

Ordinance # 364  
ACCESSORY USES, STRUCTURES, & TYPES

The Board of the Village of Lomira, Dodge County, Wisconsin hereby ordains Chapter 135-184 Article VII Modifications (5) of the Lomira Municipal Code be amended as follows:

(5) Accessory uses and structures; types.

(a) Principal use to be present. An accessory use or structure in any zoning district shall not be established prior to the principal use or structure being present or under construction. Any accessory use or structure shall conform to the applicable regulations of the district in which it is located, except as specifically otherwise provided.

(b) Accessory uses and detached accessory structures are permitted in the rear yard only; they shall not be closer than ten feet to the principal structure, they shall not exceed 15 feet in height, shall not occupy more than 30 percent of the rear yard area and shall not be closer than six feet to any lot line.

(c) All accessory uses and structures and types require a permit issued by the Zoning Administrator.

(d) Temporary uses. Temporary uses, such as real estate field offices or shelters for materials and equipment being used in the construction of the permanent structure, may be permitted by the Zoning Administrator.

(e) Accessory storage container is

(1) a building originally constructed for the use as an accessory building for the storage of material and equipment accessory to a primary use located on the property

(2) For purposes of this Chapter, cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are not accessory storage units.

(3) Cargo containers include standardized vessels that were originally designed for or used in the parking, shipping, movement, or transportation of freight, articles, goods, or commodities and/or originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device. This definition includes the terms "transport containers" and "portable site storage containers" having a similar appearance to and similar characteristics of cargo containers. Articles listed in (5)(e)(2) above that are converted for storage are considered cargo containers for purposes of this Chapter.

(f) Only accessory storage buildings defined in (d)(1) above shall be permitted as an accessory storage container on property in any residential zone of the Village, or on any property within the Village the primary use of which is residential. Cargo containers, railroad cars, truck vans, converted mobile homes, trailers, recreational vehicles, bus bodies, vehicles, and similar prefabricated items and structures originally built for purposes other than the storage of goods and materials are prohibited from being used as accessory storage building on property zoned residential.

(g) Temporary placement of dumpsters and/or cargo containers on properties for the limited purpose loading and unloading contents shall be permitted for a period of time not exceeding 30 consecutive days in any one calendar year without approval for a limited extension from the Village's Administrator.

(h) Contractors may use cargo containers for the temporary location of an office, equipment and/or materials storage structure during the construction which is taking place on the property where the cargo container is located in any non-residential zone.

(i) As a condition of placement, cargo container sites shall be required to meet all zoning requirements.

(j) Material stored within cargo containers are subject to review by the Fire Chief. He/she shall conduct such investigation or inspection and make such recommendations that he/she consider necessary.

(k) Cargo containers as accessory storage is limited to the following conditions:

(1) Prohibited in residential zone

(2) Shall not be stacked above the height of a single container device

(3) Shall not be used for advertising

(4) Shall be properly maintained as to not be a nuisance and aesthetically match the primary structure of the property

(5) Shall meet the setback requirements as provided in Section (5)(b) and property green space requirements per Chapter 135-184(7)

- (6) Shall not be rented or sublet for any purpose
- (7) Conditional Use Permit required and granted by Village Board prior to placement on the property
  - (i) Owner shall apply for a Conditional Use Permit by January 1<sup>st</sup> of each year for renewal
  - (ii) Conditional Use Permit fee shall be prorated for new containers placed on the property
  - (iii) Conditional Use Permit fee schedule is as follows:

<u>Container</u>	<u>Annual Fee</u>
1 <sup>st</sup> container	free of charge
2 containers	\$100
3 containers	\$300
4 containers	\$600
5 containers	\$1,000
6 containers	\$1,500
7 containers	\$2,100
8 containers	\$2,800
9 containers	\$3,600
10 containers	\$4,500

Limit of 10 containers/property

(8) Legacy Clause - Fee: Properties with shipping containers existing on the property as of December 11<sup>th</sup>, 2024, shall be “grandfathered”/exempt from Section 7 of this code. The list of the exempt properties and inventory of shipping containers on said properties will be kept in the Clerk’s office and reviewed annually. If the number of shipping containers or use changes, then the property will no longer be exempt, and Section 7 shall apply.

(9) Legacy Clause – Use: Properties with shipping containers existing on the property as of December 11<sup>th</sup>, 2024, shall be “grandfathered”/exempt from Section 6 and Section 7 of this code, so long as the primary use of said shipping container(s) is rented/sublet prior to December 11<sup>th</sup>, 2024. The list of exempt properties and inventory of shipping containers on said properties will be kept in the Clerk’s office and reviewed annually. If the number of containers or use changes, then the property will no longer be exempt, and Section 6 and Section 7 shall apply.

Dated this 11<sup>th</sup> day of December, 2024.

Motion by Luedtke, seconded by more to adopt Ordinance #364 as presented and be effective immediately.

Ayes: Jewell, Zoomans, Luedtke, Ritger

Nays: Kohlmann Absent: Pruessner

Signed: Donald P. Luedtke ATTEST: Jenna Rhein  
 Donald Luedtke, Village President Jenna Rhein, Administrator-Clerk-Treasurer