



136 North Monroe Street  
Waterloo, Wisconsin 53594-1198

### NOTICE OF A CITY OF WATERLOO PLAN COMMISSION MEETING

Pursuant to Section 19.84 Wisconsin Statutes, notice is hereby given to the public and the news media, the following meeting will be held to consider the following:

**MEETING: PLAN COMMISSION**  
**DATE: TUESDAY, September 27, 2022** **TIME: 6:00 p.m.**  
**LOCATION: 136 N. MONROE STREET, MUNICIPAL BUILDING COUNCIL CHAMBERS**

Join Zoom Meeting <https://us02web.zoom.us/j/83894776180?pwd=a3lZQ29FY0J2ZlpljWlU1NCt1Q01SZz09>  
Meeting ID: 838 9477 6180 Passcode: 908930  
Dial by your phone +1 312 626 6799 US (Chicago)

#### PLAN COMMISSION REGULARLY SCHEDULED MEETING

- 1) CALL TO ORDER AND ROLL CALL
- 2) APPROVAL OF MEETING AND PUBLIC HEARING MINUTES: August 23,2022
- 3) CITIZEN INPUT
- 4) COMPLIANCE & ENFORCEMENT REPORT
- 5) OLD BUSINESS
  - a. Ordinance §385-31 Changes and Amendments of the Zoning Code of the City of Waterloo. Application. 575 W. Madison LLC regarding the property located at 575 W Madison St. Parcel #290-0813-0643-049, located in Waterloo. The land use-rezoning request is to allow a changed in land use from existing Commercial District (C-1) §385-12 to Commerical District (C-2) §385-13 for purposes of accommodating recreational, entertainment and office use. Lot Descriptions: LOT 1, CSM 1102-3-651, DOC 749305. ALSO, LOT 38, INDIAN HILLS SOUTH. ALSO, OUTLOT 91, ASSESSOR'S PLAT. ALSO, COM SW/C LOT 9, BLK 6, 1<sup>ST</sup> ADD
  - b. Further Discussions on Zoning Ordinances. Comparing Waterloo's to other communities. Residential Zoning
- 6) NEW BUSINESS
- 7) FUTURE AGENDA ITEMS & ANNOUNCEMENTS
- 8) ADJOURNMENT

Jeanne Ritter, Clerk/Deputy Treasurer

Members: Leisses, Quimby, Petts, Crosby, Reynolds, Lannoy & Sorenson Posted, Distributed & Emailed: 09/23/2022

PLEASE NOTE: It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above meeting(s) to gather information. No action will be taken by any governmental body other than that specifically noticed. Also, upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request such services please contact the clerk's office at the above location.

## **WATERLOO PLAN COMMISSION – Minutes for August 23, 2022**

[a digital meeting recording also serves as the official record]

### **PLAN COMMISSION HEARING & MEETING**

#### **PUBLIC HEARING (1)– LAND REZONING APPLICATIONS –**

Land Rezoning - Ordinance §385-31 Changes and Amendments of the Zoning Code of the City of Waterloo. Application. 575 W Madison LLC regarding the property located at 575 W Madison St. Parcel #290-0813-0643-049, located in Waterloo. The land use-rezoning request is to allow a changed in land use from existing Commercial District (C-1) §385-12 to a Commercial District (C-2) §385-13 for purposes of accommodating recreational, entertainment and office use. Lot Description : LOT 1, CSM 1102-3-651, DOC 749305. ALSO, LOT 38, INDIAN HILLS SOUTH. ALSO, OUTLOT 91, ASSESSOR'S PLAT. ALSO, COM SW/C LOT 9, BLK 6, 1<sup>ST</sup> ADD .

- 1) Call to Order. 6:02pm the Mayor called the meeting to order.
- 2) Public Hearing Mayor stated letter in packet from Riverwalk with concerns about noise. Ron and Tama Griffin discussed noise. Concerned over times people would be coming and going. Ron would like to see Minnetonka exit closed off thus leaving 2 driveways on W Madison available to be used. Would like to see small business succeed. Roger Hellenbrand also discussed noise coming from back of the building. Commission would like to see a business plan, capacity limits, indoor or outdoor plans for facilities, parking.
- 3) Adjourn Public Hearing 6:20 pm

### **PLAN COMMISSION REGULARLY SCHEDULED MEETING**

- 1) CALL TO ORDER AND ROLL CALL. Mayor Quimby called the meeting to order at 6:20 pm. Commissioners attending: Sorenson, Crosby, Quimby, Reynolds and Petts. Absent: Leisses and Lannoy Others in attendance: Ron & Tama Griffin, Roger Hellenbrand, Alder C. Kuhl; Clerk Ritter
- 2) APPROVAL OF MEETING AND PUBLIC HEARING MINUTES: June 28, 2022 [Petts/Crosby] VOICE VOTE: Motion carried.
- 3) CITIZEN INPUT - none
- 4) COMPLIANCE & ENFORCEMENT REPORT Report to be included in next packet.
- 5) OLD BUSINESS
  - a. Further Discussions on Zoning Ordinances. Comparing Waterloo's to other communities. Commission would like to start going over residential zoning. Set up time to discuss with City Attorney. Discussion on Ag land zoning.
- 6) NEW BUSINESS
  - a) Ordinance §385-31 Changes and Amendments of the Zoning Code of the City of Waterloo. Application. 575 W. Madison LLC regarding the property located at 575 W Madison St. Parcel #290-0813-0643-049, located in Waterloo. The land use-rezoning request is to allow a changed in land use from existing Commercial District (C-1) §385-12 to Commercial District (C-2) §385-13 for purposes of accommodating recreational, entertainment and office use. Lot Descriptions: LOT 1, CSM 1102-3-651, DOC 749305. ALSO, LOT 38, INDIAN HILLS SOUTH. ALSO, OUTLOT 91, ASSESSOR'S PLAT. ALSO, COM SW/C LOT 9, BLK 6, 1<sup>ST</sup> ADD List of questions from public hearing will be sent to Wrayburn. Tabled [Petts/Sorenson] Voice Vote: Motion carried.
- 7) FUTURE AGENDA ITEMS & ANNOUNCEMENTS
- 8) ADJOURNMENT [Petts/Reynolds] VOICE VOTE: Motion carried.

Jeanne Ritter, Clerk/Deputy Treasurer

Report To The Plan Commission  
Open Code Enforcement Challenges  
Clerk/Treasurer  
12:55 PM 9/23/2022

Category	Open Date	Closed Date	Address	Responsible Party	Municipal Lead	Desired Outcome	Link To Ord.	Notes	Action
OPEN Neighbor complaints	Jan-15		362 E. Madison St.	Jeremy Uttech	SAFEBUILT	Property owner maintaining clean property; no dangerous work garage	<a href="#">§219-5 Safe and sanitary maintenance of property</a>	Pending action (C.B. verbal) Continue to watch. A residential property formerly zoned commercial; owner has a history of storing scrap on site and selling items on lawn. Repeated combustion incidents in garage. 2/22/2022 Cert and	
OPEN Code compliance	Jan-16		129 N Monroe St	Keri Sellnow	SAFEBUILT	Complete 1st floor build-out to code per conditional use	<a href="#">§140-19 Violations and penalties</a>	20/25/21 remains in non-compliance. Owner in violation C.B. 2021 QTR 1 communication. Owner granted conditional use to reside on a portion of 1st floor; has not complied with building code with shared commercial & residential floor. 2/22/2022 Visual verification of bottom floor occupant has moved out. I have not been inside to verify.	Owner sold building "Kari Sellnow"
OPEN Code compliance	Jan-16		213 West Madison St	Bill Hart	TBD	Use in compliance with zoning code	<a href="#">§385-12 C-1 General Commercial District</a>	J.Q. to address. Use changed from printing to warehousing, no conditional use granted therefore an illegal use	Sent to certified letters 8.30.2022 & 9.14.2022
OPEN Property Maintenance	Jun-17		275 S. Jackson St	Tired Iron Buyer LLC	SAFEBUILT	Property owner investment in warehouse repairs after sale of property from City to property owners <u>and no blight</u>	<a href="#">§219-5 Safe and sanitary maintenance of property</a>	2019-08-28 New construction results in resolution. Terminus of Beech Rd (private property) collects storm water from street leading to ponding of stagnant water	
OPEN Property maintenance	Sep-19		1085 Jaystone Terr	KSA Waterloo LLC; Ben Waterloo LLC LCS DR	SAFEBUILT	Resident complaint: entry threshold prevents wheel chairs and dryer vent may be fire hazarded; 9/3 Routed to Chris B to inspect	<a href="#">§ 219-5 Safe and sanitary maintenance of property</a>	C.B. has made contact. No reply from owner. 02/22/2022 no follow up	
OPEN Property Maintenance	May-20		208 PORTLAND RD	GORDON D YELK & DEBRA A YELK	SAFEBUILT	Remedy collapses garage. No blighting conditions	<a href="#">§ 219-5 Safe and sanitary maintenance of property</a>	10/25/21 Reinspected and confirmed violations, 10/1 sent certified letter; 10/21 cert. letter received, will reinspect in 30 days 2/22/2022: all exterior is compliant. Building is NOT compliant at this time. Verbal with owner as to	owner sold property but garbage has not been removed. Collapsed garage has been removed.
OPEN Property Maintenance	Jun-20		261 S MONROE ST	ANDREW V GRUNEWALD	SAFEBUILT	No blighting conditions	<a href="#">§ 219-5 Safe and sanitary maintenance of property</a>	10/20/21 reinspected & verified violations, 10/21/21 letter sent certified to owner. Waiting on cert. mail receipt to start the 30 days after receipt	

Report To The Plan Commission  
Open Code Enforcement Challenges

Clerk/Treasurer  
12:55 PM 9/23/2022

OPEN Property Maintenance	Sep-21		590 Knowlton St	Property owner	SAFEBUILT	(1) Structural damage to front rear of building needs correcting; (2) Garbage around dumpsters requires cleanup	<a href="#">219-5(B)(3) and 219-5b(7)(b) Safe &amp; Sanitary Maintenance of Property</a>	Notice sent to Waterloo Apartment LLC 9/30 with CC to PD, CT & Donnie Rook with 30 days notice 2/22/2022 verbal compliant by tenant who complained that all site violations were in compliance. Have not verified compliance.	
OPEN Property Maintenance	Oct-21		408 S Jackson St	Property owner	SAFEBUILT		?	Unspecified non-compliance. Item on Building Inspectors list for fall follow-up	
OPEN Property Maintenance	Oct-21		435 W Polk St	Property owner	SAFEBUILT		?	Unspecified non-compliance. Item on Building Inspectors list for fall follow-up	
OPEN Property Maintenance	Sep-21		590 Knowlton St #204	Waterloo Apartments LLC	SAFEBUILT	Properly maintained exterior property areas, foundation, floor & roof	<a href="#">Muni Code 219--5b(3) and 219-5b(7)(b)</a>	CB letter to property owner 9/30/2021	
OPEN Property Maintenance	Oct-21		237 Boorman St	Property owner	SAFEBUILT	Removal of blight	<a href="#">Storage of unlicensed recreational vehicle and weed ordinance</a>	Unspecified non-compliance. Item on Building Inspectors list for fall follow-up 2/22/2022 not verified or have inspected year to date. No inspection	
OPEN Property Maintenance	Dec-21		469 East Madison Street	Property owner	SAFEBUILT	Removal of blight		Blight complaint from neighbor routed to Police Department and Building Inspector. 2/22/2022 certified mail sent 2/10/22 and signed for. Have inspection scheduled on 3/4 to gain access to rear and verify violations.	



## Wrayburn Consulting, LLC

[info@wrayburnconsulting.com](mailto:info@wrayburnconsulting.com)

2000 Fairhaven Boulevard

Elm Grove, WI 53122

262-893-3903

September 12, 2022

Wrayburn Consulting, LLC  
2000 Fairhaven Boulevard  
Elm Grove, WI 53122

**Re: Rezoning Petition - 575 West Madison Street, Waterloo, Wisconsin 53594, Parcel No. 290-0813-0643-049**

Dear Plan Commission:

Please consider this supplemental letter for discussion at the September 27th Plan Commission meeting.

The property owner has found there is insufficient demand in the market to make it feasible to utilize this entire building as office space. As such, we are proposing to rezone the property and use portions of the building as event space. This will not only be more marketable, but it will fill a demand in the community and will make the building much more successful. Waterloo area businesses, clubs, nonprofits, and residents may all take advantage of this type of facility to host their events.

The building is planned to accommodate a variety of event type uses. Portions of the building will remain designated for office uses; however, other parts of the building will be rentable space for all different types of gatherings and events. This may include weddings, small concerts, comedy shows, birthday parties, family reunions, meeting space, art galleries/shows, and other types of exhibitions and conferences.

The building includes three floors; a lower-level parking garage and offices, 1st floor event space; and 2nd floor office space. Some of the spaces and amenities to highlight include an outdoor deck and backyard area, a 1,350 square foot sunroom, the 6,825 square foot Ascend Room with lounge, and the 2,322 square foot kids' room with mini golf.

Outdoor space includes the deck and backyard area. This could be utilized for weddings, ceremonies, conferences, and several other types of events, which may include music. The location on the east side of the building is fortunate as the single-family homes to the west are separated by the building and the homes to the east are further away and separated by trees and the Maunasha River.

Generally, events will start and end at varying times. It is not anticipated that events will extend beyond midnight with cleanup and breakdown to follow.

The site includes 72 exterior/surface parking spaces and 29 underground spaces (101 total). It should be noted that multiple spaces of the building or multiple events may occur on the same day; however, it is not anticipated that the entire building will be rented out at the same time. Furthermore, events will more often be held on the weekends or evenings, outside of the normal business hours of any leased or

rented office space. It is also important to note that from an operation and management standpoint, event or multiple events would not be booked unless the parking demand for such events can be met.

It is our understanding that, at the last Plan Commission meeting, discussion took place regarding closing the driveway and access on Minnetonka Way for events. This drive could be gated off and/or signage installed to direct traffic to the two Madison Street ingresses, and we are open to this; however, we are also concerned that if cars turn onto Minnetonka Way and cannot access the parking lot, they will complete a U-turn, which may be a greater nuisance to the single-family homes on the west side of the street. Again, we are open to ideas and look forward to discussing this further.

Please contact me at (262) 442-4327 or via email at [nfuchs@wrayburnconsulting.com](mailto:nfuchs@wrayburnconsulting.com) if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'N. Fuchs', with a long horizontal flourish extending to the right.

Nicholas Fuchs  
Principal Planner

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

**§ 385-12 C-1 General Commercial District.**

The C-1 District is intended to provide an area for the business and commercial needs of the City.

A. Permitted uses.

- (1) Post offices.
- (2) General business and commercial uses which do not generate noise, smoke or odors that would create a public or private nuisance. These uses generally include the following: **[Amended 10-17-2019 by Ord. No. 2019-08]**
  - (a) Banks, commercial or professional offices and telephone offices.
  - (b) Hotels and motels.
  - (c) Places of amusement and theaters.
  - (d) Personal service, automobile service, and equipment service establishments.
  - (e) Bus depots.
  - (f) Parking lots.
  - (g) Warehousing of 5,000 square feet or less, when an area equal to, or greater than, the same area on the same parcel is used as non-warehousing commercial use.
  - (h) Uses customarily incident to any of the above uses.

B. Conditional uses.

- (1) Any other uses similar in character with the permitted uses and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises.
- (2) Apartments. See Subsection C below.

C. Uses permitted in the C-1 District are subject to the following conditions:

- (1) Dwelling units are not permitted below the second floor without a conditional use permit and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established. **[Amended by Ord. No. 02-3]**
- (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, shall be conducted within completely enclosed buildings.

D. Development standards. Within the C-1 District, there shall be no minimum required standards or setbacks in order to provide flexibility in the redevelopment of the downtown area. However, new buildings shall be subject to the off-street parking and loading requirements of § **385-23** of this chapter.

*The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.*

**§ 385-13 C-2 Highway Commercial District.**

The C-2 District is established to provide for the establishment of principally motor vehicle-oriented or dependent commercial activities in nonresidential settings. Lot dimensional requirements are established to provide for the orderly grouping of commercial uses and for adequate off-street parking.

A. Permitted uses.

- (1) Automotive sales, servicing and repairs.
- (2) Cleaning, dyeing and pressing establishments.
- (3) Department stores and discount stores.
- (4) Drive-in banks.
- (5) Drive-in establishments serving food or beverages.
- (6) Feed and seed stores.
- (7) Gasoline and service stations, provided that all gas pumps are not less than 30 feet from any existing or proposed street line.
- (8) Laundromats.
- (9) Lumber and contractor's yards.
- (10) Motels.
- (11) Plumbing and heating shops.
- (12) Printing and related trades.
- (13) Recreational and entertainment establishments.
- (14) Shopping centers.
- (15) Supermarkets.
- (16) Veterinary clinics.

B. Conditional uses.

- (1) Farm machinery and equipment sales, repair and storage.
- (2) Painting businesses.
- (3) Other uses similar in character to the permitted uses, giving due consideration to such items as noise, odor, pollution, traffic and parking, safety, hours and type of operation.
- (4) Packaging and packing of cheese.

C. Lot, yard and building requirements.

- (1) Lot frontage: minimum 100 feet.
- (2) Lot area: minimum 20,000 square feet.



- (3) Front yard: minimum 25 feet; 50 feet if parking is permitted.
  - (4) Side yards: minimum 20 feet.
  - (5) Rear yard: minimum 20 feet.
  - (6) Building height: maximum 35 feet.
  - (7) Number of stories: maximum 2 1/2 feet.
- D. Off-street parking and loading requirements. See § **385-23** of this chapter.



136 North Monroe Street  
Waterloo, WI 53594  
Phone: (920) 478-3025  
Fax: (920) 478-2021  
[www.waterloowi.us](http://www.waterloowi.us)

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**NOTICE OF CITY OF WATERLOO PLAN COMMISSION PUBLIC HEARING FOR LAND USE REZONING FROM A  
GENERAL COMMERCIAL DISTRICT (C-1) TO A HIGHWAY COMMERCIAL DISTRICT (C-2) UNDER  
PROVISIONS OF CHAPTER §385-31 CHANGES AND AMENDMENTS**

Please take notice that the Plan Commission of the City of Waterloo, Jefferson County, Wisconsin, acting under provisions of Chapter §385-31 changes and amendments of the Zoning Code of the City of Waterloo, shall hold a public hearing on the matter of an application from 575 W. Madison LLC regarding the property located at 575 West Madison St, parcel #290-0813-0643-049, located in the City of Waterloo.

The land use-rezoning request is to allow a change in land use from existing General Commercial District (C-1) to a Highway Commercial District (C-2) for purposes of accommodating recreational, entertainment and office use.

The property is described as follows:

Lot Descriptions: LOT 1, CSM 1102-3-651, DOC 749305. ALSO, LOT 38, INDIAN HILLS SOUTH. ALSO, OUTLOT 91, ASSESSOR'S PLAT. ALSO, COM SW/C LOT 9, BLK 6, 1<sup>ST</sup> ADD

Be further notified that the Plan Commission will hear all persons interested or their agents or attorneys concerning the recommendation for a land use zoning change at a public hearing to be held at **6:00 p.m., on Tuesday, August 23, 2022 in the Council Chamber of the Municipal Building, 136 N. Monroe Street, Waterloo.**

Subsequent to the public hearing, the Plan Commission shall recommend approval, denial, or conditional approval of the land use rezoning request to the Common Council. The Common Council will act on the Plan Commission's recommendation at its regular scheduled September 1, 2022 meeting.

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Jeanne Ritter  
City Clerk/Deputy Treasurer

PUB: The Courier: July 28, 2022  
August 4, 2022



August 12, 2022

City of Waterloo:  
Plan Commission  
Common Council  
136 North Monroe St.  
Waterloo, WI 53594

Dear Planning Commission/ Common Council Members,

Please allow the following to be entered into the record of the public hearing for the matter of a land use zoning change proposed for the property located at 575 W. Madison St., Waterloo, WI.

While we fully support the efforts to promote business in the City of Waterloo, we feel the need to address some concerns with the current proposal for the property. Inherently such uses as weddings, music events and private parties can create noise concerns and regular activity quite late in the evening. Being a neighboring senior assisted living facility, this has brought about concern due to some of the proposed uses and the effects/impact it can have on neighboring properties. We would like to be clear that there is not concern with all proposed uses such as an art gallery, conferences, educational and training events as such uses do not bring about the same concerns.

If this location is approved for such uses as weddings and music events, we do feel this would place a hardship on the existing residential uses in the immediate area and the existing senior assisted living facility.

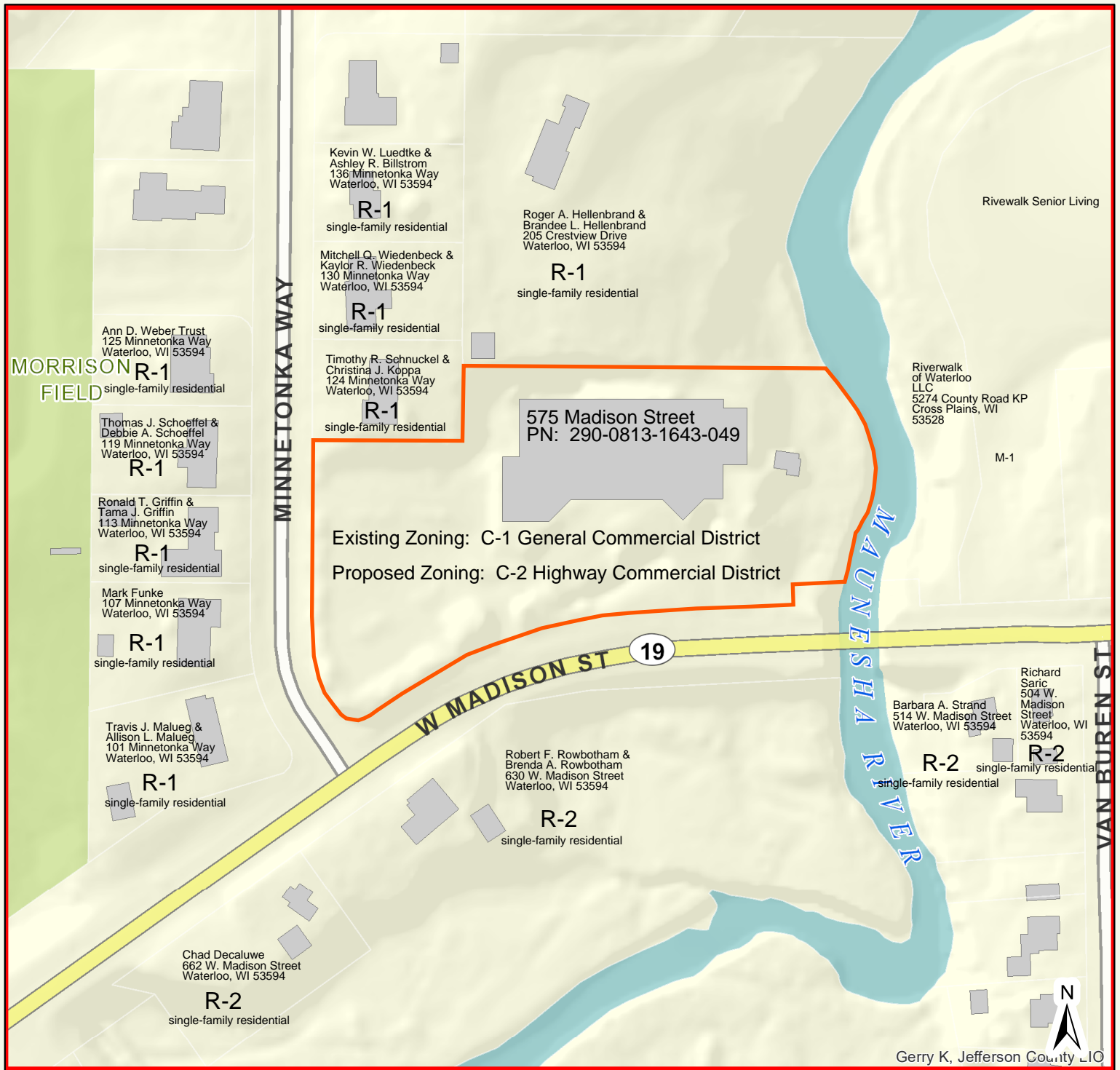
Your time and consideration of this matter is greatly appreciated.

Thank you,

*Janice Faga*

Janice Faga, Property Owner at 477 W. Madison St, Waterloo, WI  
Riverwalk of Waterloo, LLC

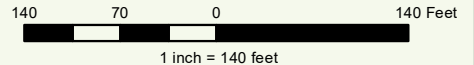
# Jefferson County Land Information



Existing Zoning: C-1 General Commercial District  
 Proposed Zoning: C-2 Highway Commercial District

575 Madison Street  
 PN: 290-0813-1643-049

- |                     |                       |  |                    |  |               |
|---------------------|-----------------------|--|--------------------|--|---------------|
|                     | Description           |  | Rail Right of Ways |  | Tax Parcels   |
|                     | Municipal Boundaries  |  | Road Right of Ways |  | Section Lines |
| <b>Parcel Lines</b> |                       |  |                    |  |               |
|                     | Property Boundary     |  | Surface Water      |  | Map Hooks     |
|                     | Old Lot/Meander Lines |  |                    |  |               |





## Wrayburn Consulting, LLC

[info@wrayburnconsulting.com](mailto:info@wrayburnconsulting.com)

2000 Fairhaven Boulevard

Elm Grove, WI 53122

262-893-3903

July 15, 2022

Wrayburn Consulting, LLC  
2000 Fairhaven Boulevard  
Elm Grove, WI 53122

**Re: Rezoning Petition - 575 West Madison Street, Waterloo, Wisconsin 53594, Parcel No. 290-0813-0643-049**

City of Waterloo:

On behalf of the property owner, 575 West Madison, LLC, please consider the subject rezoning request for the property located at 575 W. Madison Street. The property is currently zoned C-1 General Commercial District. We are requesting to rezone the property to C-2 Highway Commercial District to accommodate both recreational and entertainment use and office use. Recreational and entertainment uses will include weddings, an art gallery, music events, private parties, community gatherings, conferences and educational and training events, and the like.

Below is a legal description of the property and attached please find a Rezoning Exhibit, which includes all information as required by Section 385-31 of the City's Municipal Ordinance.

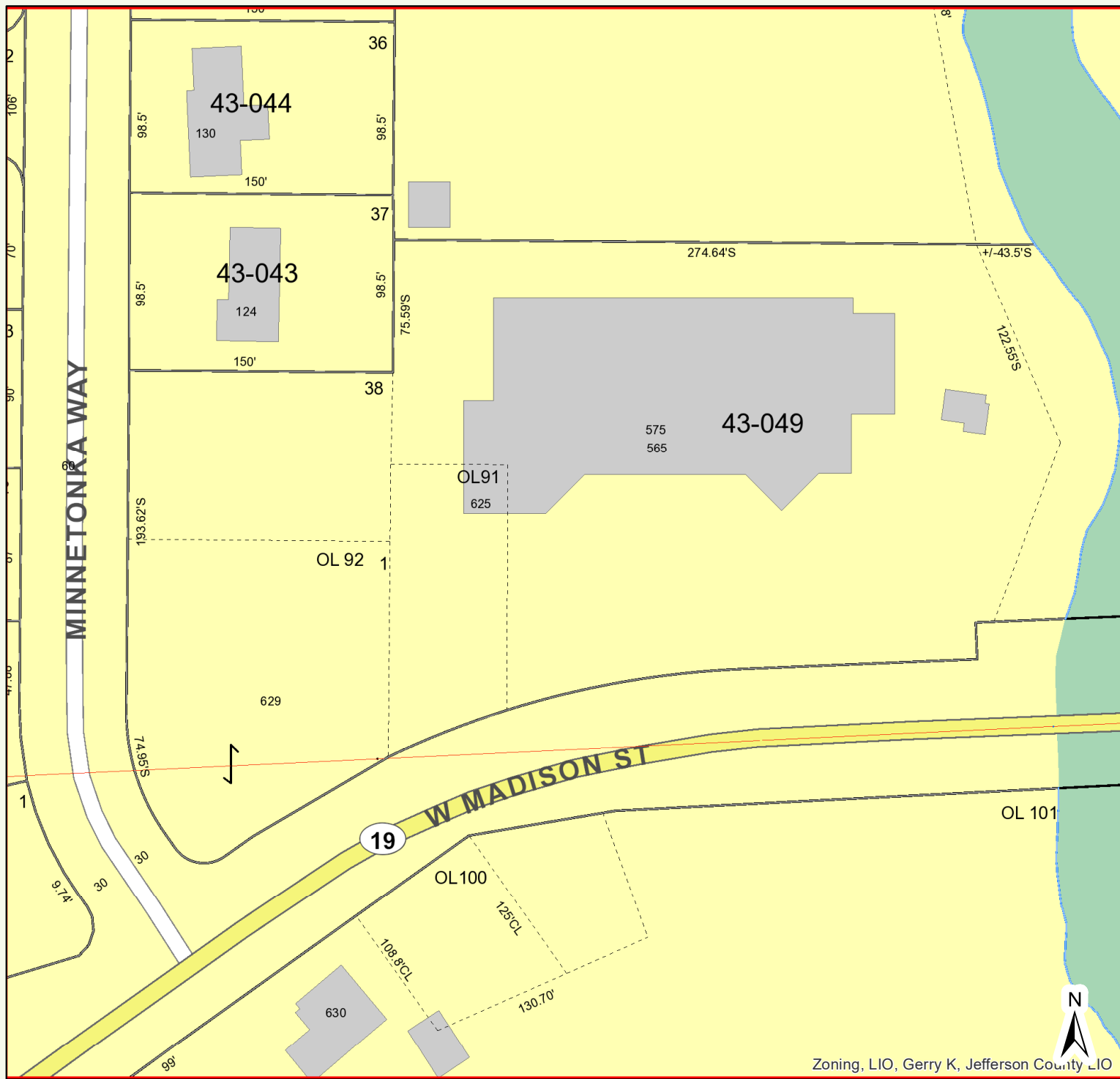
LOT 1, CSM 1102-3-651, DOC 749305. ALSO LOT 38, INDIAN HILLS SOUTH. ALSO OUTLOT 91, ASSESSOR'S PLAT. ALSO COM SW/C LOT 9, BLK 6, 1ST ADD TO BRADFORD HILL ADD, S02DG 01'E 35.02FT, S01DG09'W 354. 93FT TO POB, S88DG51'E 331. 03FT, S05DG27'E 244.10FT, S 57DG58'W 192.37FT, S78DG23'W 103.80FT, N01DG09'E 146.25FT S87DG30'W 66FT, N01DG09'E 133.77FT TO POB. ALSO LD BTW M/L & RIV. ALSO BEG W/L OF OUTLOT 90 BEING 40FT NLY OF C/L W MADISON ST, N08DG22'E 10.5FT, N75DG53'E 97.62FT, N47DG31'E 61.25FT, N86DG18'E 145.76FT, S07DG13'E 30.06FT, S86DG18'W 15.03FT, S07DG13'E 15.03FT, S86DG18'W 143.90FT, S77DG54'W 135.68FT TO POB. ALSO LD LYG BTW M/L & RIV. EX AWARD OF DAMAGES IN DOC 340233. EX PAR 9, TRANS PROJ PLAT 3050-02-20-4.02, DOC 1357316. DEED DOCS 1373414 & 1374033.

Please contact me at (262) 442-4327 or via email at [nfuchs@wrayburnconsulting.com](mailto:nfuchs@wrayburnconsulting.com) if you have any questions.

Sincerely,

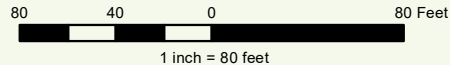
Nicholas Fuchs  
Principal Planner

# Jefferson County Land Information



Zoning, LIO, Gerry K, Jefferson County LIO

- |                       |                    |                                      |                    |
|-----------------------|--------------------|--------------------------------------|--------------------|
| Description           | Rail Right of Ways | Tax Parcels                          | DATCP/JEFFERSON CO |
| Municipal Boundaries  | Road Right of Ways | Preliminary Surveys                  |                    |
| <b>Parcel Lines</b>   | Section Lines      | Extraterritorial Zoning              |                    |
| Property Boundary     | Surface Water      | <b>County Conservation Easements</b> |                    |
| Old Lot/Meander Lines | Map Hooks          | JEFFERSON COUNTY                     |                    |



Jefferson County Geographic Information System

DISCLAIMER: This map is not a substitute for an actual field survey or onsite investigation. The accuracy of this map is limited to the quality of the records from which it was assembled. Other inherent inaccuracies occur during the compilation process. Jefferson County makes no warranty whatsoever concerning this information.

Printed on: July 11, 2022  
Author: Public User

**Sec. 114-57. R-1 low-density residential district.**

- (1) *Intent.* The R-1 district provides for development on larger lots for families wishing a lower density, more open living environment.
- (2) *Permitted uses.* See table in section 114-73 for permitted uses in the R-1 district.
- (3) *Conditional uses.* See table in section 114-73 for conditional uses in the R-1 district.
- (4) *Lot and building requirements.*
  - (a) Minimum lot area: 12,150 square feet
  - (b) Maximum building height: 35 feet
  - (c) Minimum lot width: 90 feet
  - (d) Minimum lot depth: 110 feet
  - (e) Minimum setbacks:
    1. Minimum front yard: 30 feet
    2. Minimum rear yard: 30 feet
    3. Minimum side yard:
      - a. Interior side: 10 feet
      - b. Corner side: 25 feet
  - (f) Maximum lot coverage: 30 percent
- (5) *Accessory buildings and uses.* Accessory buildings and uses typically incidental to residential uses are permitted. These accessory uses include, but are not limited to the following: gazebos, garden sheds, play equipment, private garages, private greenhouses, swimming pools, and home occupations. (See article V, division 2 and division 3).

(Ord. No. 643-09, §§ I, II, 4-8-09)

**Sec. 114-58. R-2 medium-density residential district.**

- (1) *Intent.* The R-2 district provides protection from potentially conflicting uses for areas of existing medium-density residences and provides for the development of new areas of medium density.
- (2) *Permitted uses.* See table in section 114-73 for permitted uses in the R-2 district.
- (3) *Conditional uses.*
  - (a) See table in section 114-73 for conditional uses in the R-2 district.
  - (b) Conversion of single-family dwellings into two-family dwellings provided:
    1. No sale of the premises is pending.
    2. The existing structure will not be substantially altered, will still appear to be a single-family residence, and only one door will be visible from the front.
    3. Each dwelling unit will have a minimum of 600 square feet of floor area measured from the outside including utility rooms but excluding all other areas not used for living or sleeping purposes.

- 
4. Each unit will be provided with two off-street parking spaces, not located in a required yard.
  5. The lot is a minimum of 12,000 square feet in area.
- (c) Duplexes are subject to [subsections 114-58] (3)(b) 3., 4. and 5.
- (4) *Lot and building requirements.*
- (a) Minimum lot area: 9,000 square feet (single-family)  
12,000 square feet (two-family)
  - (b) Maximum building height: 35 feet
  - (c) Minimum lot width: 75 feet
  - (d) Minimum lot depth: 110 feet
  - (e) Minimum setbacks:
    1. Minimum front yard: 25 feet
    2. Minimum rear yard: 25 feet
    3. Minimum side yard:
      - a. Interior side: Ten percent of lot width at building line
      - b. Corner side: 25 feet
  - (f) Maximum lot coverage: 40 percent
- (5) *Accessory buildings and uses.* Accessory buildings and uses typically incidental to residential uses are permitted. These accessory uses include, but are not limited to the following: gazebos, garden sheds, play equipment, private garages, private greenhouses, swimming pools, guesthouses, and home occupations. (See article V, division 2 and division 3.)
- (6) *Zero lot line as conditional use.*
- (a) A conditional use may be issued for a zero lot line dwelling. "Zero lot line dwelling" means a single structure consisting of two residential dwelling units which exist on two lots (that are created upon completion of construction of the single structure) that have a property line along a common wall where the residential dwelling units meet and are attached.
  - (b) *Additional requirements.*
    1. Each unit shall have a separate sewer and water lateral connection.
    2. A minimum one hour fire rated wall assembly division separating living areas from the lowest level to flush against the underside of the roof is required between each dwelling unit. Further, each dwelling unit shall have its own walls, so as to create a situation where no common walls are present.
  - (c) *Compliance with land division regulations.* The division of land occurring upon completion of construction of the zero lot line dwelling shall comply with all applicable land division regulations contained in the City Code.
  - (d) *Certified survey maps for zero lot line dwellings.* A Certified Survey Map in compliance with chapter 90 of this Code prepared by a certified surveyor for a zero lot line dwelling shall be reviewed and approved by the city plan commission before a building permit may be issued for construction of the zero lot line dwelling. The certified survey map shall show the proposed location of structures, the side



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yard, rear yard and street yard setbacks, and the proposed sizes of the lots to be created upon the construction of the zero lot line dwelling.

(Ord. No. 643-09, §§ I, II, 4-8-09; Ord. No. 692-13, § 1, 11-19-13 )

**Sec. 114-59. R-3 high-density residential district.**

- (1) *Intent.* The R-3 district provides protection from potentially conflicting uses for those areas of small lot residences that were developed in the more distant past and provides for the development of new areas of high density. The R-3 district also provides for the conversion of larger single-family homes to two-family dwellings, under certain conditions.
- (2) *Permitted uses.* See table in section 114-73 for permitted uses in the R-3 district.
- (3) *Conditional uses.*
  - (a) See table in section 114-73 for conditional uses in the R-3 district.
  - (b) Conversion of single-family dwellings into two-family dwellings provided:
    1. No sale of the premises is pending.
    2. The existing structure will not be substantially altered, will still appear to be a single-family residence, and only one door will be visible from the front.
    3. Each dwelling unit will have a minimum of 600 square feet of floor area measured from the outside including utility rooms but excluding all other areas not used for living or sleeping purposes.
    4. Each unit will be provided with two off-street parking spaces, not located in a required yard.
    5. The lot is a minimum of 12,000 square feet in area.
  - (c) Duplexes are subject to [subsections 114-59] (3)(b)3., 4. and 5.
- (4) *Lot and building requirements.*
  - (a) Minimum lot area: 7,000 square feet (single-family)  
12,000 square feet (two-family)
  - (b) Maximum building height: 35 feet
  - (c) Minimum lot width: 50 feet
  - (d) Minimum lot depth: 110 feet
  - (e) Minimum setbacks:
    1. Minimum front yard: 25 feet
    2. Minimum rear yard: 20 feet
    3. Minimum side yard:
      - a. Interior side: 10 percent of lot width at building line
      - b. Corner side: 25 feet
  - (f) Maximum lot coverage: 40 percent
- (5) *Accessory buildings and uses.* Accessory buildings and uses typically incidental to residential uses are permitted. These accessory uses include, but are not limited to the following: gazebos, garden sheds, play

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equipment, private garages, private greenhouses, swimming pools, and home occupations. (See article V, division 2 and division 3.)

(6) *Zero lot line as conditional use.*

- (a) A conditional use may be issued for a zero lot line dwelling. "Zero lot line dwelling" means a single structure consisting of two residential dwelling units which exist on two lots (that are created upon completion of construction of the single structure) that have a property line along a common wall where the residential dwelling units meet and are attached.
- (b) *Additional requirements.*
  - 1. Each unit shall have a separate sewer and water lateral connection.
  - 2. A minimum one hour fire rated wall assembly division separating living areas from the lowest level to flush against the underside of the roof is required between each dwelling unit. Further, each dwelling unit shall have its own walls, so as to create a situation where no common walls are present.
- (c) *Compliance with land division regulations.* The division of land occurring upon completion of construction of the zero lot line dwelling shall comply with all applicable land division regulations contained in the City Code.
- (d) *Certified survey maps for zero lot line dwellings.* A certified survey map in compliance with chapter 90 of this Code prepared by a certified surveyor for a zero lot line dwelling shall be reviewed and approved by the city plan commission before a building permit may be issued for construction of the zero lot line dwelling. The certified survey map shall show the proposed location of structures, the side yard, rear yard and street yard setbacks, and the proposed sizes of the lots to be created upon the construction of the zero lot line dwelling.

(Ord. No. 643-09, §§ I, II, 4-8-09; Ord. No. 692-13, § 2, 11-19-13 )

**Sec. 114-60. R-4 multifamily residential district.**

- (1) *Intent.* The R-4 district provides for the conversion of single-family structures to two-family and multifamily uses in the established portions of the city where larger two-story homes predominate and provides for new areas of modern, multifamily developments, including condominiums.
- (2) *Permitted uses.*
  - (a) See table in section 114-73 for permitted uses in the R-4 district.
  - (b) Conversion of single-family dwellings into two-family dwellings provided:
    - 1. No sale of the premises is pending.
    - 2. The existing structure will not be substantially altered, will still appear to be a single-family residence, and only one door will be visible from the front.
    - 3. Each dwelling unit will have a minimum of 600 square feet of floor area measured from the outside including utility rooms but excluding all other areas not used for living or sleeping purposes.
    - 4. Each unit will be provided with two off-street parking spaces, not located in a required yard.
    - 5. The lot is a minimum of 12,000 square feet in area.
  - (c) Duplexes are subject to [subsections 114-60] (2)(b) 3., 4. and 5.

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- (3) *Conditional uses.* See table in section 114-73 for conditional uses in the R-4 district.
- (4) *Lot and building requirements, for single-family dwellings (if two-family, multifamily or conversion see [subsection](5)).*
- (a) Minimum lot area: 7,000 square feet
  - (b) Maximum building height: 35 feet
  - (c) Minimum lot width: 50 feet
  - (d) Minimum lot depth: 110 feet
  - (e) Minimum setbacks:
    - 1. Minimum front yard: 25 feet
    - 2. Minimum rear yard: 20 feet
    - 3. Minimum side yard:
      - a. Interior side: Six feet on either side; both side yards shall total no less than 18 feet
      - b. Corner side: 25 feet
  - (f) Maximum lot coverage: 60 percent
- (5) *Lot and building requirements, other than single-family dwellings.*
- (a) Minimum lot area:
    - 1. Two-family dwellings: 12,000 square feet
    - 2. Multiple-family dwelling: 15,000 square feet
  - (b) Maximum building height: 50 feet
  - (c) Minimum lot width: 80 feet
  - (d) Minimum lot depth: 110 feet
  - (e) Minimum setbacks, provided building does not exceed 30 feet in height. For buildings exceeding 30 feet in height, the minimum front yard and the minimum interior side yard shall be increased by one foot for each two feet or fraction thereof by which the building height exceeds 30 feet:
    - 1. Minimum front yard: 25 feet
    - 2. Minimum rear yard: 30 feet
    - 3. Minimum side yard:
      - a. Interior side: 10 feet
      - b. Corner side: 25 feet
  - (f) Minimum floor area:
    - 1. Two-family dwellings: 700 square feet per unit
    - 2. Multiple-family dwellings: 650 square feet per unit
  - (g) Maximum lot coverage: 40 percent (buildings and structures)  
60 percent (impervious surface)

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- (6) *Accessory buildings and uses.* Accessory buildings and uses typically incidental to residential uses are permitted. These accessory uses include, but are not limited to the following: gazebos, garden sheds, play equipment, private garages, private greenhouses, swimming pools, and home occupations. (See article V, division 2 and division 3).
  - (7) *Additional requirements for R-4 districts.* The following special requirements shall apply to multifamily uses:
    - (a) Multifamily residential dwellings with three or more dwelling units shall place all refuse containers in visually screened areas.
  - (8) *Zero lot line as conditional use.*
    - (a) A conditional use may be issued for a zero lot line dwelling. "Zero lot line dwelling" means a single structure consisting of two residential dwelling units which exist on two lots (that are created upon completion of construction of the single structure) that have a property line along a common wall where the residential dwelling units meet and are attached.
    - (b) *Additional requirements.*
      - 1. Each unit shall have a separate sewer and water lateral connection.
      - 2. A minimum one hour fire rated wall assembly division separating living areas from the lowest level to flush against the underside of the roof is required between each dwelling unit. Further, each dwelling unit shall have its own walls, so as to create a situation where no common walls are present.
    - (c) *Compliance with land division regulations.* The division of land occurring upon completion of construction of the zero lot line dwelling shall comply with all applicable land division regulations contained in the City Code.
    - (d) *Certified survey maps for zero lot line dwellings.* A certified survey map in compliance with chapter 90 of this Code prepared by a certified surveyor for a zero lot line dwelling shall be reviewed and approved by the city plan commission before a building permit may be issued for construction of the zero lot line dwelling. The certified survey map shall show the proposed location of structures, the side yard, rear yard and street yard setbacks, and the proposed sizes of the lots to be created upon the construction of the zero lot line dwelling.

(Ord. No. 643-09, §§ I, II, 4-8-09; Ord. No. 692-13, § 3, 11-19-13 )

### **Sec. 114-61. R-5 mobile home park district.**

- (1) *Intent.* The R-5 mobile home park district provides for the continuation of the existing mobile home park in the city. It is not the city's intention to create any additional areas of R-5 zoning.
- (2) *Permitted uses.* See table in section 114-73 for permitted uses in the R-5 district.
- (3) *Conditional uses.* See table in section 114-73 for conditional uses in the R-5 district.
- (4) *Lot and building requirements:*
  - (a) Minimum lot size: 5,000 square feet
  - (b) Minimum setbacks: 20 feet
  - (c) Minimum mobile home park size: 2 acres
- (5) *Accessory buildings and uses.* Accessory buildings and uses typically incidental to residential uses are permitted. These accessory uses include, but are not limited to the following: gazebos, garden sheds, play

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equipment, private garages, private greenhouses, swimming pools, and home occupations. (See article V, division 2 and division 3).

- (6) *Screening required.* Unless adequately screened by existing vegetative cover, such parks shall be screened by a temporary planting of fast-growing material, capable of reaching a height of 15 feet or more, such as hybrid poplar, and a permanent evergreen planting such as white or Norway pine, the individual trees to be in such numbers and so arranged that, within ten 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 15 feet.
- (7) *Additional requirements.*
- (a) The minimum roadway width shall be 26 feet and shall meet the same construction specifications as public streets.
  - (b) Each mobile home shall be properly anchored.
  - (c) Each park shall have a minimum of ten units.
  - (d) A common recreational area shall be provided as follows:
    - 1. For ten to 20 units, 700 square feet per unit.
    - 2. For 21 to 50 units, 14,000 square feet plus 600 square feet per unit in excess of 20;
    - 3. Fifty-one to 100 units, 32,000 square feet plus 500 square feet per unit in excess of 50; and
    - 4. For 100 and up units, 55,000 square feet plus 400 square feet per unit in excess of 100.
  - (e) All lots shall be served by public water and sewer mains. These mains shall be installed at the expense of the developer, with design material and construction meeting the requirements of the city, and shall be dedicated to the city.
  - (f) Each lot shall be provided with individually metered water and sewer service from the public main, and shall pay the normal water and sewer tap-on fees as required for single-family dwelling units.
  - (g) No sales of new or used mobile homes by dealers or brokers shall be permitted within such park.
  - (h) Also see section 114-108.

(Ord. No. 643-09, §§ I, II, 4-8-09)

## LAKE MILLS

Standard zoning districts.

### (1)

Residential districts.

### (a)

Single-family districts.

### [1]

Rural Development (**RD**) District. This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family detached residential development, as well as a variety of agricultural and agriculture-supporting land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Development District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time. In this manner, even if all property were developed in a given area with the **RD** District designation, the rural community character of that area would still be maintained. This district has a maximum density of one dwelling unit per 35 acres of land area.

### [2]

Single-Family Residential-4 (R1-4) District. The purpose of the Single-Family Residential-4 District is to accommodate lower-density single-family residential development in the City. This district primarily consists of post-World War II residential neighborhoods that have a suburban character, and has a maximum density of approximately four units per acre.

### [3]

Single-Family Residential-6 (R1-6) District. The purpose of the Single-Family Residential-6 District is to accommodate medium-density single-family residential development in the City. This district primarily consists of post-World War II residential neighborhoods that have a urban character, and has a maximum density of approximately six units per acre.

### [4]

Single-Family Residential-8 (R1-8) District. The purpose of the Single-Family Residential-8 District is to accommodate higher-density single-family residential development in the City. This district primarily consists of older platted residential neighborhoods that have a urban character, and has a maximum density of approximately eight units per acre.

### (b)

## LAKE MILLS

Two-family districts. Two-Family Residential-8 (R2-8) District. The purpose of the Two-Family Residential-8 District is to preserve higher-density single- and two-family residential development in older neighborhoods of the City, and to accommodate new residential development with a similar character. The R2-8 District also provides for auxiliary dwelling units compatible with surrounding residential neighborhoods. The district is intended to provide the principal location for single-family attached dwelling types, including duplexes, twin houses, and two-flats. This district has a maximum density of approximately eight units per acre.

### (c)

Multiple-family districts. Multifamily Residential-12 (R3-12) District. The purpose of the R3-12 Multifamily Residential District is to accommodate a range of housing densities and a variety of housing types and styles, with a maximum density of approximately 12 units per acre.

### **13-1-23 R-1L Single Family Residential District, Large Lot**

(Advisory Note: The following requirements are applied in conjunction with this entire Code of Ordinances. Other sections of this Code of Ordinances may also be applicable to any given situation and should be reviewed as well as the following requirements.) (Rev. 12/97)

(a) **Purpose.** The R-1L District is intended to provide residential development limited to single family homes set individually on larger lots.

(b) **Permitted Uses.** The following uses of land are permitted in the R-1L District:

- (1) Single family detached dwellings.
- (2) One (1) private garage with up to three (3) stalls for each residential parcel.
- (3) Accessory uses and buildings less than two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1). Permitted accessory uses and buildings include:
  - a. Gardening, tool and storage sheds incidental to the residential use.
  - b. Off-street parking. See Article G, Section 13-1-92.
  - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
  - d. Signs as permitted by Village ordinances.
- (4) Community living arrangements which have a capacity for eight (8) or fewer persons.
- (5) Foster family care and day care center [with less than nine (9) persons.]
- (6) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) **Conditional Uses.** The following are conditional uses within the R-1L District:

- (1) Professional home offices.
- (2) Funeral services.
- (3) Accessory buildings in excess of two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1), but not to exceed 720 square feet. (Rev. 08/10 Ord. 2010-07)
- (4) Community living arrangements and day care centers which have a capacity of nine (9) or more persons.
- (5) Utilities (electric substations, telephone switching stations, gas regulators, etc.).
- (6) Bed and breakfast inns with up to four (4) guest rooms and serving only breakfast.
- (7) Parks, playgrounds and swimming pools.
- (8) Schools and churches and their affiliated uses, except accessory buildings shall require site plan approval only by the Plan Commission in accordance with the requirements of Article M, Section 13-1-174. (rev. 8/96)
- (9) Home occupations.

(d) **Lot, Building and Yard Requirements.** (Rev. 08/10 Ord. 2010-07)



- (1) Lot Frontage. Minimum eighty-five (85) feet.
  - (2) Lot Area. Minimum ten thousand, five hundred (10,500) square feet. Maximum thirty thousand (30,000) square feet, excluding public improvements and easements.
  - (3) Principal Building Setbacks.
    - a. Front Yard: Minimum twenty-five (25) feet.
    - b. Side Yards: Minimum ten (10) feet. [If street side of corner lot, a minimum of fifteen (15) feet.]
    - c. Rear Yard: Minimum thirty (30) feet.
  - (4) Accessory Structures; including attached or detached garages. (Rev. 8/10) One (1) private attached or detached garage with up to three (3) stalls for each residential parcel.
    - a. Garage minimum square footage 400 sq. ft.
    - b. Detached garages - maximum square footage -720 sq. ft.
    - c. The architectural style and building materials of a detached accessory building/garage, exceeding 200 square feet, shall be constructed of the same materials as the primary residence on the lot.
    - d. Accessory Buildings. One accessory building in addition to an attached or detached garage. The cumulative area of an accessory building shall not exceed 720 square feet.
  - (5) Building Height. Maximum thirty-five (35) feet.
  - (6) Percent of Lot Coverage. Maximum thirty-five percent (35%).
  - (7) Floor Area Per Dwelling Unit. Minimum one thousand, five hundred (1,500) square feet.
  - (8) Percentage of Lot Coverage--Non-Residential Uses. (rev. 4/97) Maximum fifty percent (50%).
- (e) **Design Review**. Refer to Article M, Section 13-1-174(b) for applicable design review requirements.

### **13-1-25 R-1E Single Family Estate Residential District**

(Advisory Note: The following requirements are applied in conjunction with this entire Code of Ordinances. Other sections of this Code of Ordinances may also be applicable to any given situation and should be reviewed as well as the following requirements.) (Rev. 12/97)

- (a) **Purpose.** The R-1E District is intended to provide for low density single family estate type housing on large lots, while preserving and enhancing the rural character of the surrounding areas.
- (b) **Permitted Uses.** The following uses of land are permitted in the R-1E District:
- (1) Single family detached dwellings.
  - (2) One (1) private garage with up to three (3) stalls for each residential parcel.
  - (3) Accessory uses and buildings less than two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1). Permitted accessory uses and buildings include:
    - a. Gardening, tool and storage sheds incidental to the residential use.
    - b. Off-street parking. See Article G, Section 13-1-92.
    - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
    - d. Signs as permitted by Village ordinances.
  - (4) Community living arrangements which have a capacity for eight (8) or fewer persons.
  - (5) Foster family care and day care center [with less than nine (9) persons.]
  - (6) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.
- (c) **Conditional Uses.** The following are permitted as conditional uses within the R-1E District:
- (1) Professional home offices.
  - (2) Accessory buildings in excess of two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1), but not to exceed 1200 square feet in area. (Rev. 08/10 Ord. 2010-07)
  - (3) Community living arrangements and day care centers which have a capacity of nine (9) or more persons.
  - (4) Bed and breakfast inns with up to four (4) guest rooms and serving only breakfast.
  - (5) Parks, playgrounds and swimming pools.
  - (6) Schools and churches and their affiliated uses, except accessory buildings shall require site plan approval only by the Plan Commission in accordance with the requirements of Article M, Section 13-1-174. (rev. 8/96)
  - (7) Home occupations.
- (d) **Lot, Building and Yard Requirements.** (Rev. 08/10 Ord. 2010-07)
- (1) Lot Frontage. Minimum one hundred (100) feet.

- (2) Lot Area. Minimum forty thousand (40,000) square feet.
  - (3) Principal Building Setbacks.
    - a. Front Yard: Minimum sixty (60) feet.
    - b. Side Yards: Minimum twenty (20) feet. [If street side of corner lot, a minimum of forty-five (45) feet.]
    - c. Rear Yard: Minimum thirty (30) feet.
  - (4) Accessory Structures; including attached or detached garages. One (1) private attached or detached garage with up to three (3) stalls for each residential parcel.
    - a. Garage minimum square footage 720 sq. ft.
    - b. Detached garages – maximum square footage – 1200 square feet.
    - c. The architectural style and building materials of a detached accessory building/garage, exceeding 200 square feet, shall be constructed of the same materials as the primary residence on the lot.
    - d. Accessory Buildings. One accessory building in addition to an attached or detached garage. The cumulative area of an accessory building shall not exceed 1200 square feet
  - (5) Building Height. Maximum thirty-five (35) feet.
  - (6) Percent of Lot Coverage. Maximum ten percent (10%).
  - (7) Floor Area Per Dwelling Unit. Minimum one thousand, four hundred (1,400) square feet.
  - (8) Percentage of Lot Coverage--Non-Residential Uses. (rev. 4/97) Maximum thirty (30%).
- (e) **Design Review**. Refer to Article M, Section 13-1-174(b) for applicable design review requirements.

### **13-1-24 R-1W Single Family Waterfront Residential District**

(Advisory Note: The following requirements are applied in conjunction with this entire Code of Ordinances. Other sections of this Code of Ordinances may also be applicable to any given situation and should be reviewed as well as the following requirements.) (Rev. 12/97)

(a) **Purpose.** The R-1W District is intended to provide residential development limited to single family homes set on individual shoreline lots, while providing for the preservation and aesthetic appearance of the shoreline. The R-1W District is designed to:

- (1) Protect and enhance the scenic character of the Village.
- (2) Improve the natural, environmental and ecological merits of private properties, where appropriate.
- (3) Establish natural visual buffers which assist to screen views of built structures, as viewed from roads, water bodies, and neighboring properties.
- (4) Mitigate adverse impacts to water quality attributed to stormwater runoff.
- (5) Provide high quality landscape standards that preserve and augment the existing character of the Village.

(b) **Permitted Uses.** The following uses of land are permitted in the R-1W District:

- (1) Single family detached dwellings.
- (2) One (1) private garage with up to three (3) stalls for each residential parcel.
- (3) Accessory uses and buildings less than two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1). Permitted accessory uses and buildings include:
  - a. Gardening, tool and storage sheds incidental to the residential use.
  - b. Off-street parking. See Article G, Section 13-1-92.
  - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
  - d. Signs as permitted by Village ordinances.
- (4) Community living arrangements which have a capacity for eight (8) or fewer persons.
- (5) Foster family care and day care center [with less than nine (9) persons.]
- (6) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) **Conditional Uses.** The following are conditional uses within the R-1W District:

- (1) Professional home offices.
- (2) Boathouses abutting the waterway provided the structure: (a) has no kitchen or built-in cooking facility; (b) is not utilized for overnight stay; and (c) meets the requirements of Article K, Section 13-1-140(b).
- (3) Accessory buildings in excess of two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1), but not to exceed 720 square feet. (Rev. 08/10 Ord. 2010-07)

- (4) Community living arrangements and day care centers which have a capacity of nine (9) or more persons.
- (5) Bed and breakfast inns with up to four (4) guest rooms and serving only breakfast.
- (6) Parks, playgrounds and swimming pools.
- (7) Schools and churches and their affiliated uses, except accessory buildings shall require site plan approval only by the Plan Commission in accordance with the requirements of Article M, Section 13-1-174. (rev. 8/96)
- (8) Home occupations.

**(d) Lot, Building and Yard Requirements.** (Rev. 08/10 Ord. 2010-07)

- (1) Lot Frontage. Minimum sixty-five (65) feet. Existing lot widths recorded prior to January 1, 2009 are considered to be conforming.
- (2) Lot Area. Minimum nine thousand (9,000) square feet. Existing lot areas recorded prior to January 1, 2009 are considered to be conforming.
- (3) Principal Building Setbacks.
  - a. Front Yard: Minimum fifteen (15) feet.
  - b. Side Yards: Minimum ten (10) feet. [If street side of corner lot, a minimum of fifteen (15) feet.]
  - c. Shore Yard: Minimum seventy-five (75) feet.
  - d. Front, side, and shore yards recorded prior to May 1, 2010 are considered to be conforming.
- (4) Accessory Structures; including attached or detached garages. (Rev. 8/10) One (1) private attached or detached garage with up to three (3) stalls for each residential parcel.
  - a. Garage minimum square footage 400 sq. ft.
  - b. Detached garages -maximum square footage -720 sq. ft.
  - c. The architectural style and building materials of a detached accessory building/garage, exceeding 200 square feet, shall be constructed of the same materials as the primary residence on the lot.
  - d. Accessory Buildings. One accessory building in addition to an attached or detached garage. The cumulative area of an accessory building shall not exceed 720 square feet.
- (5) Building Height. Maximum thirty-five (35) feet.
- (6) Percent of Lot Coverage. For all lots created on or before January 1, 2009 a maximum thirty-five percent (35%) lot coverage is permitted. For lots created after January 1, 2009, no more than twenty Percent (20%) impervious surface is permitted.
- (7) Floor Area Per Dwelling Unit. Minimum one thousand, two hundred (1,200) square feet.
- (8) Percentage of Lot Coverage--Non-Residential Uses. (rev. 4/97) Maximum thirty (30%).

**(e) Site Plan Approval and Design Review.** Refer to Article M, Section 13-1-174 for applicable requirements.

**(f) Landscape Requirements.**

(1) Landscape Preservation and Installation. In addition to the guidelines listed in the Village of Marshall Landscaping Plan Standards document, the following shall apply:

- a. Recognize that individual lots and conditions will afford distinctive and varied opportunities for landscape treatment. The total area, topography, location and other conditions specific to individual lots will potentially require variances from landscaping requirements. While deviations from landscape requirements may be necessary, the intent of landscaping purposes and characteristics outlined in this section should be observed.
- b. A landscape plan should consider the preservation of existing, desired vegetation. Mature tree species that provide a substantial canopy should be retained if possible.
- c. Except for dead, diseased, or nuisance tree species, removal or alteration of existing trees for development or substantial redevelopment of any waterfront lot should not be conducted without first submitting a tree and vegetation inventory.
- d. Installation of additional plant materials should augment existing vegetation, and achieve purposes outlined in this Section.

(2) Plant Material Types and Quantities

- a. All plants shall be hardy and within the United States Department of Agriculture (USDA) hardiness zone applicable to the Village of Marshall, Wisconsin (Hardiness Zones 5a to 3a).
- b. Native or naturalized plant species that provide effective visual screening and benefit wildlife are recommended for consideration in developing a landscape plan.
- c. All plants shall meet the minimum standards for health, form, and root condition as outlined in the American Nursery and Landscape Association (ANLA) Standards.
- d. Plant quantities shall be calculated by measuring the exterior "plantable" area (excluding building footprint, vehicular drives, pedestrian walks, at-grade decks and patios), and applied per each one thousand (1,000) square feet of exterior space.

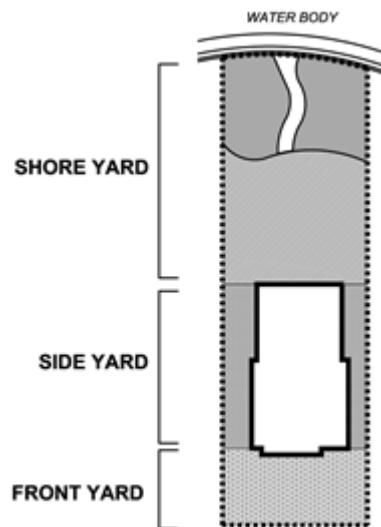
(3) Landscape Design Criteria

- a. Plants shall be spaced to provide optimum growing conditions. The location, dimensions, and spacing of required plantings should be adequate for their proper growth and maintenance, taking into account the sizes of such plantings at maturity and their present and future environmental requirements, such as wind, soil, moisture, and sunlight.
- b. Existing healthy and non-invasive species of trees, shrubs, or woodlands should be incorporated in a landscape plan, and contribute toward the quantity requirement.
- c. Diversity of vegetation species is recommended, although the selection of a plant palette shall consider new flora that is compatible with the growing and environmental requirements of existing vegetation.
- d. Trees or shrubs that are planted immediately adjacent to roadway rights-of-way shall be moderately tolerant of both salt spray and salt absorbed into the soil.
- e. Canopy trees that are newly installed shall reach a minimum height and spread of

thirty (30) feet at maturity (ten (10) years growth) as determined by the ANLA Standards and shall be deciduous. New canopy trees shall have a minimum caliper of two (2) inches at planting.

- f. Ornamental trees that are newly installed shall reach a typical minimum height of fifteen (15) feet at maturity, based on ANLA Standards and shall be deciduous. Ornamental trees shall have a distinctive ornamental character such as showy flowers, fruit, habit, foliage, or bark. New ornamental trees shall have a minimum caliper of one and one-half (1.5) inches.
- g. A minimum of 50% of the quantity of total vegetation (existing and installed) shall be native species recommended by the Wisconsin Department of Natural Resources (DNR).
- h. Sufficient plant materials shall be used to filter views of built structures along the roadside, between adjoining properties, and adjacent to the shoreline.
- i. When implementing a landscape plan, planting design concepts should consider the areas shown in the Yard Area Identification Diagram. Additionally, landscape plans should demonstrate inclusion of plantings as shown under Required Plantings and a diagram in keeping with the Example Landscape Planting Diagram:

### Yard Identification Diagram



#### a. Front yard areas

1. Ensure visual screening of buildings from adjacent roadways through vertical layering of plant materials that include groundcovers, shrubs and trees.
2. Frame residential structures through planting masses that include native and wildlife-beneficial plant species.

#### b. Side yard areas

1. Ensure visual screening of buildings or other structures when viewed from neighboring properties or streets through a planting scheme that incorporates evergreen (winter screening) vegetation and appropriate height of vegetation to minimize visual intrusion of buildings.



2. Avoid obstruction of lake views from neighboring properties due to landscape installation.

c. Shore yard areas

1. Shore yard areas should support vegetation that preserves the natural appearance of the shoreline, and supports plant materials that augment visual interest of the shore zone. It is suggested that a vertical diversity of plant materials be established or preserved, including a canopy layer of trees, a mid-canopy layer of ornamental trees, and a ground layer of shrubs, ferns, forbs and grasses and other broadleaf groundcover plants.
2. Vegetation should not be removed from the primary shore yard buffer except in access and viewing corridors. The removal of exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation posing an imminent safety hazard is allowed.
3. A cleared or semi-cleared viewing corridor within the shore yard buffer should adhere to the following dimensions:
  - i. *When a new principal structure is being constructed, or when required under s. NR 115.21, lots 200 feet or less wide at the ordinary high water mark may have a total width of an access and viewing corridor or corridors that may not exceed 30% of the lot's width, to a maximum of 40 feet, at the ordinary high water mark.*
  - ii. *When a new principal structure is being constructed, or when required under s. NR 115.21, lots which are more than 200 feet wide at the ordinary high water mark are allowed a total width of an access and viewing corridor or corridors that may not exceed 20% of the lot's width, to a maximum of 200 feet, of the lot's width at the ordinary high water mark.*
4. Retain and consider re-establishing aquatic vegetation along shoreline areas. Property owners should avoid planting nonnative plant species in the shore yard buffer area that may spread to nearby wetlands or waterways and ensure that invasive and nuisance flora is controlled within the shore buffer zone.
5. Water quality should be protected from pollutants associated with development and pervious surfaces by establishing non-turf buffer zones, including rain gardens, along the shoreline which serve to reduce stormwater runoff, and protect the shoreline from erosion.

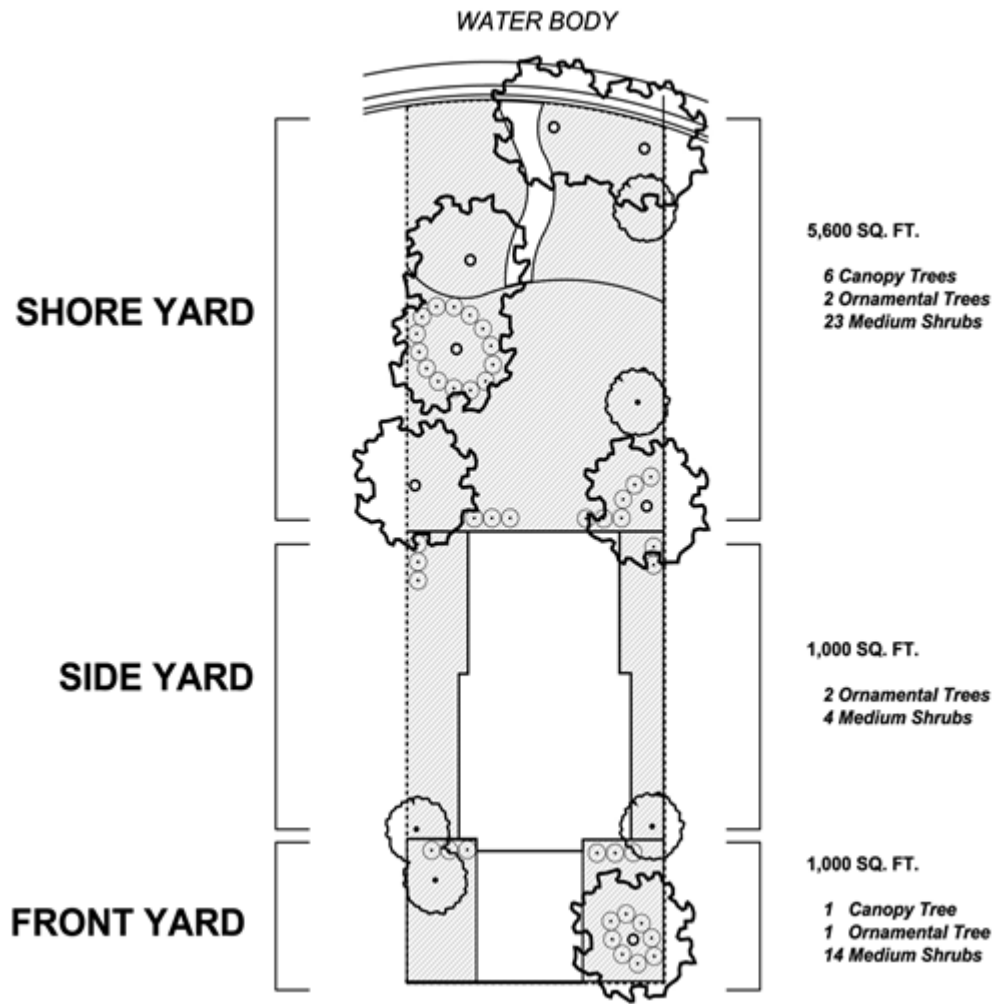
- d. When deemed necessary by the Zoning Administrator or Plan Commission, landscape plans should be provided for building work that requires a Zoning Permit and for substantial site development work.

Required Plantings	
Area	Existing and New Plantings
Front Yard (Minimum Width: as Appropriate)	1 canopy trees or 1 evergreen  1 ornamental tree  7 medium to tall shrubs



	<ul style="list-style-type: none"> <li>• Vegetation should be arranged in masses to filter views from the road edge.</li> <li>• Dispersed, patterns of landscape planting that provide minimal visual buffering should be discouraged</li> <li>• New understory vegetation that augments existing mature deciduous trees shall be considered in the development of a landscape plan</li> <li>• Front corners of parcel should be anchored with vegetation, if appropriate</li> </ul>
<p><b>Side Yard</b> (Minimum Width: as Appropriate)</p>	<p>1 canopy tree or 1 evergreen or 2 ornamental trees</p> <p>4 medium to tall shrubs</p> <ul style="list-style-type: none"> <li>• Vegetation should provide visual buffering of neighboring building structures</li> <li>• Location of vegetation shall not obstruct lake views from neighboring properties to the greatest extent possible</li> </ul>
<p><b>Shore Yard and Water's Edge</b> (Minimum Width: 30 feet)</p>	<p>1 canopy tree</p> <p>1 ornamental tree</p> <p>4 medium to tall shrubs</p> <ul style="list-style-type: none"> <li>• Retain a non-mowed area of at least 35-feet wide adjacent to shoreline that supports clump grasses, perennials or ground cover of low-growing vegetation</li> <li>• Groundcovers and understory plantings should be established adjacent to buildings to provide a transition from the building face to exterior ground plane</li> <li>• Retain or establish a buffer zone of natural vegetation along shoreline that endeavors to support a natural, wooded setting</li> <li>• Utilize vegetation to enframe views of the lake from upland private residential structures</li> <li>• Implement erosion and stormwater controls through topographic depressions and groundcovers or shrubcovers that promote infiltration near the shoreline.</li> </ul>

**Example Landscape Planting Diagram**



## **13-1-26 R-2 Two-Family Residential District**

**(Advisory Note:** The following requirements are applied in conjunction with this entire Code of Ordinances. Other sections of this Code of Ordinances may also be applicable to any given situation and should be reviewed as well as the following requirements.) (Rev. 12/97)

(a) **Purpose.** This District is intended to provide for moderate to medium density residential development with emphasis on single and two-family residential uses. Nonresidential uses are limited to those which are compatible with the medium density character of the district.

(b) **Permitted Uses.** (rev. 5/95)

- (1) Two-family dwellings.
- (2) Single family detached dwellings.
- (3) One (1) private garage with up to two (2) stalls per dwelling unit.
- (4) Community living arrangements which have a capacity for eight (8) or fewer persons.
- (5) Foster family home and day care center [with less than nine (9) persons]. (Rev. 7/98)
- (6) Permitted accessory uses and buildings allowed in the R-1S Single Family Residential District, in accordance with Article K, Section 13-1-140(b)(1).

(c) **Conditional Uses.**

- (1) Utilities (same as in the R-1S and R-1L Districts.) (Rev. 4/98)
- (2) Accessory buildings in excess of two hundred (200) square feet, in accordance with Section 13-1-140(b)(1), but not to exceed 720 square feet. (Rev. 08/10 Ord. 2010-07)
- (3) Day care centers that have a capacity of nine (9) or more persons. (Rev. 7/98)
- (4) Schools and churches and their affiliated uses. Accessory buildings for these uses shall require site plan approval only by the Plan Commission in accordance with the requirements of Article M, Section 13-1-174. (rev. 2/03)
- (5) Dance Studios (Rev. 11/03)

(d) **Special Permitted Uses.** (Rev. 4/98)

- (1) Zero lot line or common wall construction single family dwellings.

(e) **Lot, Building and Yard Requirements -- Permitted Uses.** For all permitted uses the following lot, building and yard requirements apply:

- (1) Lot Frontage. Minimum eighty (80) feet.
- (2) Lot Area. Minimum ten thousand five hundred (10,500) square feet.
- (3) Principal Building Setbacks.
  - a. Front Yard: Minimum twenty-five (25) feet.
  - b. Side Yards: Minimum ten (10) feet. [If street side of corner lot, a minimum of fifteen (15) feet.]
  - c. Rear Yard: Minimum thirty (30) feet.

## (4) Accessory Structures; including attached or detached garages. (Rev. 08/10 Ord. 2010-07)

a. **Two-family dwellings** in this district may have one (1) private attached or detached garage with up to two (2) stalls, not exceeding six hundred twenty-four (624) square feet, per dwelling unit.

1. The architectural style and building materials of a detached accessory building/garage, exceeding 200 square feet, shall be constructed of the same materials as the primary residence on the lot.
2. Accessory Buildings. One accessory building in addition to an attached or detached garage. The cumulative area of an accessory building shall not exceed 200 square feet.

b. **Single family dwellings** in this district may have one (1) private attached or detached garage with up to three (3) stalls.

1. Garage Minimum square footage 400 sq. ft.
2. Detached garages -maximum square footage -720 sq. ft.
3. The architectural style and building materials of a detached accessory building/garage, exceeding 200 square feet, shall be constructed of the same materials as the primary residence on the lot.
4. Accessory Buildings. One accessory building in addition to an attached or detached garage. The cumulative area of an accessory building shall not exceed 720 square feet.

(5) Building Height. Maximum thirty-five (35) feet.

(6) Percent of Lot Coverage. Maximum thirty-five percent (35%).

(7) Floor Area Per Dwelling Unit. (Rev. 7/98)

- a. Two-family dwellings in this district shall have a minimum of eight hundred forty (840) square feet per dwelling unit.
- b. Single family dwellings in this district shall have a minimum of one thousand, two hundred (1,200) square feet.

(f) **Lot, Building and Yard Requirements – Special Permitted Uses: Zero Lot Line or Common Wall Single Family Units**. (Rev. 4/98) For all attached zero lot line or common wall construction single family dwellings allowed as special permitted uses, the following lot, building and yard requirements apply:

(1) Lot Frontage. Minimum forty (40) feet (each unit).

(2) Lot Area. Minimum five thousand two hundred fifty (5,250) square feet (each unit).

(3) Principal Building Setbacks.

- a. Front Yard: Minimum fifteen (15) feet.
- b. Side Yards: Zero feet on one (1) side with a common wall structure and a minimum of ten (10) feet on the other side. [If street side of a corner lot, a minimum of fifteen (15) feet].
- c. Rear Yard: Minimum thirty (30) feet.

- (4) Garages. (Rev. 7/98) One (1) private garage with up to two (2) stalls, not exceeding six hundred twenty-four (624) square feet, per dwelling unit: Newly constructed garages in this district shall have a minimum of four hundred (400) square feet.
- (5) Building Height. Maximum thirty-five (35) feet.
- (6) Percent of Lot Coverage. Maximum thirty-five percent (35%).
- (7) Floor Area Per Dwelling Unit. Minimum eight hundred forty (840) square feet.

(g) **Special Permitted Uses**. (Rev. 4/98)

(1) Zero Lot Line Duplexes / Common Wall Construction Dwellings.

- a. When attached dwelling units are created, the plans, specifications, and construction of such buildings shall require that the installation and the construction of sewer, water and other utility services be done in such a manner so as to provide separate systems to each dwelling unit.
- b. There shall be a minimum one (1) hour fire-rated wall assembly division, separating living areas from the lowest floor level, including the basement, to the underside of the roof sheathing. Such basement wall, if any, shall be masonry.
- c. When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe, and maintenance shall be guarded against by private covenants, deed restrictions, and the approving authority.
- d. Deed restrictions shall provide:
  1. Each side of the building shall be constructed at the same time and in such a way as to be harmonious with the other side so that the overall effect is aesthetically pleasing.
  2. Each side of the dwelling shall be provided with a minimum of two (2) trees and foundation plantings covering one-half (1/2) of the street side of the unit. Lots shall be maintained equally with respect to lawn care and pruning of shrubs and trees.
  3. No fences shall be permitted along the zero lot line in the front or rear yards.
  4. The dwelling shall be painted, stained or sided one (1) color scheme and any subsequent repainting, staining or siding shall be of one (1) color scheme, or according to the plan established by these covenants. The covenants shall describe exterior property maintenance and what is or is not allowed.
  5. These covenants shall further discuss the housing of dogs, cats or other domesticated household pets.
  6. Violation of these covenants should be handled by the signing parties.
  7. Copies of the deed restrictions and private covenants shall be placed on file in the Village Clerk's office and recorded in the office of the Register of Deeds for Dane County.
  8. Changes to covenants or deed restrictions shall require an amendment to the special use approval or conditional use permit required by the zoning ordinance.

(h) **Design Review.** Refer to Article M, Section 13-1-174(b) for applicable design review requirements.

## **13-1-27 R-M Multi-Family Residential District**

(Advisory Note: The following requirements are applied in conjunction with this entire Code of Ordinances. Other sections of this Code of Ordinances may also be applicable to any given situation and should be reviewed as well as the following requirements.) (Rev. 12/97)

(a) **Purpose.** The R-M District is intended to accommodate higher density development in the form of multi-family residences. The R-M district should promote compatible development; stabilize property values; foster the attractiveness of the community as a place to live and work; protect certain public investments in the area; and raise the level of community expectations for the quality of its environment.

(b) **Permitted Uses.**

- (1) Multi-family residential buildings with up to four (4) units.
- (2) Community living arrangements which have a capacity for eight (8) or fewer persons.
- (3) Foster family home and day care center [with less than nine (9) persons]. (Rev. 7/98)
- (4) Permitted accessory uses and buildings allowed in the R-1S Single Family Residential District, in accordance with Article K, Section 13-1-140(b)(1).

(c) **Conditional Uses.** The following are conditional uses within the R-M District:

- (1) Multi-family residential buildings with more than four (4) units.
- (2) Rooming and boarding houses for up to four (4) guests.
- (3) Charitable institutions, rest homes, convalescent homes, nursing homes, homes for the care of children, homes for the care of the aged, homes for the care of the indigent and similar institutions.
- (4) Accessory buildings. (rev. 7/98)
- (5) Garages or parking spaces incidental to the above uses, provided that: (a) parking is not be located between the street and principal structures; (b) is a minimum of five (5) feet behind the front line of the principal building; and (c) include a seven (7) foot landscape buffer, a minimum of six (6) feet tall, along the side lot lines.
- (6) Home occupations.

(d) **Lot, Building and Yard Requirements.**

- (1) Lot Frontage. Minimum eighty (80) feet.
- (2) Lot Area. Minimum nine thousand (9,000) square feet.
- (3) Principal Building Setbacks.
  - a. Front Yard: Minimum twenty-five (25) feet.
  - b. Side Yards: Minimum ten (10) feet. If street side of a corner lot a minimum of fifteen (15) feet. (Rev. 4-94)
  - c. Rear Yard: Minimum twenty-five (25) feet.
- (4) Building Height. Maximum thirty-five (35) feet. Limited to no more than two (2) stories. (Rev. 4/94)

- (5) Percent of Lot Coverage. Maximum forty percent (40%)
  - (6) Building Requirements. Multi-family residential structures consisting of five (5) or more units shall not have more than fifty percent (50%) of their units as three (3) bedroom units.
- (e) **Multi-Family Development Criteria.** (rev. 8/96) The Plan Commission and the Village Board in making their respective recommendation and determination as to a proposed multi-family residential development shall further consider whether:
- (1) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space and coordination with overall plans for the community.
  - (2) The total net residential density within the multi-family residential development will be compatible with the Village master plan (comprehensive land use and thoroughfare plan), neighborhood plan, or components thereof, and shall be compatible with the density of the district wherein located.
  - (3) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
  - (4) Provision has been made for adequate, continuing fire and police protection.
  - (5) The population density of the development will have an adverse effect upon the community's capacity to provide needed schools or other municipal service facilities.
  - (6) Adequate guarantee is provided for permanent preservation of open space as shown on the site plan as approved either by private reservation and maintenance or by dedication to the public.
- (f) **Site Design Criteria for Multi-Family Developments.** (Rev. 8/96) In addition to the site plan approval and design review requirements listed in Article M, Section 13-1-174, the following shall apply:
- (1) Where a multi-family residential site adjoins a single family or two-family residential site, the site shall be properly screened with decorative fencing, a garden wall, or compact vegetative screen no more than six (6) feet in height. All fencing and walls should be constructed with durable materials such as poured-in-place concrete, stone, masonry, wood and metal elements consistent with adjacent architecture and approved by the Plan Commission.
  - (2) Dumpsters shall be located and screened in accordance with Plan Commission and Village Board approval.
  - (3) The minimum Landscape Surface Ratio (the area of the lot which is planted and continually maintained in vegetation) is forty (40) percent and shall include native plantings. Trees shall have an initial caliper of no less than one (1) inch and a height of at least six (6) feet.
- (g) **Architectural Requirements and Standards for Multi-Family Developments.** (rev. 8/96) To implement the purposes set forth in Section 13-1-27(a), the following architectural review criteria requirements are established:
- (1) Façades. All building façades shall have some brick, stone, or other decorative material approved by the Plan Commission and Village Board. Building façades should be composed with distinct base, middle, and top elements. At least one pedestrian entrance should be provided along the street façade of each building. Dominant corner entrances are strongly encouraged on corner sites.



- (2) Building Mass and Scale. Large buildings should include some small masses and forms to create a more intimate scale and visual richness. Compositional elements such as entries, structural bays, balconies, signs, and roof elements should be prominent. The size and shape of these elements should provide a scale that relates to pedestrians (close view) and surrounding buildings (distance view).
- (3) Materials. Material selection for architectural design shall be based upon the prevailing material already used on existing buildings in the area. No building shall be permitted when any exposed façade is constructed or faced with a finished material which is aesthetically incompatible with other building façades in the area. In addition, no building shall be permitted which presents an unattractive appearance to the public and surrounding properties.
- (4) Colors. Since the selection of building colors has a significant aesthetic and visual impact upon the public and neighboring properties, colors shall be selected in general harmony with the existing neighborhood buildings.
- (5) Compatibility. No building shall be permitted in which the design or exterior appearance is of such unorthodox or abnormal character in relation to the surroundings as to be unsightly or offensive to generally accepted taste.

### **13-1-22 R-1S Single Family Residential District, Small Lot**

(Advisory Note: The following requirements are applied in conjunction with this entire Code of Ordinances. Other sections of this Code of Ordinances may also be applicable to any given situation and should be reviewed as well as the following requirements.) (Rev. 12/97)

(a) **Purpose.** The R-1S District is intended to provide residential development limited to single family homes set individually on small lots.

(b) **Permitted Uses.** The following uses of land are permitted in the R-1S District:

- (1) Single family detached dwellings.
- (2) One (1) private garage with up to two (2) stalls for each residential parcel.
- (3) Accessory uses and buildings less than two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1). Permitted accessory uses and buildings include:
  - a. Gardening, tool and storage sheds incidental to the residential use.
  - b. Off-street parking. See Article G, Section 13-1-92.
  - c. Uses and structures customarily accessory and clearly incidental to permissible principal uses and structures.
  - d. Signs as permitted by Village ordinances.
- (4) Community living arrangements which have a capacity for eight (8) or fewer persons.
- (5) Foster family care and day care center [with less than nine (9) persons.]
- (6) Uses customarily incidental to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

(c) **Conditional Uses.** The following are conditional uses within the R-1S District:

- (1) Professional home offices.
- (2) Funeral services.
- (3) Accessory buildings in excess of two hundred (200) square feet, in accordance with Article K, Section 13-1-140(b)(1), but not to exceed 720 square feet. (Rev. 08/10 Ord. 2010-07)
- (4) Community living arrangements and day care centers which have a capacity of nine (9) or more persons.
- (5) Utilities (electric substations, telephone switching stations, gas regulators, etc.).
- (6) Bed and breakfast inns with up to four (4) guest rooms and serving only breakfast.
- (7) Parks, playgrounds and swimming pools.
- (8) Schools and churches and their affiliated uses, except accessory buildings, shall require site plan approval only by the Plan Commission in accordance with the requirements of Article M, Section 13-1-174. (rev. 8/96)
- (9) Home occupations.

(d) **Lot, Building and Yard Requirements.**

- (1) Lot Frontage. Minimum sixty-five (65) feet.
  - (2) Lot Area. Minimum seven thousand, five hundred (7,500) square feet. Maximum thirteen thousand (13,000) square feet.
  - (3) Principal Building Setbacks.
    - a. Front Yard: Minimum fifteen (15) feet.
    - b. Side Yards: Minimum ten (10) feet. [If street side of corner lot, a minimum of fifteen (15) feet.]
    - c. Rear Yard: Minimum thirty (30) feet.
  - (4) Garages. (Rev. 08/10 Ord. 2010-07) One (1) private garage with up to two (2) stalls for each residential parcel.
    - a. Garage minimum square footage 400 sq. ft.
    - b. Detached garages -maximum square footage -720 sq. ft.
    - c. The architectural style and building materials of a detached accessory building/garage, exceeding 200 square feet, shall be constructed of the same materials as the primary residence on the lot.
    - d. Accessory Buildings. One accessory building in addition to an attached or detached garage. The cumulative area of an accessory building shall not exceed 720 square feet.
  - (5) Building Height. Maximum thirty-five (35) feet.
  - (6) Percent of Lot Coverage. Maximum thirty-five percent (35%).
  - (7) Floor Area Per Dwelling Unit. Minimum one thousand, two hundred (1,200) square feet.
  - (8) Percentage of Lot Coverage--Non-Residential Uses. (rev. 4/97) Maximum fifty percent (50%).
- (e) **Design Review**. Refer to Article M, Section 13-1-174(b) for applicable design review requirements.

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**17.37 R-1 Single-Family Residential District.**

- (1) Uses permitted.
  - (a) Single-family dwellings and accessory buildings and uses.
  - (b) Customary home occupations, including professional home offices, provided not more than one nameplate or sign not more than three square feet in area is used in connection with the professional or occupational use. Home office signs may not be lighted. **[Amended 4-19-2005 by Ord. No. 2005-04]**
  - (c) Public parks, golf courses, playgrounds and recreation areas.
  - (d) Cemeteries.
  - (e) Home day-care provider. **[Added 9-6-2006 by Ord. No. 2006-20]**
  - (f) Selective cutting [per § 17.20(2)(f)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
- (2) Uses, conditional.
  - (a) Churches and schools.
  - (b) Private golf courses.
  - (c) Swimming pools (public).
  - (d) Group homes having a capacity for eight or fewer persons.
  - (e) Accessory building in excess of 15 feet in height. **[Added 9-5-2018 by Ord. No. 2018-08]**
  - (f) Public schools.
  - (g) Government buildings.
  - (h) Essential service structures, including but not limited to structures such as telephone exchange stations, booster or pressure-regulating stations, wells, pumping stations, elevated tanks, lift stations, and electrical power substations, provided no structure shall be located within 10 feet from any lot line of an abutting lot in a residential district. Prior to granting such permit, it shall be found that the architectural design of service structures is generally compatible to the neighborhood in which it is to be located and thus will promote the general welfare.
  - (i) Barbershops and beauty parlors, subject to conditions of Article X, Home Occupations. **[Added 8-14-2007 by Ord. No. 2007-16]**
  - (j) Cultivation [per § 17.20(2)(a)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (k) Clear-cutting [per § 17.20(2)(g)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (l) Community gardens [per § 17.20(2)(i)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (m) Market gardens [per § 17.20(2)(j)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
- (3) Lot, yard, and building requirements (See Chart 1).
- (4) Allowable accessory uses. **[Added 2-3-2010 by Ord. No. 2010-01; amended 9-5-2018 by Ord. No. 2018-08]**

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(a) Gardens [per § **17.20(2)(h)**].

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**17.38 R-2 Residential District.**

- (1) Uses permitted. **[Amended 4-5-2006 by Ord. No. 2006-08]**
  - (a) Any use permitted in the R-1 Residential District.
  - (b) Two-family dwellings.
  - (c) Selective cutting [per § 17.20(2)(f)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
- (2) Uses, conditional. **[Amended 4-5-2006 by Ord. No. 2006-08]**
  - (a) Any conditional use allowed in the R-1 Residential District.
  - (b) (Reserved)
  - (c) Accessory building in excess of 15 feet in height. **[Added 9-5-2018 by Ord. No. 2018-08]**
  - (d) Medical or dental clinics not to exceed five employees.
  - (e) Private golf courses.
  - (f) Bed-and-breakfasts.
  - (g) Community-based residential facility (CBRF).
  - (h) Government buildings.
  - (i) Essential service structures, including but not limited to structures such as telephone exchange stations, booster or pressure-regulating stations, wells, pumping stations, elevated tanks, lift stations, and electrical power substations, provided no structure shall be located within 10 feet from any lot line of an abutting lot in a residential district. Prior to granting such permit, it shall be found that the architectural design of service structures is generally compatible to the neighborhood in which it is to be located and thus will promote the general welfare.
  - (j) Group homes having a capacity for eight or fewer persons.
  - (k) Cultivation [per § 17.20(2)(a)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (l) Clear-cutting [per § 17.20(2)(g)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (m) Community gardens [per § 17.20(2)(i)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (n) Market gardens [per § 17.20(2)(j)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
- (3) Lot, yard, and building requirements (see Chart 1).
- (4) Allowable accessory uses. **[Added 2-3-2010 by Ord. No. 2010-01; amended 9-5-2018 by Ord. No. 2018-08]**
  - (a) Gardens [per § 17.20(2)(h)].

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**17.39 R-3 Multifamily Residential District.**

- (1) Uses permitted. **[Amended 4-8-2009 by Ord. No. 2009-02]**
  - (a) Any use permitted in the R-2 Residential District, except two-family dwellings.
  - (b) Multifamily dwellings, limited as follows: maximum 12 dwellings/building.
  - (c) Attached single-family townhouses.
  - (d) Clubs and lodges, provided such buildings shall be located not less than 50 feet from residential uses.
  - (e) Convalescent homes, nursing homes and CBRFs, provided such building shall be located not less than 50 feet from any R-1 Single-Family Residential District or R-2 Residential District.
  - (f) Licensed nursery schools and day-care centers.
  - (g) Group homes having a capacity for 15 or fewer persons.
  - (h) Selective cutting [per § 17.20(2)(f)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
- (2) Uses, conditional.
  - (a) Two-family dwellings.
  - (b) Funeral homes.
  - (c) Mobile home parks.
  - (d) Bed-and-breakfast inns.
  - (e) Group homes having a capacity of 16 or more persons.
  - (f) Private golf courses.
  - (g) Government buildings.
  - (h) Essential service structures, including but not limited to structures such as telephone exchange stations, booster or pressure-regulating stations, wells, pumping stations, elevated tanks, lift stations, and electrical power substations, provided no structure shall be located within 10 feet from any lot line of an abutting lot in a residential district. Prior to granting such permit, it shall be found that the architectural design of service structures is generally compatible to the neighborhood in which it is to be located and thus will promote the general welfare.
  - (i) Cultivation [per § 17.20(2)(a)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (j) Clear-cutting [per § 17.20(2)(g)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (k) Community gardens [per § 17.20(2)(i)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
  - (l) Market gardens [per § 17.20(2)(j)]. **[Added 2-3-2010 by Ord. No. 2010-01]**
- (3) Lot, yard, and building requirements (see Chart 1).
- (4) Allowable accessory uses. **[Added 2-3-2010 by Ord. No. 2010-01]**

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(a) Gardens [per § **17.20(2)(h)**].



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#### **17.40 R-4 Elderly Housing Residential District.**

(1) Purpose.

- (a) The R-4 District is established, pursuant to state and federal regulations, to accommodate elderly persons, in dwellings of up to 24 one-bedroom and two-bedroom units used exclusively for the elderly, except that no more than three units thereof may be rented to handicapped persons and only one occupant of such unit need be handicapped.
- (b) This section recognizes the validity of § 106.04, Wis. Stats., which was especially created to allow discrimination on the basis of age and being handicapped in relation to housing designed to meet the needs of "low-income housing," which includes elderly and handicapped individuals. This chapter further recognizes the applicable federal statute Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 to 6107, wherein § 6103(b)(2) of the Act, as interpreted by 45 CFR 90.3(b), describes such federally assisted programs and allows discrimination and allows that local ordinances may provide for such zoning discrimination both as to elderly and handicapped, among others. Section 42 U.S.C. § 1437(a)(1) and (2) provides for federal housing assistance payments and defines such persons who shall be eligible to receive the same.
- (2) Definitions. For purposes of this section, and relying on the applicable state and federal statutes heretofore cited, the following terms shall have the meanings indicated:

#### **DISABLED**

See "handicapped."

#### **ELDERLY**

Any person 62 years of age or older.

#### **HANDICAPPED**

A person with any physical disability or developmental disability as defined under § 51.01, Wis. Stats., 42 U.S.C. § 1437(a)(2) or 42 U.S.C. § 423 (Section 223 of the Social Security Act).

#### **[Amended at time of adoption of Code (see Ch. 1, General Government, Art. V)]**

- (3) Provisions for and installation of equipment. Such dwellings shall be provided with and have installed the following:
- (a) Smoke alarms and automatic fire sprinkler systems. Such systems servicing the dwellings shall, in all respects, comply with this Municipal Code and state laws.
- (b) At least one state-code-approved elevator for any such dwelling over one story in height.
- (c) An architecturally and Building Inspector approved apartment security designed intercommunication system with an emergency call system.
- (4) Resident manager required. Such dwellings shall be provided with one resident manager who, by agent or otherwise, shall be on call 24 hours a day, 365 days a year.
- (5) Lot, yard, and building requirements (see Chart 1).

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**§ 385-8 R-1 Single-Family Residential District.**

The R-1 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

A. Permitted uses.

- (1) One-family dwellings.
- (2) Attached or detached garage, 864 square feet and 15 feet in height maximum.
- (3) Garden and yard equipment shed, 144 square feet maximum. An accessory structure of this type and size must comply with zoning and all other requirements found in the Municipal Code, but shall not require a building permit. **[Amended 11-5-2009 by Ord. No. 2009-17; 7-2-2020 by Ord. No. 2020-05]**
- (4) Garden and yard equipment shed, greater than 144 square feet and less than or equal to 200 square feet. An accessory structure of this type and size requires a building permit. **[Added 7-2-2020 by Ord. No. 2020-05]**

B. Conditional uses. See also § **385-21** of this chapter.

- (1) Churches, synagogues and similar places of worship and instruction, including parsonages.
- (2) Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- (3) Utility offices, provided that there is no service garage or storage yard.
- (4) Public, parochial and private elementary and secondary schools.
- (5) Public parks, recreation areas, playgrounds and community centers.
- (6) Home occupations and professional home offices. **[Amended 3-15-2007 by Ord. No. 2007-05]**
- (7) An additional accessory building exceeding 200 square feet. **[Added by Ord. No. 95-11; amended 11-5-2009 by Ord. No. 2009-17; 7-2-2020 by Ord. No. 2020-05]**

C. Lot, yard and building requirements. See also § **385-3** of this chapter.

- (1) Lot frontage at setback: minimum 80 feet.
- (2) Lot area: minimum 10,000 square feet.
- (3) Principal building.
  - (a) Front yard: minimum 30 feet.
  - (b) Side yards: minimum total, 20 feet; minimum side, eight feet.
  - (c) Rear yard: minimum 25 feet. **[Amended 9-3-2020 by Ord. No. 2020-08]**
  - (d) Building height: maximum 35 feet.
- (4) Accessory buildings.
  - (a) Front yard: minimum 30 feet.

- (b) Side yards: minimum five feet.
- (c) Rear yard: minimum five feet.
- (d) Building height: maximum 15 feet. Accessory buildings shall not exceed 15 feet in height as measured to the roof peak except in those cases where the existing home and at least two of the abutting property homes are two stories in height or more. In those cases the accessory building can be up to 25 feet in height. The maximum area in those cases shall be the "footprint" of the building, not the total floor area.
- (e) Garage: maximum 864 square feet.
- (f) Garden shed: maximum 144 square feet. [**Amended 11-5-2009 by Ord. No. 2009-17**]
- (5) Floor area: minimum 1,000 square feet.
- (6) Off-street parking: minimum two spaces per unit. (See also § **385-23** of this chapter.)
- (7) With respect to any lot of record as of this date (July 21, 1989) which is 72 feet or less in width, the total width of the side yards of the principal building, including attached garages, shall not be less than 15 feet and no single side yard shall be less than five feet; accessory buildings and unattached garages shall not be less than three feet from the lot line.

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**§ 385-9 R-1A Single-Family Residential District.**

The R-1A District is intended to provide a quiet, pleasant and relatively spacious living area for single-family dwellings, protected from traffic hazards and intrusion of incompatible land uses.

A. Permitted uses.

- (1) One-family dwellings.
- (2) Attached or detached garage, 864 square feet and 15 feet in height maximum.
- (3) Garden and yard equipment shed, 144 square feet maximum. [**Amended 7-2-2009 by Ord. No. 2009-09**]

B. Conditional uses. See also § **385-21** of this chapter.

- (1) Churches, synagogues and similar places of worship and instruction, including parsonages.
- (2) Municipal buildings, except sewage disposal plants, garbage incinerators, public warehouses, public garages, public shops and storage yards and penal or correctional institutions and asylums.
- (3) Utility offices, provided that there is no service garage or storage yard.
- (4) Public, parochial and private elementary and secondary schools.
- (5) Public parks, recreation areas, playgrounds and community centers.
- (6) Professional offices. [**Amended 3-15-2007 by Ord. No. 2007-05; 7-2-2009 by Ord. No. 2009-09**]
- (7) Additional garages or accessory building exceeding 144 square feet. [**Added by Ord. No. 95-11; amended 7-2-2009 by Ord. No. 2009-09**]

C. Lot, yard and building requirements. See also § **385-3** of this chapter.

- (1) Lot frontage at setback: minimum 100 feet.
- (2) Lot area: minimum 12,000 square feet.
- (3) Principal building.
  - (a) Front yard: minimum 30 feet.
  - (b) Side yards: minimum total, 25 feet; minimum side, 10 feet.
  - (c) Rear yard: minimum 30 feet.
  - (d) Building height: maximum 35 feet.
- (4) Accessory buildings.
  - (a) Front yard: minimum 30 feet.
  - (b) Side yards: minimum five feet.
  - (c) Rear yard: minimum five feet.
  - (d) Building height: maximum 15 feet. Accessory buildings shall not exceed 15 feet in height as

measured to the roof peak except in those cases where the existing home and at least two of the abutting property homes are two stories in height or more. In those cases the accessory building can be up to 25 feet in height. The maximum area in those cases shall be the "footprint" of the building, not the total floor area.

- (e) Garage: maximum 864 square feet.
- (f) Garden shed: maximum 144 square feet. [**Amended 11-5-2009 by Ord. No. 2009-17**]
- (5) Floor area:
  - (a) One bedroom: minimum 1,200 square feet.
  - (b) Two bedrooms: minimum 1,300 square feet.
  - (c) Three bedrooms: minimum 1,500 square feet.
  - (d) Four bedrooms: minimum 1,700 square feet.
- (6) Off-street parking: minimum two spaces per unit, both of which shall be in a garage. (See also § **385-23** of this chapter.)

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**§ 385-10 R-2 Single-Family Residential District.**

The R-2 District is intended to provide a quiet, pleasant and relatively spacious living area for single-family, two-family and multifamily dwellings protected from traffic hazards and intrusion. Further, it is intended that two-family and multifamily dwellings be dispersed throughout the district on a conditional use basis.

A. Permitted uses.

- (1) Uses permitted in the R-1 District.
- (2) Boardinghouses, up to four paying guests or boarders, including bed-and-breakfast establishments.

B. Conditional uses.

- (1) Conditional uses permitted in the R-1 District. [**Amended 3-15-2007 by Ord. No. 2007-05**]
- (2) Two-family dwellings.
- (3) Multifamily dwellings.
- (4) Funeral homes.
- (5) Public hospitals and rest homes.
- (6) Private clubs, fraternities and lodges, except those whose chief activity is customarily carried on as a business.
- (7) Additional garages or accessory building exceeding 144 square feet. [**Added by Ord. No. 95-11; amended 11-5-2009 by Ord. No. 2009-17**]
- (8) Zero lot line or common wall construction single-family dwelling. [**Added by Ord. No. 2-01**]

C. Lot, yard and building requirements. See also § **385-3** of this chapter.

- (1) Single-family dwellings. Same as for R-1 District.
- (2) Two-family dwellings.
  - (a) Lot frontage: minimum 100 feet.
  - (b) Lot area: minimum 12,000 square feet.
  - (c) Principal building:
    - [1] Front yard: minimum 30 feet.
    - [2] Side yards: minimum 15 feet.
    - [3] Rear yard: minimum 25 feet. [**Amended 9-3-2020 by Ord. No. 2020-08**]
    - [4] Building height: maximum 35 feet.
  - (d) Accessory building:
    - [1] Front yard: minimum 30 feet.

- [2] Side yards: minimum five feet.
- [3] Rear yard: minimum five feet.
- [4] Building height: maximum 15 feet. Accessory buildings shall not exceed 15 feet in height as measured to the roof peak except in those cases where the existing home and at least two of the abutting property homes are two stories in height or more. In those cases the accessory building can be up to 25 feet in height. The maximum area in those cases shall be the "footprint" of the building, not the total floor area.
- [5] Floor area per dwelling unit: minimum 900 square feet.
- [6] Off-street parking: minimum two spaces per unit. (See also § **385-23** of this chapter.)
- (3) Multifamily dwellings.
  - (a) Lot frontage: minimum 100 feet.
  - (b) Lot area: minimum 12,000 square feet.
  - (c) Principal building:
    - [1] Front yard: minimum 30 feet.
    - [2] Side yards: minimum 15 feet.
    - [3] Rear yard: minimum 25 feet. [**Amended 9-3-2020 by Ord. No. 2020-08**]
    - [4] Building height: maximum 35 feet.
  - (d) Accessory building:
    - [1] Front yard: minimum 25 feet.
    - [2] Side yards: minimum five feet.
    - [3] Rear yard: minimum five feet.
    - [4] Building height: maximum 15 feet. Accessory buildings shall not exceed 15 feet in height as measured to the roof peak except in those cases where the existing home and at least two of the abutting property homes are two stories in height or more. In those cases the accessory building can be up to 25 feet in height. The maximum area in those cases shall be the "footprint" of the building, not the total floor area.
  - (e) Number of stories: maximum two.
  - (f) Lot area per dwelling unit: minimum 3,600 square feet.
  - (g) Floor area per dwelling unit:
    - [1] One-bedroom unit: minimum 600 square feet.
    - [2] Two-bedroom unit: minimum 800 square feet.
    - [3] Three-bedroom unit: minimum 1,000 square feet.
  - (h) Off-street parking: 1 1/2 spaces per unit. See also § **385-23** of this chapter.
- (4) Zero lot line or common wall single-family units. [**Added by Ord. No. 2-01**]

- (a) Lot frontage: minimum 50 feet each unit.
- (b) Lot area: minimum 6,000 square feet each unit.
- (c) Principal building:
  - [1] Front yard: minimum 30 feet.
  - [2] Side yards: zero feet on one side and a minimum of 15 feet on the other side.
  - [3] Rear yard: minimum 25 feet. [**Amended 9-3-2020 by Ord. No. 2020-08**]
  - [4] Building height: maximum 35 feet.
- (d) Accessory building:
  - [1] Front yard: minimum 30 feet.
  - [2] Side yards: minimum five feet.
  - [3] Rear yard: minimum five feet.
  - [4] Building height: maximum 15 feet. Accessory buildings shall not exceed 15 feet in height as measured to the peak except in those cases where the existing home and at least two of the abutting property homes are two stories in height or more. In those cases the accessory building can be up to 25 feet in height. The maximum area in those cases shall be the "footprint" of the building, not the total floor area.
  - [5] Floor area per dwelling unit: minimum 1,000 square feet.
  - [6] Off-street parking: minimum two spaces per unit. (See also § **385-23** of this chapter.)
- D. Zero lot line duplexes/common wall construction dwellings. [**Added by Ord. No. 2-01**]
  - (1) The plans, specifications and construction of zero lot line duplexes shall require that the installation and the construction of sewer, water and other utility services be done in such a manner as to provide separate systems to each dwelling unit.
  - (2) A minimum one-hour fire-rated wall shall separate living areas from the lowest floor level, including the basement, to the underside of the roof sheathing. Such basement wall, if any, shall be masonry.
  - (3) When attached dwelling units are created, matters of mutual concern to the adjacent property owners due to construction, catastrophe and maintenance shall be guarded against by private covenant, deed restrictions and the approving authority.
  - (4) Deed restrictions. Deed restrictions shall provide:
    - (a) Each side of the building shall be constructed at the same time and in such a way as to be harmonious with the other side so that the overall effect is aesthetically pleasing.
    - (b) Each side of the dwelling shall be provided with a minimum of two trees and foundation planting covering 1/2 of the street side of the unit. Lots shall be maintained equally with respect to lawn care and pruning of shrubs and trees.
    - (c) The dwelling shall be painted, stained or sided one color scheme and any subsequent repainting, staining or siding shall be one color scheme, or according to the plan established by these covenants. The covenants shall describe exterior property maintenance and what is or is not permitted.
    - (d) These covenants shall further discuss the housing of dogs, cats or other domesticated household pets.



- (e) Violation of these covenants shall be handled by the signing parties.
- (f) Copies of the deed restrictions and private covenants shall be placed on file in the Clerk-Treasurer's office and recorded by the office of the Register of Deeds for Jefferson County.
- (g) Changes to covenants or deed restrictions shall require an amendment to the special use approval or conditional use permit required by this chapter.
- (h) Each dwelling shall maintain a common wall which shall be a minimum one-hour fire wall running from the lowest floor level, including the basement, to the underside of the roof sheathing.
- (i) No fences shall be permitted along the zero lot line in the front or rear yards.

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**§ 385-11 R-3 Mobile Home Park and Mobile Home Subdivision District.**

A. Permitted uses.

- (1) Mobile home parks.
- (2) Mobile home subdivisions.

B. Conditional uses. None.

C. Mobile home park requirements. See also Chapter **252**, Mobile Homes and Mobile Home Parks, of this Code.

(1) Park requirements.

- (a) A minimum of five acres.
- (b) Forty-foot minimum setbacks on all sides.
- (c) A hard surface road no less than 24 feet wide serving all mobile home spaces.
- (d) Electricity, cable television and public sewer and water servicing all mobile home spaces.
- (e) A central hard surface parking lot with one parking space for each three mobile home spaces.
- (f) A separate building providing laundry facilities.
- (g) An on-site manager's office.

(2) Space requirements.

- (a) Space frontage: minimum 40 feet.
- (b) Space area: minimum 4,000 square feet.
- (c) Front yard: minimum 25 feet.
- (d) Side yards: minimum 10 feet.
- (e) Rear yard: minimum 25 feet.
- (f) Off-street parking: two spaces per mobile home.

(3) Garages and garden and yard equipment sheds.

- (a) A garage not to exceed 864 square feet and a maximum of 15 feet in height shall be permitted on each lot.
- (b) A garden and yard equipment shed not exceeding 144 square feet shall be permitted on each lot. **[Amended 11-5-2009 by Ord. No. 2009-17]**
- (c) A minimum side yard of five feet is required for a garage or garden and yard equipment building.
- (d) A fire wall is required on any wall of a building which is within 10 feet of a mobile home.
- (e) In the event the owner or owners of two abutting lots desire to construct a garage on each lot with a common wall on the common lot line, the required side yard minimum shall be zero feet. The

common wall separating the two garages shall be of such fire-resistive construction as specified in the Department of Commerce administrative rules.

D. Mobile home subdivision lot, yard and building requirements.

- (1) Lot frontage: minimum 50 feet.
- (2) Lot area: minimum 6,000 square feet.
- (3) Principal building:
  - (a) Front yard: minimum 25 feet.
  - (b) Side yards: minimum 10 feet.
  - (c) Rear yard: minimum 25 feet.
- (4) Building height: maximum 15 feet.
- (5) Percent of lot coverage: maximum 25%
- (6) Floor area: minimum 500 square feet.
- (7) Off-street parking: minimum two spaces.
- (8) The provision for garages and garden yard equipment sheds set forth in Subsection C(3) above shall also apply to this subsection.