips, and landing fields, provided the site area is not less than twenty (20) acres.

(b) Governmental protection facilities such as fire and police stations, and public emergency shelters

(c) Utilities, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

(d) Public passenger transportation terminals such as heliports and bus and rail depots (excluding airports, airstrips, and landing fields), provided all principal structures and uses are not less than one hundred (100) feet from any residential district boundary.

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

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

(g) Outside storage, salvage yards, and manufacturing areas. Wrecking, junk, demolition, salvage and scrap yards shall be surrounded by a solid fence or evergreen planting screen, completely preventing a view from any other property or public right-of-way, and

shall be at least six hundred (600) feet from any Residential District.

(h) Commercial service facilities, such as restaurants and fuel stations, provided all such services are physically and sales-wise oriented toward Industrial District users and employees, and other users are only incidental customers.

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

(a) Maximum Building Height:
1. Principal Buildings: 40 feet, 3 stories
2. Accessory Buildings: 20 feet, 1 story

(b) Minimum Front Yard Setback from Highway or Street R.O.W.: 25 feet

(c) Minimum Rear Yard Setback:
1. Principal Buildings: Equal to building height, 10 feet minimum
2. Accessory Buildings: 20 feet

(d) Minimum Side Yard Setback:
1. Principal Buildings: Equal to building height, 10 feet minimum; if side yard is provided, it shall have a minimum width of 10 feet
2. Accessory Buildings: 25 feet

(e) Minimum Lot Width: 100 feet

(f) Minimum Lot Area; 15,000 square feet

(J) M-2 Heavy Industrial District. The M-2 Heavy Industrial District is established to provide for the manufacture and distribution of products and materials which, by their nature, could be considered as polluting or hazardous and which require segregation from other land uses because of these potential problems. Such uses also require extensive land areas, access to transportation and other public facilities, and tend to strengthen the city's economic base consistent with community goals and objectives.

(1) Permitted Uses.

(a) All uses permitted in the M-1 Light Industrial District.

(b) Freight yards, freight terminals, and trans-shipment terminals.

(c) Breweries.

(d) Crematories.

(2) Conditional Uses.

(a) All conditional uses permitted in the M-1 Light Industrial District.

(b) Manufacturing and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candles, carpeting, celluloid, cement,

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

(c) Mineral extraction operations, including washing, crushing, or other processing, subject to the following restrictions and procedures:

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

    a. An adequate description of the operation; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of water to be used; a topographic map of the site showing existing contours, with a minimum vertical contour interval of five (5) feet; trees; proposed and existing access roads; and the depth of all existing and proposed excavations.

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

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

3. Plan Commission. The Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring developments, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality; and shall also consider the practicality of the proposed restoration of the site.

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

(a) Maximum Building Height:
1. Principal Buildings: 40 feet, 3 stories
2. Accessory Buildings: 20 feet, 1 story

(b) Minimum Front Yard Setback from Highway or Street R.O.W.: 50 feet

(c) Minimum Rear Yard Setback:
1. Principal Buildings: 30 feet
2. Accessory Buildings: 20 feet, 50 feet when abutting residential areas

(d) Minimum Side Yard Setback:
1. Principal Buildings: 25 feet
2. Accessory Buildings: 25 feet, 50 feet when abutting residential areas

(e) Minimum Lot Width: 250 feet

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

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

(1) Permitted Uses.

(a) The following are all permitted uses in the A-1 District: beekeeping, floriculture, orchards, plant nurseries, truck farming, sod farming, horticulture, nature trails, roadside stands not exceeding one per farm, greenhouses, viticulture, and similar agriculture uses.

(b) Farm dwellings for those resident owners and laborers actually engaged in the principal permitted uses are accessory uses.

(2) Conditional Uses.

(a) Dairying, paddocks, equestrian trails, stables, forest and game management, livestock and poultry raising, grazing, and hatcheries.

(b) Airports, airstrips, and landing fields, provided the site area is not less than twenty (20) acres.

(c) Utilities, provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line.

(d) Colleges, universities, and vocational schools; hospitals; sanitariums; religious, charitable, penal, and correctional institutions; cemeteries and crematories; provided that all principal structures and uses are not less than fifty (50) feet from any lot line.

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

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

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

(h) Housing for seasonal farm laborers.

(i) Placement of a mobile home for use as farm-related housing.

(j) Mineral extraction operations, including washing, crushing, or other processing, subject to the following restrictions and procedures:

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

    a. An adequate description of the operation; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of water to be used; a topographic map of the site showing existing contours, with minimum vertical contour interval of five (5) feet; trees; proposed and existing access roads; and the depth of all existing and proposed excavations.

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

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

3. Plan Commission. The Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring developments, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality; and shall also consider the practicality of the proposed restoration of the site.

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

(a) Maximum Building Height:
1. Principal Buildings: 50 feet
2. Accessory Buildings: 35 feet, 2 1/2 stories

(b) Minimum Front Yard Setback from Highway or Street R.O.W.: 100 feet

(c) Minimum Rear Yard Setback:
1. Principal Buildings: 30 feet
2. Accessory Buildings: 50 feet

(d) Minimum Side Yard Setback:
1. Principal Buildings: 30 feet
2. Accessory Buildings: 50 feet

(e) Minimum Lot Width: 250 feet

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

(g) Other Use Standards:

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

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

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

(h) Standards for Rezoning:

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

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

(1) Permitted Uses.

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

(2) Conditional Uses.

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

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

(a) Maximum Building Height: Same as the A-1 Agricultural Preservation District.

(b) Minimum Front Yard Setback from Highway or Street R.O.W.: Same as the A-1 Agricultural Preservation District.

(c) Minimum Rear Yard Setback: Same as the A-1 Agricultural Preservation District.

(d) Minimum Side Yard Setback: Same as the A-1 Agricultural Preservation District.

(e) Minimum Lot Width: Same as the A-1 Agricultural Preservation District.

(f) Minimum Lot Area: Same as the A-1 Agricultural Preservation District.

(g) Other Use Standards: Same as the A-1 Agricultural Preservation District.

(h) Standards for Rezoning:

1. Decisions on petitions for rezoning land from the Agricultural Transition District shall be based on findings that consider the following:

a. Adequate public facilities to serve the development are present or will be provided.

b. The land is suitable for development.

c. The development is designed to minimize the potential for conflict with remaining agricultural uses in the area.

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

(1) Permitted Uses.

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

(2) Conditional Uses.

(a) None.

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

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

(1) Permitted Uses.

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

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

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

(3) Criteria for Approval.

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

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

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

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

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

5. The proposed development shall make adequate provisions for the permanent

preservation and maintenance of open space.

(4) Procedure.

(a) Step 1: Procedure for Rezoning. The procedure for rezoning to the Planned Unit Development District shall be the same as for any other Zoning District change (Section 154.13), except that in addition a general development plan shall be submitted to the planning commission. The general development plan of the proposed project shall be presented at a scale of 1" — 100' and shall show at least the following information:

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

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

3. A utility feasibility analysis.

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

5. General landscape treatment.

6. The plan for phasing the development.

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

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

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

1. A final plat of the entire development area showing detailed lot layout; intended uses of each parcel; public dedication; public and private streets, driveways, walkways, and parking facilities.

2. The location and treatment of open space areas.

3. The arrangement of building groups other than single family residences and all final landscape plans.

4. Architectural drawings and sketches illustrating the design of proposed structures.

5. A utility plan locating all utility installations.

6. A storm water drainage and erosion control plan.

7. Agreements, by-laws, provisions or covenants which govern the organizational

structure, use, maintenance, and continued protection of the Planned Unit Development.

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

(c) Modifications

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

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

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

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

(a) That the proposed modifications are in keeping with the historical character of the individual establishment and its surrounding area.

(b) That such modification will not adversely affect adjacent proper-ties or the community as a whole.

(c) That such modification is necessary because provisions of the underlying district will require changes not in keeping with the historical character of the establishment or its surroundings.

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

The provisions of this Section are intended to:

- Establish and maintain high aesthetic standards for improvements accruing within the District. Preserve the District's natural beauty and visual character by assuring that improvements are

properly related to their sites, and to surrounding developments.

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

(1) Permitted uses.

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

(b) Accessory uses: The following shall be allowed as accessory uses in the district.

1. Uses and structures customarily accessory and incidental to the principal uses listed in subparagraph (1)(a), excepting warehouses.

2. Temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.

3. Day care facilities.

4. Indoor and outdoor recreational facilities, such as swimming pools, saunas, game and craft rooms, exercise and dance studios, community meeting rooms, lounges, playgrounds, tennis or other courts, bike and walking trails, and pedestrian plazas and courts which are provided in association with the principal use listed in subparagraph (1)(a).

(2) Conditional uses.

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

(b) Other manufacturing uses: Industries which are not prohibited uses as defined in Section (Q)(3), and which, based upon a review of an application submitted by the Industry, are approved by the Plan Commission based upon the following criteria:

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

2. The proposed use will not create offensive odor, dust, smoke, fumes, noise, glare, heat, vibrations or truck traffic which are incompatible with principal uses allowed within the District.

3. The proposed use will be located in a structure which is compatible with the character and scale of uses allowed within the District.

4. The proposed use will provide vehicular and pedestrian access, circulation, parking

and loading areas which are compatible with similar facilities for uses on the same site or adjacent site.

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

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

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

(a) Maximum building height:
1. Principal buildings: 55 feet, 3 stories.
2. Accessory buildings: 20 feet, 1 story.

(b) Minimum front yard setback from highway or street R.O.W.: 50 feet.

(c) Minimum rear yard setback:
1. Principal buildings: 30 feet, 50 feet when abutting residential areas, plus 5 feet of setback shall be added for each 10 feet or portion thereof of building height over 20 feet.
2. Accessory buildings: 30 feet, 50 feet when abutting residential areas, plus 5 feet of setback shall be added for each 10 feet or portion thereof of building height over 20 feet.

(d) Minimum side yard setback:
1. Principal buildings: 25 feet, 50 feet when abutting residential areas, plus 5 feet of setback shall be added for each 10 feet or portion thereof of building height over 20 feet.
2. Accessory buildings: 25 feet, 50 feet when abutting residential areas, plus 5 feet of setback shall be added for each 10 feet or portion thereof of building height over 20 feet.

(e) Minimum lot width: 250 feet.

(f) Minimum lot area: 43,560 square feet (1 acre).

(g) Additional Design Standards: The BP District shall be considered an "Industrial District" under Section 154.05(G) and 154.09(D) of this Ordinance, and an "Industrial Park" under Section 154.10(D)(8) of this Ordinance. All other sections of this Ordinance intended to control the aesthetics of development within a District, inclusive of Section 154.05, 154.06, 154.07, 154.08, 154.09, 154.10 and 154.11, shall apply as originally written and/or amended unless otherwise noted in this Section.

§ 154.05 MODIFICATIONS AND EXCEPTIONS

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

(B) Height.

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

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

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

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

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

(D) Extensions of Structures into Required Yards.

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

(a) Canopies and marquees in Business Districts (not permitted in interior side yards) --- 6 feet

(b) Cornices and similar extensions --- 1 foot

(c) Open fireproof fire escapes --- 3 feet

(d) Eaves --- 2 feet

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

(a) Cornices, canopies, marquees and similar extensions shall be at least ten (10) feet above ground level.

(b) Canopies shall, in no case, extend nearer than three (3) feet back of the face of a curb.

(E) Extensions of Structures Over Sidewalks. In the C-1 Central Business District, canopies attached to business structures at the front property line shall be permitted to extend over the sidewalk, subject to the width restriction of Section 154.05(D)(1) and the further restrictions of Section 154.05(D)(1). A zoning permit shall be required for any canopy projecting into the right-of-way of any street. Permits for such structures shall be revocable as provided in Chapter 86.04, Wisconsin Statutes.

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

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

(H) *Residential Buildings divided by Property line*. In the R-2 District, zero-side yard setback developments are allowable in the instance where a property line divides an attached residential building under the following conditions:

(1) The Building Inspector certifies the shared wall, from the lowest level/basement to the underside of the roof sheathing along the common property line is fire rated for 1 hour.

(2) The Building Inspector or Water and Sewer Superintendent verifies each dwelling unit has its own independent sewer and water utility connection and meters.

(3) A recorded maintenance agreement is provided that covers the shared maintenance of the common roof and wall and easements for repairs.

(4) A Certified Survey Map is applied for and approved if splitting an existing lot.

(5) The maximum size of a lot with a residential building split by a property line is 10,000 sq ft.

(6) The side yard setback is at least 10' on the non-shared side of the lot.

(7) Remaining standards shall be the same as those for single-family detached dwelling unit structures.

(Ord. 2026-05, passed 9-8-2026)

§ 154.06 SATELLITE ANTENNAS

(A) Purpose. Satellite antennas, as defined in Section 154.03, are of such a nature as to require additional standards to ensure the safety, quality and aesthetics of the neighborhood of which they are a part. This section shall regulate all radio and television transmitting and receiving equipment, including satellite antennas, antenna towers and other electronics equipment requiring outdoor structures.

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

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

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

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

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

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

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

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

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

(2) A garage.

(3) A storage building.

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

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

inches clear of telephone or electrical service wires.

§ 154.07 MOBILE SERVICE SUPPORT STRUCTURES AND FACILITIES

(A) Purpose. The purpose of this ordinance is to regulate by land use permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. It is intended that the City shall apply these regulations to accomplish the following:

(1) Maintain and ensure that a nondiscriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the City's ;aw enforcement, fire and emergency response network.

(2) Provide a process for obtaining necessary permits for telecommunications facilities while at the same time protecting the interests of the citizens of Mineral Point.

(B) Authority. This ordinance is adopted under the authority of §§ 62.23 and 66.0404, Wis. Stats.

(C) Definitions. All definitions contained in §66.0404(1), Wis. Stats., are hereby incorporated by reference.

(D) Administration. This ordinance shall be administered by the Plan Commission with the assistance of the Zoning Administrator.

(E) Exemptions. Exempt from review under this ordinance will be: television antennas, satellite dishes, receive only antennas, amateur radio facilities, mobile public information services providing coverage of news events or of a temporary or emergency nature, ground mounted antennas. Exempt structures under this ordinance shall be subject to all other applicable provisions of any zoning or other development ordinance in effect.

(F) Siting and construction of a new mobile service support structure and facility:

(1) Application Process. A land use permit is required for the siting and construction of any new mobile service support structure and facility, and for the substantial modification of an existing support structure and facility.

(2) A written permit application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:

(a) The name and business address of, and the contact individual for, the applicant.

(b) The location of the proposed or affected support structure.

(c) The location of the proposed mobile service facility.

(d) If the application is to substantially modify an existing support structure (a Class 1

Colocation), a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

(e) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

(f) If an application is to construct a new mobile service support structure, an explanation as to why the applicant choose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

(3) A permit application will be provided by the Zoning Administrator upon request to any applicant.

(4) If an applicant submits to the Zoning Administrator and application for a permit to engage in an activity described in section (F) of this ordinance, which contains all of the information required under this ordinance, the Zoning Administrator shall consider the application complete. If the Zoning Administrator does not believe that the application is complete, the Zoning Administrator shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete. The Zoning Administrator shall submit any complete application to the Plan Commission.

(5) Within 90 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the 90 day period:

(a) Review the application to determine whether it complies with all applicable aspects of the City's land use regulations and, subject to the limitations in this section, zoning ordinance.

(b) Make a final decision whether to approve or disapprove the application.

(c) Notify the applicant, in writing, of its final decision.

(d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(6) The plan commission may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (2)(f).

(7) Setback. No mobile service support structure can be closer than 20 feet or the height of the tower, whichever is greater, to any property line. If an applicant provides the Plan Commission with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than this setback distance, the lesser of the two distances shall apply to such a structure unless the Plan Commission provides the applicant with substantial evidence that the engineering certification is flawed.

(8) The fee for the permit is established under the City's fee schedule. The fee shall accompany the application and is non-refundable. Costs incurred by the City in obtaining legal, planning, engineering, and other technical advice in connection with the review of the application shall be charged to the applicant, except consultant's travel costs.

(Am. Ord. 03-2021, passed 1-12-2021)

(G) Construction of a new mobile service facility on an existing support structure, with no substantial modification of the support structure (Class 2 Colocation).

(1) Application Process. A land use permit is required for the construction of any new mobile service facility on an existing support structure, where the owner of the mobile service facility does not need to substantially modify the support structure.

(2) A written permit application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:

(a) The name and business address of, and the contact individual for, the applicant.

(b) The location of the proposed affected support structure.

(c) The location of the proposed mobile service facility.

(3) A permit application will be provided by the Zoning Administrator upon request to any applicant.

(4) If an applicant submits to the Zoning Administrator an application for a permit to engage in an activity described in section (G) of this ordinance, which contains all of the information required under this ordinance, the Zoning Administrator shall consider the application complete. If the Zoning Administrator does not believe that the application is complete, the Zoning Administrator shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete. The Zoning Administrator shall submit any complete application to the Plan Commission.

(5) Within 45 days of its receipt of a complete application, the Plan Commission shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Plan Commission may agree in writing to an extension of the 45 day period:

(a) Review the application to determine whether it complies with all applicable aspects of the City's land use regulations and, subject to the limitations in this section, zoning ordinance.

(b) Make a final decision whether to approve or disapprove the application.

(c) Notify the applicant, in writing, of its final decision.

(d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(6) The fee for the permit is established under the City's fee schedule. The fee shall accompany the application and is non-refundable. Costs incurred by the City in obtaining legal, planning, engineering, and other technical advice in connection with the review of the application shall be charged to the applicant, except consultant's travel costs.
(Am. Ord. 03-2021, passed 1-12-2021)

(H) Conditions. Upon approval of the application, but prior to the issuance of a permit, the applicant shall:

(1) Provide a bond, naming the City as beneficiary, in the amount of $20,000.00, to assure removal of mobile service facilities and support structures which are abandoned or fall into disuse.

(2) If facilities or support structures are on leased land, provide evidence to the City that the lease: 1. Provides that the lessee is permitted to submit an application for mobile service facilities and structures; 2. Does not preclude the lessee from entering into leases on the site with other provider(s); 3. Does not preclude the lessor from leasing other property to other mobile service providers; and 4. Contains no provision operating as a bar to collocation of other providers.

(3) Provide certification that the mobile service facility and support structure are in compliance with any other applicable local, state, or federal regulations, including but not limited to the City's Historic Preservation and Exterior Lighting Ordinances; FCC license and registration requirements; FAA findings of no hazard; State of Wisconsin building requirements.

(4) Enter into an agreement with the City committing the owner of the mobile service facility and support structure his or her successors to allow the shared use of the support structure if an additional user agrees in writing to meet reasonable terms and conditions for shared use. All such agreements shall be in a recordable format, and, upon approval of the application, shall be recorded with the Iowa County Register of Deeds at the owner's expense.

(5) Provide evidence of liability and property damage insurance at levels common in the industry.

(I) Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.
(Ord. 772, passed 2-8-2016)

§ 154.08 TRAFFIC, PARKING, AND ACCESS

(A) Traffic visibility, vision triangle area.

(1) No visual obstructions including, but not limited to, structures, parking, fencing or vegetation, shall be permitted in any district between the heights of 2 ½ feet and 10 feet above a plane through the mean edge of pavement elevation within the limits of a triangular space formed by any two existing or

proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 25 feet from their intersection.

(2) Official signs and 1 utility pole or street light may be permitted within each segment of an intersection traffic visibility area, provided it is so placed as to cause the least visual obstruction possible.

(Am. Ord/. 2024-1, passed1-9-2024)

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

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

(1) Adequate access to a public street shall be provided for each parking space.

(2) Size of each parking stall shall be not less than one-hundred-eighty (180) square feet, exclusive of the space required for ingress and egress.

(3) Location shall be on the same lot as the principal use, or not over four-hundred (400) feet from the principal use. No commercial or industrial parking area shall be closer than twenty-five (25) feet to a Residential District lot line or to the street line when opposite a Residential District.

(4) All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five (5) vehicles shall have the aisles and spaces clearly marked.

(5) No front yard of a lot in any Residential District, and no front yard of a lot in any Business District upon which a dwelling unit is located shall be used for the parking of motor vehicles, nor shall motor vehicles parked on any other front yard be permitted within five (5) feet of the right-of-way line of a street.

(6) Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines.

(D) Number of Parking Stalls Required.

(1) Single-family dwellings & mobile homes 2 stalls/dwelling unit

(2) Multi-family dwellings 1.5 stalls/dwelling unit

(3) Hotels, motels 1 stall/guest room + 1 stall/3 employees

(4) Hospitals, clubs, lodges, sororities, dormitories, lodging & boarding homes 1 stall/2 beds + 1 stall/3 employees

(5) Sanitariums, institutions, rest & nursing homes 1 stall/5 beds + 1 stall/3 employees

(6) Medical and dental clinics 3 stalls/doctor

(7) Churches, theaters, auditoriums, community centers, vocational & night schools, and other places of public assembly 1 stall/5 seats

(8) Colleges, secondary & elementary schools 1 stall/2 employees

(9) Restaurants, bars, places of entertainment, repair shops, retail & service stores 1 stall/150 sq. ft. of floor area

(10) Manufacturing & processing plants, laboratories & warehouses 1 stall/3 employees

(11) Financial institutions; business, governmental & professional offices 1 stall/300 sq. ft. of floor area

(12) Funeral homes 1 stall/4 seats + 1 stall/vehicle used in the business

(13) Bowling alleys 5 stalls/alley

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

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

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

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

(F) Highway Access.

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

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

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

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

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

(3) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways.

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

§ 154.09 SIGNS

(A) Purpose. The purpose of this Section is to establish standards that safeguard safety and aesthetics by regulating the appearance, construction, location and maintenance of signs.

(B) Application. The provisions of this Section shall apply to all signs in the City of Mineral Point visible beyond the boundaries of the lot upon which they are located, inclusive of any sign currently in use, planned, or hereafter installed or structurally altered, except for:

(1) Any sign or legal notice posted or erected by, or required to be posted by any city, county, state, federal or other formal governmental entity, or private or public utility.

(2) Any vehicle sign, as defined in §154.03 herein.

(C) Interpretation. The City will strictly interpret the regulations in this Section. Regulations are no more or less strict than stated. Where the regulations of this Section do not provide a basis for concluding that a sign is allowed, it is prohibited. Where there is a conflict between the provisions of this Section and the provisions of any other regulation, statute, ordinance or covenant, the most restrictive regulation will apply.

(D) Nonconforming signs. In accordance with Wis. Stat. § 62.23(7)(h) and this § 154.09, any sign lawfully existing at the effective date of this Section that does not conform with the provisions herein shall be characterized as a nonconforming sign and may continue in existence at its current location, subject to the following restrictions:

(1) No structural component, face or panel of a nonconforming sign may be altered in any manner that would increase the extent of nonconformity.

(2) The total structural repairs or alterations of a sign may not, during its life, exceed 50% of the assessed value of the sign, unless permanently changed to a conforming sign.

(3) If, for a period of 12 consecutive months, the use of a nonconforming sign is discontinued or abandoned for any reason whatsoever, any future use of said sign must conform with the provisions of this Section or be removed.

(4) A nonconforming sign that becomes damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored to its prior size, height, arrangement and location without restriction as to the costs of the required repair, restoration or reconstruction.

(E) Design and placement.

(1) Freestanding signs.

(a) All signs located within 10 feet of the front property line of any lot shall be placed so as to provide unobstructed vision between 3 feet and 12 feet, measured vertically above the mean centerline elevation of the streets they abut.

(b) All signs placed within the vision triangle area of corner lots, as defined in §154.08 herein, must provide unobstructed vision between 2 ½ feet and 10 feet, measured vertically above the mean centerline elevation of the street they abut.

(2) Attached signs.

(a) All signs that extend over pedestrian walks shall be a minimum of 8 feet above normal grade, measured between the bottom of the sign and ground level.

(b) All signs that extend over areas that are accessible to vehicles shall be a minimum of 16 feet above normal grade, measured from the bottom of the sign to ground level.

(c) No sign may extend above the building façade to which it is attached.

(d) No part of a sign may cover or obstruct any functional door, doorway, fire escape, fire ladder or window in any manner that prevents ingress and egress.

(3) Projecting signs.

(a) Projecting signs shall not exceed 9 square feet in size and shall not extend more than 4 feet from the building to which they are attached. Such signs shall extend at a 90-degree angle to the building from which they are attached, and shall be placed a minimum of 10 feet from any building corner or edge.

(b) Projecting signs are limited to 1 sign per building facade with direct street and/or public area entry.

(c) Projecting signs may be internally or externally illuminated, subject to restrictions by zoning district classification. If externally illuminated, the light source shall be directed against the sign such that it does not shine into adjacent properties or cause glare for motorists and pedestrians.

(4) Window signs. The gross area of permanent window signs shall not exceed 50 percent of the gross window area of any given building facade.

(5) Electronic message center signs (EMU).

(a) An EMU may constitute one portion of sign area on an attached or freestanding sign structure, or may comprise the total sign area of a sign structure. No EMU may exceed 50 square feet in size.

(b) All dynamic effects are permitted, except flashing and animation. All frames must last at least 8 seconds. Transition effects are permitted, and may last not more than 0.5 second. All EMU signs must be equipped with automatic light sensors to adjust sign brightness according to the intensity of ambient light levels, and to maintain compliance with light trespass standards in this Section.

(6) Except for official public and traffic signs, attached projecting, canopy or awning signs specifically permitted by this Section, banners approved for placement on City-owned streetlight fixtures, or any other sign so authorized by law, no part of a sign may be placed upon, in, or over any public road right-of-way unless granted approval by the City Council based on a finding of unique circumstances or unusual hardship.

(7) All signs shall be designed in a manner that creates the visual effects intended by the provisions of this

Section. No sign may:

(a) Simulate the size, lettering or design of any traffic sign in a manner that misleads or confuses the public.

(b) Produce flashing or animation effects.

(c) Contain mirrors, strobe lights, or lights similar in nature to equipment on emergency response vehicles.

(d) Contain ribbons, streamers, spinners, or similar moving, fluttering, revolving or rotating parts.

(e) Emit any sound, flame, smoke, particles, visible vapors, or odor.

(F) Lighting.

(1) Illuminated signs are allowed in all zoning district classifications, based on the lighting source, subject to the dimensional requirements in §154.09 (L) herein. Externally illuminated signs are allowed in all zoning district classifications. Internally illuminated signs, including EMU signs, are allowed in the C-2 Highway Commercial District, M-1 Light Industrial District, M-2 Heavy Industrial District, BP Business Park District, and Commercial PUD District.

(2) Light Trespass.

(a) Light levels from an illuminated sign on a lot may not exceed 0.1 footcandle above ambient levels along any lot line shared with a lot zoned for and/or used as residential property.

(b) Light levels from an illuminated sign may not exceed 0.3 footcandle above ambient levels along any lot line shared with a lot in the C-1 Central Business District that is used primarily as commercial property.

(c) Light levels from an illuminated sign may not exceed 0.8 footcandle above ambient levels along any lot line shared with a lot in the C-2 Highway Commercial District, M-1 Light Industrial District, M-2 Heavy Industrial District, BP Business Park District, and Commercial PUD District; and, along any lot line that abuts public road frontage.

(G) Construction and maintenance.

(1) All sign supports and elements such as angle irons, chains, wires, and electrical service must be concealed from public view to the maximum extent possible.

(2) All signs must be maintained in a safe, presentable and structurally sound condition at all times. Routine maintenance activities do not require a sign permit. For the purposes of this provision, routine maintenance includes, but is not limited to, painting, cleaning, replacing or repainting sign copy or sign faces within their existing framework, recladding, and replacing worn or defective parts.

(H) Dangerous, deteriorated or dilapidated signs. The Zoning Administrator shall cause to be removed any dangerous, deteriorated or dilapidated sign under the provisions of Wis. Stat.§66.0413.

(I) Abandoned signs. All signs or sign messages shall be removed from a property within 60 days after the business it advertises no longer conducts business at that location unless the Historic Preservation Commission determines that the sign is of historic significance. If the owner or lessee of the property fails to remove the sign within that time period, the Zoning Administrator shall take appropriate enforcement action as described in §154.09 (M).

(J) Sign permits. With the exception of signs described in §154.09 (K) herein, no sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit; and, in the case of any sign located in the Historic District, without a Certificate of Appropriateness issued by the Historic Preservation Commission. All signs subject to the requirements of this Section shall also meet the requirements of §150 of the Municipal Code of the City of Mineral Point. A fee, as specified in the City of Mineral Point Fee Schedule, shall be required for every sign permit issued under this Section.

(K) Signs not requiring a permit. Unless specified otherwise in this Section, official public signs such as traffic control and parking signs, informational signs, notice required by state and federal regulations, signs that are strictly temporary in nature, signs intended to communicate and direct rather than to advertise or identify a business, and other small unobtrusive signs will not require a sign permit. However, some signs shall adhere to specific time limits for their use, as specified in this Section. Should it be determined that any sign not requiring a permit is affecting public safety or is not being properly maintained, the Zoning Administrator shall take appropriate enforcement action as described in §154.09 (M).

(1) Signs requiring a time limit. The following signs do not require a permit, but do have a time limit:

(a) Temporary signs. A temporary sign may be in use for a maximum of four 30-day periods within any consecutive 12-month period. Limits for size, number and height will be as required in §154.09 (L). All temporary signs must be removed no later than 2 days after the event, sale, or other use for which the sign was intended.

(b) Inflatable signs. Inflatable signs are permitted only on lots in the C-2 Highway Commercial District. All inflatable signs must be placed a minimum of 10 feet from any property line and must be directly anchored to the ground with a tether having a maximum length of 5 feet. Notwithstanding the provisions of 154.09 (K)(1)(a), inflatable signs may be in use for a maximum of 5 days in any consecutive six-month period.

(2) Signs not requiring a time limit. The following signs do not require a permit and have no time limit:

(a) Directional signs.

(b) Official government signs.

(c) Building numbers and name plates.

(d) Interior signs not visible beyond the boundaries of the lot on which they are located.

(e) No Trespassing or No Dumping signs.

(f) Memorial signs, cornerstones or plaques that are wall signs.

(g) Official public notices.

(h) Banners approved for placement on City-owned streetlight fixtures.

(L) Sign requirements by zoning district.

(1) *Agricultural Districts (A-1 and A-2).*

(a) Permitted signs. Signs requiring no permits; 1 attached sign; 1 freestanding sign.

(b) Size restriction. Attached sign maximum size is 9 square feet. Freestanding sign maximum size is 16 square feet.

(c) Height restriction. Freestanding sign maximum height is 8 feet.

(2) *Residential Districts (R-1, R-2, R-3, R-4, and Residential PUD).*

(a) Permitted signs. Signs requiring no permits; 1 attached sign; 1 freestanding sign (for multiple-family and non-residential public and institutional uses only).

(b) Size restriction. Attached sign maximum size is 4 square feet for residential uses and 9 square feet for multiple-family uses and non-residential public and institutional uses. Freestanding sign maximum size is 16 square feet.

(c) Height restriction. Freestanding sign maximum height is 8 feet.

(3) *C-1 Central Business District.*

(a) Permitted signs. Signs requiring no permits; permanent window signs; 1 directional sign per public street frontage having a driveway access; 1 attached sign per building facade with direct street and/or public area entry; 1 freestanding sign.

(b) Size restriction. Directional sign maximum size is 9 square feet. Attached wall, canopy or awning sign shall not exceed 5 percent of the area of the corresponding building facade. Attached projecting sign maximum size is 9 square feet. Freestanding sign maximum size is 9 square feet.

(c) Height restriction. Directional sign and freestanding sign maximum height is 4 feet.

(4) *C-2 Highway Commercial District.*

(a) Permitted signs. Signs requiring no permits; permanent window signs; 1 directional sign per driveway access along public street frontage; 1 attached sign per building facade; 1 freestanding sign (including EMU).

(b) Size restriction. Directional sign maximum size is 9 square feet. Attached wall, canopy or awning sign on a building façade fronting a public street shall not exceed 10 percent of the area of the corresponding facade. Attached wall, canopy or awning sign on a building façade not fronting a public street shall not exceed 5 percent of the area of the corresponding façade. Attached projecting sign maximum size is 9 square feet. Single tenant freestanding sign maximum size is 120 square feet. Multi-tenant freestanding sign maximum size is 200 square feet.

(c) Height restriction. Directional sign maximum height is 4 feet. Freestanding sign maximum height is 30 feet.

(5) *Industrial and Business Park Districts (M-1, M-2, BP, and Commercial PUD)*

(a) Permitted signs. Signs requiring no permits; permanent window signs; 1 directional sign per driveway access along public street frontage; 1 attached sign per building facade; 1 freestanding sign (including EMU).

(b) Size restriction. Directional sign maximum size is 9 square feet. Attached wall, canopy or awning sign on a building façade fronting a public street shall not exceed 10 percent of the area of the corresponding facade. Attached wall, canopy or awning sign on a building façade not fronting a public street shall not exceed 5 percent of the area of the corresponding façade. Attached projecting sign maximum size is 9 square feet. Single tenant freestanding sign maximum size is 120 square feet. Multi-tenant freestanding sign maximum size is 200 square feet.

(c) Height restriction. Directional sign maximum height is 4 feet, Freestanding sign maximum height is 30 feet.

(M) Administration and enforcement. The provisions of this Section shall be administered and enforced in accordance with the procedures established in §10.99 and §154.99 of the Municipal Code of the City of Mineral Point. In addition to any and all penalty provisions under applicable law, the City of Mineral Point may bring separate action to abate the nuisance in the manner set forth in the Wisconsin Statutes.
(Am. Ord. 2024-1, passed 1-9-2024)

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§ 154.10 NON-CONFORMING USES, STRUCTURES, AND LOTS

(A) Existing Non-Conforming Uses, The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued, although the use does not conform with the provisions of this Ordinance, provided, however:

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

(2) The total lifetime structural repairs or alternations shall not exceed fifty percent (50%) of the fair market value of the structure at the time of its becoming a non-conforming use, unless it is permanently changed to conform to the use provisions of this Ordinance.

(3) Substitution of new equipment may be permitted by the Board of Appeals, if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.

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

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

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

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

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

Section 154.05(A) are met.

§ 154.11 PERFORMANCE STANDARDS

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

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

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

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

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

(F) Noises. No activity shall produce a sound level outside its premises that exceed the following sound level, measured by a sound level meter and associated octave band filter. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character or shrillness.

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

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

(I) Radioactivity and Electrical Disturbances. No activity shall emit radio-activity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Octave Band Frequency (cycles per sound)	Sound Level (decibels)
0 to 75	72

75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

§ 154.12 BOARD OF APPEALS

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

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

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

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

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

(4) One member shall be a Plan Commissioner, and one member shall be a registered architect, registered professional engineer, builder, or real estate appraiser.

(5) The secretary shall be the City Clerk.

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

(7) Official oaths shall be taken by all members in accordance with Chapter 19.01, Wisconsin Statutes, within ten (10) days of receiving notice of their appointment.

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

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

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

(2) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

(3) If a quorum is present, the Board of Appeals may correct an error, grant a variance, make an interpretation, or permit a utility, temporary, unclassified or substitute use by a majority vote of

the members present. (Am. Ord. 794, passed 4-8-2019)

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

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

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

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

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

(5) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.

(6) Temporary Uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, are compatible with the neighboring uses, and that the Plan Commission has made a review .and recommendation. The permit shall be temporary, revocable, subject to any conditions required by the Board of Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

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

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

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

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

(1) Names and addresses of the appellant or applicant and all abutting and opposite property owners of record.

(2) Plat of survey prepared by a registered land surveyor, showing all of the information required under Section 154.02(D) for a Zoning Permit.

(3) Additional information required by the Plan Commission, City Engineer, Board of Appeals or Zoning Administrator.

(4) Fee receipt from the city clerk/treasurer in the amount established under the City's fee schedule. (Am. Ord. 03-2021, passed 1-12-2021)

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

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

(1) Exceptional Circumstances. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the game district, and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(2) Preservation of Property Rights. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and the same vicinity.

(3) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

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

(1) Conditions may be placed upon any Zoning Permit ordered or authorized by the Board.

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

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

§ 154.13 CHANGES AND AMENDMENTS

(A) Authority. Whenever the public necessity, convenience, general welfare or good zoning practice require, the City may, by ordinance, change the district boundaries or amend, change or supplement the

regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

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

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

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

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

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

(4) Fee receipt from the City Clerk / Treasurer in the amount established under the City's fee schedule.

(Am. Ord. 03-2021, passed 1-12-2021)

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

Commented [EH8]: Note, this is not required by statute, and would be optional… Plan commission can approve at same meeting if desired.

(E) Hearings. Prior to making a recommendation, ~~T~~the ~~City Council~~Plan Commission shall hold a public hearing upon each proposed change and amendment ~~recommendation~~after publication of a class 2 notice, under Wis. Stat. ch. 985. Such notice shall ~~, giving at least ten (10) days prior notice, or by publication at least two (2) times during the preceding thirty (30) days,~~ list~~ing~~ the time, place and changes or amendments proposed. The ~~City Council~~Plan Commission shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

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

Commented [EH9]: No longer legal. Statute does not require ¾ vote to override.

~~(G)~~**§ 154.14 CONDITIONAL USES.** ~~Protest. In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of twenty percent (20%) or more of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) of the land directly opposite thereto extending one hundred (100) feet~~

~~from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full City Council membership.~~

~~The zoning regulations for the City of Mineral Point, Wisconsin, as established by Ordinance 439 and published separately and amended, are hereby adopted by reference as if set out fully herein. Copies are available through city offices.~~

~~(1989 Code, Ch. 17) (Ord. 439, passed __; Am. Ord. 503, passed 8-3-1993; Am. Ord. 565, passed 3-4-1997; Am. Ord. 608, passed 11-2-1999; Am. Ord. 609, passed 11-2-1999; Am. Ord. 670, passed 1-4-2005; Am. Ord. 706, passed 12-5-2006; Am. Ord. 746, passed 12-7-2010; Am. Ord. 761, passed 6-4-2013; Am. Ord. 772, passed 2-8-2016; Am. Ord. 789A, passed 10-8-2018; Am. Ord. 790, Passed 10-8-2018; Am. Ord. 794, passed 4-8-2019)~~

(A) Statement of Purpose. The development and execution of this Section is based upon the division of the City 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 the imposition of certain reasonable conditions, after 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.

(B) Council May Issue Conditional Use Permits. The City Council shall authorize the issuance of a conditional use permit after review and public hearing, provided that such conditional use and involved structure(s) are found to meet the standards set forth in this Section 154.14, be consistent 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.

(C) Applications for Conditional Use Permit.

(1) Applicants. 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 or more of the conditional uses in the zoning district in which such land is located.

(2) Required Application Materials. A written application for a conditional use permit shall be filed with the City Clerk on a form prescribed by the City. Where applicable, each application shall include the following:

(a) A statement with supporting evidence showing that the proposed conditional use shall conform to the standards set forth in subsection (G) below.

(b) The names and addresses of each applicant and each record owner of the site, and all the owners of the lands immediately adjacent to the boundaries of the site and extending outward 100 feet and all the owners of the lands directly opposite from the site extending 100 feet from the street frontage of such opposite land.

(c) A full legal description of the site, the address and tax parcel number of the site, a description of each structure on the site, the proposed operation or use of the land

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Commented [EH11]: Adding a conditional use section to address the procedure for conditional use permit approval. This is also to address the changes in state law requiring substantial evidence to approve or deny a conditional use permit. The thought is to provide enough possible conditions/issues to review the conditional use permit properly.

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constituting the site and each structure on the site, the number of persons to occupy the site, or in the case of home offices or occupations, the persons to be employed on the site and the current zoning of the site.

(d) A survey map or other map or drawing to scale approved by the Zoning Administrator showing the location, property boundaries, dimensions, uses and size of the following: site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing access restrictions; existing and proposed front, side and rear yards; a detailed plan of proposed surface drainage, topographic data or pertinent grade elevations where necessary for proper interpretation of the plans and a diagram showing the property in relation to the surrounding area.

(e) Additional information deemed necessary to determine and provide for enforcement of this Chapter may be required by the Zoning Administrator, Plan Commission or City Council. Such additional information may include, but shall not be limited to: a survey map prepared by a registered land surveyor; or an accurate map or drawing to scale of the site and its structures; a plan showing contours, soil types, high water mark, groundwater conditions, bedrock, slope and vegetation cover, specifications for areas of proposed filling, grading and lagooning or dredging; location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting; fire lanes, fire hydrants and fire protection plans; and plans for buildings, sewerage disposal facilities, water supply systems, disposal of solid waste and recycling; and overall arrangement of operations on the site.

(f) Pre-payment of the required fee.

(D) REFERRAL TO PLAN COMMISSION. Upon receipt of the information, and materials and fee required by this subsection, the City Clerk shall forward the application to the Plan Commission. The Plan Commission shall review the application and make recommendations to the City Council.

(E) HEARING ON APPLICATIONS. The Plan Commission, the City Council or both jointly shall hold a public hearing at such time and place as shall be established by the respective body. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 notice under the Wisconsin Statutes.

(F) REVIEW AND APPROVAL BY CITY COUNCIL.

(1) Site Review; Technical Assistance. In making its decision, the City Council shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission and the City Council 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.

(2) Findings. When the City Council authorizes the issuance of a conditional use permit, the resolution approved by the council shall make findings supporting the conditions imposed by the permit.

(3) Conditions. The City Council may stipulate such conditions and restrictions upon the

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establishment, location, construction, maintenance, and operations 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 subsection 154.14(G) below. Any condition imposed must be reasonable, related to the purpose of the ordinance, measurable (to the extent practicable), and based on substantial evidence. Such conditions may relate to, including but not limited to, the following issues:

(a) Landscaping.

(b) Architectural design.

(c) Type of construction.

(d) Construction commencement and completion dates.

(e) Sureties.

(f) Lighting.

(g) Fencing and noise barrier.

(h) Operational control.

(i) Hours of operation.

(j) Traffic circulation.

(k) Deed restrictions.

(l) Access restrictions.

(m)Setbacks and yards.

(n) Type of shore cover.

(o) Specified sewer disposal and water supply system.

(p) Planting screens.

(q) Piers and docks.

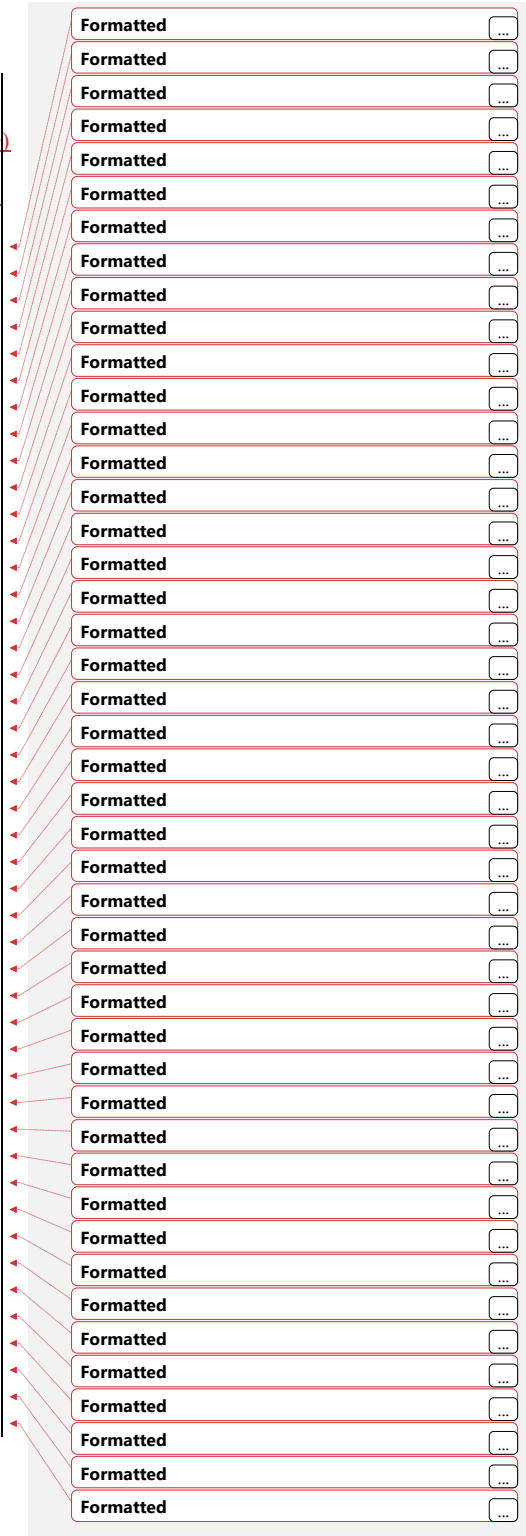
(r) Parking areas.

(s) Walkways.

(t) Snow removal and snow storage.

(u) Duration of permitted use.

(v) Transfer of permit.


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(w) Renewal of permit.

The foregoing conditions are listed for illustration purposes, and not for limitation purposes. The Council may impose any other requirements necessary to fulfill the purpose and intent of this Chapter.

(4) Guaranties. In all cases in which conditional uses are granted, the City Council 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.

(5) Substantial Evidence. For the purposes of this Section 154.14, "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion. The applicant must demonstrate that the application and all requirements and conditions established by the City Council related to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. If the applicant meets or agrees to meet all of the requirements and conditions specified in this Code or those imposed by the City Council pursuant to Section 154.14(F)(3), the City Council shall grant the conditional use permit. The City Council's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(G) STANDARDS FOR CONDITIONAL USES. In considering the approval or disapproval of a conditional use application, the City Council shall apply the following standards:

(1) Whether the establishment, maintenance or operation of the conditional use will be detrimental to, or endanger the public health, safety, morals, comfort or general welfare, or conflict with the spirit or intent of The Code.

(2) Whether the uses, values and enjoyment of other property in the neighborhood of the site which is being used for permitted zoning purposes will be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

(3) Whether the proposed conditional use is compatible with the use of adjacent properties.

(4) Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the zoning district.

(5) Whether adequate utilities, drainage, open spaces, landscaping, lighting and other necessary site improvements have been or are being provided.

(6) Whether adequate driveways, walkways, traffic access and parking areas have been or will be designed so as to minimize traffic congestion in the public streets and to provide for the safety of pedestrians.

(7) Whether adequate provisions have been or are being provided for the removal and depositing of snow.

(8) Whether the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

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(9) Whether the conditional use will violate flood plain regulations governing the site.

(10) If new construction of a building or an addition to an existing building is contemplated as part of the conditional use, whether the proposed building or addition conflicts with the purposes and objective of the zoning district where the site is located.

(11) Whether the proposed use will have an adverse effect upon any of the following:

(a) The maintenance of safe and healthful conditions.

(b) The prevention and control of water pollution, including sedimentation.

(c) Existing topographic and drainage features and vegetative cover on the site.

(d) The location of the site with respect to floodplains and floodways of rivers and streams.

(e) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

(f) The location of the site with respect to existing or future access roads.

(g) The need of the proposed use for a shoreland location.

(h) Its compatibility with uses on adjacent lands.

(i) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(12) Whether the proposed use may generate smoke, dust, odors, noise, vibration, lighting, health hazards, or possibility of accident inconsistent or conflicting with neighboring uses.

(13) Architectural Treatment. Proposed architectural treatment shall be in general harmony with surrounding uses and the landscape. To this end, the City Council may require the use of certain general types of exterior construction materials and/or architectural treatment.

(14) Sloped Sites; Unsuitable Soils. Where slopes exceed 6 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, and drain tile.

(H) ISSUANCE OF PERMIT.

(1) Permits to Be in Writing. Every conditional use permit shall be in writing and shall specify:

(a) the name of the permit holder;

(b) the legal description, address and tax parcel number for the site;

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(c) the nature of the permission granted;

(d) the duration of the permit if limited; and

(e) the conditions and guarantees applicable to the permit.

(2) Each permit shall be signed by the Mayor or Zoning Administrator.

(3) Recording. The Zoning Administrator shall assure that each permit is promptly recorded in the office of the Iowa County Register of Deeds, unless otherwise directed by the City Council.

(4) Alteration of Conditional Use. No alteration of a conditional use shall be permitted unless approved by the City Council upon application by the permit holder.

(5) Conditional Uses to Comply with Other Requirements. Conditional uses shall comply with all other site and use regulations of this chapter.

(6) Conditional Uses for Home Occupations and Professional Offices. Conditional uses for home occupations and professional offices may be granted only to residents of the property to which the permit applies and shall designate the person or persons authorized to conduct business at the residence. The permit shall specify the occupation or profession that may be conducted. A conditional use permit granted for a home occupation or professional office shall automatically terminate upon the death of the person(s) to whom the permit is granted or when such person(s) no longer resides in the residence to which the permit applies.

(I) EXPIRATION AND EXTENSION OF CONDITIONAL USE PERMIT. Where the City Council 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 City Council's action, unless:

(1) the use is commenced;

(2) construction is under way; or

(3) the current owner of the site possesses a valid building permit under which construction is commenced and is being diligently pursued within six (6) months of the date of issuance. The City Council may extend a conditional use permit for periods of 90 days for justifiable cause, if application is made to the City Clerk at least 30 days before the expiration of said permit.

(J) ABANDONMENT OF CONDITIONAL USE. Any conditional uses which are discontinued for a period of at least twelve consecutive months are automatically terminated by operation of law. The use shall not be resumed except upon re-application and approval by the City Council.

(K) VIOLATION OF PERMIT CONDITIONS; REVOCATION.

(1) The City Council retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints regarding such 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/or the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval of any

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violation of any other provision of City Codes.

(2) Upon written complaint by any person or official, the Zoning Administrator shall initially determine whether said complaint indicates a reasonable probability that the permit holder or the property to which the conditional use permit applies is in violation of one or more of the conditions or other requirements imposed in the permit. If the administrator finds a reasonable probability that the permit holder or property is in violation of the requirements of the permit, the administrator shall refer the complaint to the City Council, which shall conduct a hearing in accordance with the procedures set out in subsection (E) above.

(3) If the City Council finds that there has been a substantial violation of the terms of the conditional use permit, the council may in its discretion revoke the permit, allow the conditional use to continue subject the permit holder's agreement to accept such new or modified conditions as the council deems appropriate, or give the permit holder a reasonable time to bring the use or property into compliance with the terms of the existing permit.

(4) Following any such hearing, the decision of the City Council shall be furnished to the permit holder, in writing, stating the reasons therefore.

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§ 154.2002 EXTRATERRITORIAL ZONING.

The recommendations of the Joint ETZ Committee regarding ETZ District plans and regulations, including plans and regulations for Exclusive Agricultural Zoning, consisting of text and maps, a copy of which is attached to this Ordinance 686 and incorporated herein by reference, as amended, are hereby adopted as the extraterritorial zoning regulations.
(Ord. 686, passed 12-6-2005; Am. Ord. 705, passed 12-5-2006; Am. Ord. 715, passed 1-2-2008; Am. Ord. 716, passed 1-2-2008; Am. Ord. 740, passed 3-30-2010; Am. Ord. 781, passed 9-11-2017; Am. Ord. 782, passed 9-11-2017; Am. Ord. 783, passed 9-11-2017; Am. Ord. 784, passed 9-11-2017; Am. Ord. 785, passed 9-11-2017; Am. Ord. 786, passed 9-11-2017; Am. Ord. 789B, passed 6-11-2018)

§ 154.2103 ZONING MAP AMENDMENTS.

The following zoning map amendments are hereby adopted by reference as if set out in full herein: Ordinance # 454, 465, 466, 521, 722, 733, 737, 752, 765, 767, 787, 788, 790, 13-2020, 14-2021, 15-2021, 2022-01, 2022-01, 2022-02, 2022-03, 2023-01, 2023-02, 2023-08, 2023-09, 2023-10, 2023-12, 2024-09, 2025-07, 2025-11, 2025-12, 2025-13, 2026-04.
(1989 Code, Ch. 17)

§ 154.2204 ANNEXATIONS.

The following ordinances annexing territory into the City of Mineral Point are hereby adopted by reference as if set out in full herein: Ordinance #533, 585, 653,702, 2023-7, 2023-11, 2023-13 amendment to 702, 750, 787.

CHAPTER 155: WELLHEAD PROTECTION

Section

155.01 Purpose, authority and application
155.02 Definitions
155.03 Groundwater protection overlay district
155.04 Separation distances
155.05 Conditional Use Permits
155.06 Existing non-conforming uses
155.07 No acceptance of liability by city
155.08 Enforcement and penalties

Editor's note:

This chapter was established by Ordinance No. 778, passed 5-10-2016.

§ 155.01 PURPOSE, AUTHORITY AND APPLICATION.

(A) PURPOSE. The residents of the City of Mineral Point depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this Ordinance is to establish a groundwater protection overlay district to institute land use regulations and restrictions within a defined area which contributes water directly to the municipal water supply providing protection for the aquifer and municipal water supply of the City of Mineral Point and promoting the public health, safety and general welfare of City residents.

(B) AUTHORITY. Statutory authority of the City to enact these regulations was established by the Wisconsin Legislature in 1983, Wisconsin Act 410 (effective May 11, 1984), which specifically added groundwater protection, in §62.23(7)(a) & (c), Wis. Stats., to the statutory authorization for municipal planning and zoning to protect the public health, safety and welfare.

(C) APPLICATION. The regulations specified in this Wellhead Protection Ordinance shall apply to the incorporated areas of the City of Mineral Point that lie within the recharge areas for municipal water supply wells and are in addition to the requirements in the underlying zoning district, if any. If there is a conflict between this chapter and the zoning ordinance, the more restrictive provision shall apply.

§ 155.02 DEFINITIONS.

(A) Aquifer. "Aquifer" means a saturated, preamble, geologic formation that contains, and will yield, significant quantities of water.

(B) Existing facilities. "Existing facilities" means current facilities, practices and activities which may cause or threated to cause environmental pollution within that portion of the City's wellhead protection area that lies within the corporate limits of the City. Existing facilities include but are not limited to the type listed in the Department of Natural Resources' form 3300-215, Public Water Supply Potential Containment Use Inventory

Form which is incorporated herein as if fully set forth.

(C) Groundwater Protection Overlay District. "Groundwater Protection Overlay District" means that area of land which contributes water to a municipal well based on accepted hydrogeological research, outlined and described as the "Wellhead Protection Area" by the City's wellhead protection plan which is incorporated herein as if fully set forth.

(D) Recharge Area. "Recharge area" means the land area which contributes water to a well by infiltration of water into the subsurface and movement with groundwater toward the well. This area may extend beyond the corporate limits of the City of Mineral Point.

(E) Hazardous Chemicals. "Hazardous Chemicals" means Chemicals and chemical mixtures that is required to have an MDS and meets the definition of hazardous chemical under the OSHA regulations found at 29 CFR 1910.1200(c). Substances packaged for consumption for humans or animals are not considered Hazardous Chemicals. Hazardous Chemicals include:

(1) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure, including carcinogens, toxic and highly toxic agents, irritants, corrosives, sensitizers, hepatotoxins, agents that act on the hematopoietic system, reproductive toxins, and agents which damage the lung, skin, eyes, or mucous membranes as defined in 29 CFR 1910.1200, Appendix A, "Health Hazard Definitions (Mandatory)."

(2) Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.

(3) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and comprises one (1.0) percent or greater of the composition on a weight-per-unit weight basis.

(4) Mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one-tenth of one (0.1) percent or greater composition on a weight-per-unit weight basis.

(5) Ingredients of mixtures prepared within the Groundwater Protection Overlay District in cases where such ingredients are health hazards but comprise more than one-tenth of one (0.1) percent of the mixture on a weight-per-unit weight basis if carcinogenic, or more than one (1.0) percent of the mixture on a weight-per-unit weight bases if non-carcinogenic.

(6) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids used in equipment or for transmission of electric power to homes and businesses).

(F) Well Field. "Well field" means a piece of land used primarily for the purpose of supplying a location for construction of wells to supply a municipal water system.

§ 155.03 GROUNDWATER PROTECTION OVERLAY DISTRICT.

The boundaries of the Groundwater Protection Overlay District shall be shown on the City of Mineral Point zoning map. The locations and boundaries of the zoning districts established by this chapter are set forth in the "City of Mineral Point Wellhead Protection Plan Wells #3, & #4" dated July 2015 [on file in the office of

the City Clerk] incorporated herein and hereby made a part of this ordinance. Said figures, together with everything shown thereon and all amendments thereto, shall be made as much a part of this chapter as though fully set forth and described herein. This ordinance and this promotes public health, safety, and welfare. The groundwater protection overlay district is intended to protect the groundwater recharge area for the water supply from contamination.

(A) GROUNDWATER PROTECTION OVERLAY DISTRICT. Zone 1 is the area of land which contributes water to the well in question, out to a 5-year time of travel to the well. Time of travel delineations are based on accepted hydrogeological research as outlined in the City of Mineral Point Wellhead Protection Plan, with zone boundaries normalized to the nearest public land survey system boundaries.

(1) Permitted Uses. The following uses are permitted in Zone 1 subject to the separations distance in Sec. 155.04:

(a) Parks, provided there is no on-site waste disposal or fuel storage tank facilities associated with this use.

(b) Playgrounds.

(c) Wildlife areas.

(d) Non-motorized trails, such as bike, skiing, nature and fitness trails.

(e) Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage handling and/or production may not exceed 20 gallons or 160 pounds at any time.

(f) Routine tillage, planting, and field management operations in support of agricultural crop production, where nutrients from legume, manure, and commercial sources applied for and credited toward crop nutrient need. The combination of all nutrient sources applied or available on individual fields may not exceed University of Wisconsin soil test recommendations for that field.

(2) Conditional Uses. The following uses may be conditionally permitted in Zone 1 subject to the separations distances in Sec. 155.04:

(a) Buried hydrocarbon, petroleum or hazardous chemical storage tanks. (Hazardous chemicals are identified by OSHA under 29 CFR 1910.1200(c) and by OSHA under 40 CFR Part 370).

(b) Motor vehicle services, including filling and service stations, repair, renovation and body work.

(c) Residential, commercial and industrial establishments that are municipally sewered and whose use, *Aggregate of Hazardous Chemicals* in use, storage, handling and/or production exceeds 20 gallons or 160 pounds at any time.

(d) Geothermal wells, also known as ground source heat pump along with any associated piping and/or ground loop component installations.

(3) Prohibited Uses

(a) Cemeteries.

(b) Chemical manufacturers (Standard Industrial Classification Major Group 28).

(c) Coal storage.

(d) Dry cleaners.

(e) Industrial lagoons and pits.

(f) Landfills and any other solid waste facility, except post-consumer recycling.

(g) Manure and animal waste storage except animal waste storage facilities regulated by the County.

(h) All mining including sand and gravel pits.

(i) Pesticide and fertilizer dealer, transfer or storage facilities.

(j) Railroad yards and maintenance stations.

(k) Rendering plants and slaughterhouses.

(l) Bulk storage of Salt or deicing material.

(m) Salvage or junk yards.

(n) Septage or sludge spreading, storage or treatment.

(o) Septage, wastewater, or sewage lagoons.

(p) Private on-site wastewater treatment systems or holding tanks receiving 12,000 gallons per day or more.

(q) Stockyards and feedlots.

(r) Stormwater infiltration basins without pre-treatment, including vegetative filtration and/or temporary detention.

(s) Wood preserving operations.

(t) Any other use determined by the city council to be similar in nature to the above listed uses.

§ 155.04 SEPARATION DISTANCES.

The following separation distances as specified in s. NR 811.12(5), Wis. Adm. Code, shall be maintained in all zones of the Groundwater Protection Overlay District.

(A) Ten feet between a well and an emergency or standby power system that is operated by the same facility which operates the well and that has a double wall above ground storage tank with continuous electronic

interstitial leakage monitoring. These facilities shall meet the installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110.

(B) Fifty feet between a well and a storm sewer main or a sanitary sewer main where the sanitary sewer main is constructed of water main class materials and joints. Gravity sanitary sewers shall be successfully air pressure tested in place. The air pressure test shall meet or exceed the requirements of the 4 psi low pressure air test for plastic gravity sewer lines found in the latest edition of Standard Specifications for Sewer & Water Construction in Wisconsin. Force mains fall be successfully pressure tested with water to meet the AWWA C600 pressure and leakage testing requirements for one hour at 125% of the pump shut-off head.

(C) Two hundred feet between a well field and any sanitary sewer main not constructed of water main class materials, sanitary sewer manhole, lift station, one or two family residential heating fuel oil underground storage tank or above ground storage tank or private onsite wastewater treatment system (POWTS) treatment tank or holding tank component and associated piping.

(D) Three hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260 and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(E) Three hundred feet between a well field an any farm above ground tank with double wall, or single wall tank with other secondary containment and under a canopy; other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the most restrictive installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(F) Four hundred feet between a well field and a POWTS dispersal component with a design capacity of less than 12,000 gallons per day, a cemetery or a storm water retention or detention pond.

(G) Six hundred feet between a well field and any farm underground storage tank system or other underground storage tank system with double wall and with electronic interstitial monitoring for the system, which means the tank and any piping connected to it; any farm above ground storage tank with double wall, or single wall tank with other secondary containment and under a canopy or other above ground storage tank system with double wall, or single wall tank with secondary containment and under a canopy; and with electronic interstitial monitoring for a double wall tank or electronic leakage monitoring for a single wall tank secondary containment structure. These installations shall meet the standard double wall tank or single wall tank secondary containment installation requirements of s. ATCP 93.260, Wis. Admin. Code, and receive written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances.

(H) One thousand feet between a well field and land application of municipal, commercial, or industrial

waste; the boundaries of a land spreading facility for spreading of petroleum-contaminated soil regulated under state administrative regulations while that facility is in operation; agricultural, industrial, commercial or municipal waste water treatment plant treatment units, lagoons, or storage structures; manure stacks or storage structures; or POWTS dispersal component with a design capacity of 12,000 gallons per day or more.

(I) Twelve hundred feet between a well field and any solid waste storage, transportation, transfer, incineration, air curtain destructor, processing, wood burning, one time disposal or smaller demolition facility; sanitary landfill; any property with residual groundwater contamination that exceeds ch. NR 140 enforcement standards; coal storage area; salt or deicing material storage area; any single wall farm underground storage tank or above ground storage tank that has or has not received written approval from the department of safety and professional services or its designated Local Program Operator under s. ATCP 93.110, Wis. Admin. Code, for a single wall tank installation. These requirements apply to tanks containing gasoline, diesel, bio-diesel, ethanol, other alternative fuel, fuel oil, petroleum product, motor fuel, burner fuel, lubricant, waste oil, or hazardous substances; and bulk pesticide or fertilizer handling or storage facilities.

§ 155.05 CONDITIONAL USE PERMITS.

Individuals and/or facilities may request the City in writing, to permit additional land uses in the Groundwater Protection Overlay District.

(A) REQUIRED APPLICATION MATERIALS

(1) All requests shall be in writing, whether on or in substantial compliance with forms to be provided by the City and may require an environmental assessment report prepared by a licensed environmental engineer. Said report shall be forwarded to the City and/or designee(s) for recommendation and final decision by the City Council.

(2) All the individual/facility shall reimburse the City for consultant fees associated with this review at the invoiced amount plus administrative costs.

(3) Any exemptions granted shall be conditional and may include required environmental and safety monitoring consistent with local, state and federal requirements, and/or bonds and/or securities satisfactory to the City.

(B) REFERL TO PLAN COMMISSION. A properly filed application shall be referred to the Plan Commission for its review and recommendation. The Plan Commission shall review the application and make its recommendation if any. The Plan Commission shall forward the recommendations to the City Council. Upon receipt of the recommendations the City Council shall hold a public hearing.

(C) STANDARDS FOR CONDITIONAL USE. The City Council shall apply the following factors:

(1) The City’s responsibility, as a public water supplier, to protect and preserve the health, safety and welfare of its citizens.

(2) The degree to which the proposed land use practice, activity or facility may threaten or degrade groundwater quality in the City or the City’s recharge area.

(3) The economic hardship which may be faced by the landowner if the application is denied.

(4) The availability of alternative options to the applicant, and the cost, effect and extent of availability of such alternative options.

(5) The proximity of applicant's property to other potential source of contamination.

(6) The then existing condition of the City's groundwater public water well(s) and well fields, and the vulnerability to further contamination.

(7) The direction of flow of groundwater and other factors in the area of the applicant's property which may affect the speed of the groundwater flow, including topography, depth of soil, extent of aquifer, depth to water table and location of private wells.

(8) Any other hydrogeological data or information which is available from any public or private agency or organization.

(9) The potential benefit, both economic and social, from the approval of the applicant's request for a permit.

(D) TYPES OF CONDITIONS WHICH THE CITY COUNCIL MAY REQUIRE. The City Council may stipulate conditions and restrictions including but not limited to the following:

(1) A requirement for periodic environmental and safety sampling, testing, and reporting to established the continued protection of the public water supply. The City may require an application to install one or more groundwater monitoring well(s), at the expense of the applicant.

(2) The establishment of safety structures to prevent groundwater contamination.

(3) The establishment of an operational safety plan to define processes and procedures for material containment, operations monitoring, best management practices, and stormwater runoff management to prevent groundwater contamination.

(4) Written policies and procedures for reporting and cleaning up any spill of hazardous material.

(5) The provision of copies of all federal, state and local facility operation approval or certificates, and on-going environmental monitoring results to the City.

(6) A written agreement pursuant to which the applicant agrees to be held financially responsible for all environmental cleanup costs in the event of groundwater contamination.

(7) Bonds and/or securities satisfactory to the City for future monitoring and cleanup costs if groundwater contamination occurs in the future.

The foregoing conditions are listed for illustration purposes and are not exclusive.

(E) TRANSFERS OF INTEREST IN PROPERTY. Conditional uses permits issued under this section are non-transferable to successor owners of the property subject to the permit without the express written consent of the City Council. The City Council may set conditions and restrictions on the transfer including but not limited to a stipulation that the permit shall not be transferred unless the new owner expressly and in writing assumes the same terms, if any, for personal liability as were required of the former owner in the conditional

use permit to be transferred. Written permission shall be obtained prior to the voluntary transfer of the subject property. When an involuntary transfer occurs, the new owner, a trustee, or other successor to an interest in the real property shall apply to the City within 60 days for permission to continue the use granted by the conditional use permit.

(F) PAYMENT OF COSTS. The applicant shall be solely and exclusively responsible for any and all costs associated with the application. The conditional use will become effective only after any costs incurred by the City during the conditional use application review process and billed to the applicant are paid by the applicant. Those costs may include:

(1) The City's expenses, including consultant's and attorney's fees, if any, associated with the review at the invoiced amount plus administrative costs.

(2) The cost of an environmental impact study if so required by the City or its designee.

(3) The cost of groundwater monitoring or groundwater wells if required by the City or its designee.

(4) The costs of an appraisal for the property or other property evaluation expense if required by the City or its designee.

§ 155.06 EXISTING NON-CONFORMING USES.

Non-conforming uses lawfully in existence within the Groundwater Protection Overlay District at the adoption of the ordinance creating this district may continue to exist in the form and scope in which they existed at that time subject to the following provisions.

(A) Existing facilities shall provide copies of all federal, state and local facility operation approvals or certificate and on-going environmental results to the City upon request.

(B) Existing facilities shall replace equipment or expand in a manner that improves the existing environmental and safety technologies already in existence.

(C) In the event a lawful non-conforming use poses a direct hazard to the City's public water supply, the City may take any action permitted by law to abate the hazard.

(D) Existing facilities shall have the responsibility of devising and/or filing with the City, a contingency plan satisfactory to the Plan Commission for the immediate notification of the appropriate City officers in the event of an emergency.

§ 155.07 NO ACCEPTANCE OF LIABILITY BY CITY.

Nothing in this section shall be construed to imply that the City has accepted any of an owner or operator's liability if a facility or use, whether permitted as of right or pursuant to a conditional use permit, contaminates groundwater in any aquifer.

§ 155.08 ENFORCEMENT AND PENALTIES.

(A) In the event an individual and/or facility causes the release of any contaminants which endanger the Groundwater Protection Overlay District, the individual/facility causing said release shall immediately cease and desist, and provide clean-up satisfactory to the City of Mineral Point.

(B) The individual/facility shall be responsible for all costs of clean-up and the City of Mineral Point consultant fees at the invoice amount plus administrative costs for oversight, review and documentation, which includes all of the cost of City employees' time associated in any way with the clean-up, the cost of City equipment employed and the cost of mileage reimbursed to the City employees attributed to the clean-up.

(C) Following any such discharge, the City may require additional test monitoring or other requirements as outlined in secs. 155.05 and 155.06 herein.

(D) Violations: It shall be unlawful to construct or use any structure, land or water in violation of this ordinance. Any person who is specifically damaged by such violations may institute appropriate action or proceeding to enjoin a violation of this ordinance.

(E) Penalties: Any person, firm or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars ($100.00) or more than Five Hundred Dollars ($500.00) plus the costs of the prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days, or in the alternative, shall have such costs added to their real estate property tax bill as a lien against the property. Each day a violation exists or continues shall constitute a separate offense.

CHAPTER 156: COMPREHENSIVE PLAN

Section

156.01 Adoption

§ 156.01 COMPREHENSIVE PLAN ADOPTED.

(A) Pursuant to Wis. Stats. § 62.23(2) and (3), for cities, villages and towns exercising village powers under Wis. Stats. § 60.22(3), the city is authorized to prepare and adopt a comprehensive plan as defined in Wis. Stats. §§ 66.1001(1)(a) and 66.1001(2).

(B) The Common Council of the City of Mineral Point, Wisconsin, has written procedures designed to foster public participation in the preparation of a comprehensive plan as required by Wis. Stats. § 66.1001(4)(a).

(C) The Plan Commission of the city, by a majority vote of the entire Commission recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the document entitled "City of Mineral Point Comprehensive Plan" containing all of the elements specified in Wis. Stats. § 66.1001(2).

(D) The city has held at least 1 public hearing on this section, in compliance with the requirements of Wis. Stats. § 66.1001(4)(d).

(E) The Common Council of the city does, by enactment of this section, formally adopt the document entitled "City of Mineral Point Comprehensive Plan" pursuant to Wis. Stats. § 66.1001(4)(c).

This section shall take effect on April 1, 2005 upon passage by a majority vote of the members-elect of the Common Council and posted as required by law.

(Am. Ord. 673, passed 3-1-2005;)

Am. Ord. 2024-08, passed 07-09-2024; Am. Ord. 2025-15, passed 09-09-2025.)

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