

TOWN OF KEWASKUM
CHAPTER 17
ZONING

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17.01 INTRODUCTION. (1) **AUTHORITY.** These regulations are adopted under the authority granted by §§60.22(3) and 60.62. Wis. Stats.

- (2) **PURPOSE.** The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town.
- (3) **INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; and to:
 - (A) Preserve and protect prime agricultural lands in the Town.
 - (B) Preserve and protect the beauty of the Town.
 - (C) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
 - (D) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities.
 - (E) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways.
 - (F) Secure safety from fire, pollution, contamination and other dangers.
 - (G) Stabilize and protect existing and potential property values.
 - (H) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters.
 - (I) Further the maintenance of safe and healthful water conditions.
 - (J) Provide for and protect various suitable commercial and industrial sites.
 - (K) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.
 - (L) Implement those Town, County, watershed, and regional comprehensive plans or components of such plans adopted by the Town.
 - (M) Provide for the administration and enforcement of this chapter; and to provide penalties for the violation of this chapter.
- (4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, chapters, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (5) **INTERPRETATION.** In their interpretation and application, the provisions of this

chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town.

- (6) TITLE. This chapter shall be referred to or cited as the "Zoning Code, Town of Kewaskum, Wisconsin" and is hereafter referred to as "this chapter."

17.02 DEFINITIONS. For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning. Words used in the present tense in this chapter include the future. The word "person" includes a firm, association, partnership, trust, company, or corporation as well as an individual. The word "shall" is mandatory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this section shall be presumed to have their customary dictionary definitions.

- (1) ACCESSORY USE OR STRUCTURE. A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure as defined in sec. 17.03(4)(B) of this chapter.
- (2) ADJACENT. Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (3) ADMINISTRATIVE OFFICIAL. A staff member such as the Building Inspector, Town Clerk, Town Engineer, Planner or Attorney, or any elected officer.
- (4) AGRIBUSINESS. The production, processing, storage, and distribution of farm commodities.
- (5) AGRICULTURAL WAREHOUSING OR DISTRIBUTION. Any activity that provides for the warehousing, storage, or distribution of agricultural supplies and equipment, including such items as: animal feed and supplies, fertilizers, farm equipment and farm supplies, horticultural or garden items, and bulk food products.
- (6) ALLEY. A special public right-of-way affording only secondary access to abutting properties
- (7) ANIMALS. Domestic farm animals, such as cattle, horses, donkeys, sheep, goats, and pigs. Dogs, cats, and other household pets are not considered to be domestic farm animals.
- (8) ANIMAL UNITS. Has the meaning that was given in s. NR 243.03(3) as of April 27, 2004. *Note: See s. 93.90(1m)(a), stats., and s. ATCP 51.04. "Animal unit" equivalents, for different species and types of animals, are shown in Appendix A, worksheet 1 (animal units). The "animal unit" equivalents are based on s. NR 243.03 (3) as it existed on April 27, 2004 (the date*

on which the livestock facility siting law, 2003 Wis. Act 235, was published).

- (9) **BASEMENT.** That portion of any structure that is located below lot grade or a room with a ceiling that is less than 4 feet above lot grade. Basement floor areas shall not be used to compute minimum floor areas as required by this chapter.
- (10) **BED AND BREAKFAST ESTABLISHMENT.** Any place of lodging that provides 4 or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.
- (11) **BOARDING HOUSE.** A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for 4 or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.
- (12) **BUILDING.** Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, bees, equipment, machinery, or materials.
- (13) **BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.
- (14) **BUILDING HEIGHT.** The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.
- (15) **COMMON OPEN SPACE.** Land within or related to a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents and their guests of the development. Common open space may not include structures and improvements; may be limited to unimproved green space; or may be rented or used for agricultural purposes; all such uses and limitations being set forth in an open space utilization plan, and managed by a property owner's association or third-party manager; and for which the open space plan and management arrangements have been approved by the Town.
- (16) **COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF).** A place where 3 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations as set forth in Ch. 50, Wis. Stats.
- (17) **COMMUNITY LIVING ARRANGEMENT.** The facilities which are licensed and operated, or permitted under the authority of the Wisconsin Statutes are child welfare agencies under §48.60, Wis. Stats., group foster homes for children under §48.02(6), Wis. Stats., and community-based residential facilities under

§50.01, Wis. Stats., but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by §§46.03(22), 59.97(15), 60.63, and 62.23(7)(i), Wis. Stats.

- (18) COMPLETE APPLICATION FOR LOCAL APPROVAL. An application that contains everything required under s.ATCP 51.30 (1) to (4).
- (19) CONDITIONAL USES. Uses of a special nature that make it impractical to pre-determine as a permitted use in a district.
- (20) CORNER LOT. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side.
- (21) DAY CARE CENTER. An establishment providing care and supervision for 4 or more children and licensed by the State pursuant to §48.65 Wis. Stats.
- (22) DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (23) DEVELOPER'S AGREEMENT. An agreement by which the Town and the developer agree in reasonable detail as to all of those matters to which the provisions of this Code apply and which does not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Town.
- (24) DIRECT ILLUMINATION. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground of building faces.
- (25) DISPLAY LOT OR AREA. Outdoor areas where active nighttime sales activity occurs, and where accurate color perception of merchandise by customers is required. To qualify as a display lot, one of the following specific uses must occur: automobile sales, boat sales, tractor sales, building supply sales, gardening or nursery sales, assembly lots, swap meets. Uses not on this list must be approved as display lot uses by the Plan Commission.
- (26) DISTRICT. A minimum of 3 adjacent parcels within the town for which this chapter uniformly governs the use, and the location of land and buildings.
- (27) DISTRICT, OVERLAY. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting

requirements, the more strict of the conflicting requirement shall apply.

- (28) DRIVE-IN RESTAURANT. An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups; including those establishments where customers may serve themselves and may eat and drink the food, refreshments, and beverages on or off the premises.
- (29) DRIVEWAY, PRIVATE. A private route of ingress and egress from any public right-of-way, which provides access to one (1) residential dwelling/ unit, commercial building, or property.
- (30) DWELLING. A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.
- (31) DWELLING, SINGLE-FAMILY. A detached building designed for or occupied exclusively by one family which is a minimum of 24 feet in width, has a roof with a minimum slope of 3:12 and is on a permanent foundation meeting the State one- and 2-family dwelling code. This definition includes manufactured homes, but excludes mobile homes constructed prior to June 15, 1976.
- (32) ELECTION CAMPAIGN PERIOD. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election. In the case of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- (33) ENCROACHMENT. Any fill, structure, building, use or development in the floodway.
- (34) EROSION. The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (35) ESSENTIAL SERVICES. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (36) EXPANDED LIVESTOCK FACILITY – definition deleted Ordinance 2013-04 (9-16-13)

- (37) EXPANSION – definition deleted Ordinance 2013-04 (9-16-2013)
- (38) FAMILY. The body of persons related by blood, marriage or adoption, or not more than 4 unrelated persons who live together in one dwelling unit as a single housekeeping entity.
- (39) FAMILY DAY CARE HOME. A dwelling licensed as a day care center by the State pursuant to §66.1017, Wis. Stats., where care is provided for not more than 8 children.
- (40) FARMER'S MARKET. The temporary sale of farm products at a site other than where they were grown. The sale of farm produce grown on the premises or the sale of not more than 5 bushels per day of farm produce grown off the premises is not considered a farmers market.
- (41) FARM OPERATOR. Any person who owns land and raises crops or animals on that land or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation or a person who lives on land that he has historically farmed. For the purpose of this chapter, any person who has farmed land for 5 consecutive years is deemed to have farmed it historically.
- (42) FENCE, OPEN. A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, and rail fences.
- (43) FENCE, ORNAMENTAL. A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type.
- (44) FENCE, SECURITY. A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized handling. Security fences usually exceed 6 feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire.
- (45) FENCE, SOLID. A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences.
- (46) FISH HATCHERY. The establishment, operation, and maintenance of a facility

for the purpose of breeding and propagating fish for sale, transfer, or fee fishing pursuant to Ch. 29, Wis. Stats., and Wis. Adm. Code NR 19.

- (47) FLEA MARKET. Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.
- (48) FLOOD LIGHT. A specific form of lamp designed to direct its output in a specific direction (a beam) but with a diffusing glass envelope: Such lamps are so designated by the manufacturers and are typically used in residential outdoor area lighting.
- (49) FOOTCANDLE. One lumen per square foot. Unit of illuminance. It is the luminous flux per unit area in the Imperial system. One footcandle equals approximately 0.1 (0.093) lux.
- (50) FOSTER FAMILY HOME. The primary domicile of a foster parent which is for 4 or fewer foster children and which is licensed pursuant to §48.62, Wis. Stats.
- (51) FRONTAGE. The smallest dimension of a lot abutting a public street measured along the public right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.
- (52) FULLY SHIELDED LIGHT FIXTURE. A lighting fixture constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding must be permanently affixed.
- (53) GAME FARM.. The establishment, operation, and maintenance of a game bird or animal farm for the purpose of breeding, propagating, killing, and selling of game birds and animals pursuant to Ch. 29, Wis. Stats., and Wis. Adm. Code NR 16 and 19.
- (54) GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.
- (55) GARAGE, PUBLIC OR COMMERCIAL. Any garage other than a private garage.
- (56) GARAGE SALE. See "Rummage Sale."
- (57) GLARE. The sensation produced by a bright source within the visual field that is

sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on this brightness level to which the eyes are adapted

- (58) GROUP ASSEMBLY. A company of persons gathered together for any purpose for a period of 2 or more hours.
- (59) GROUP FOSTER HOME. Any facility operated by a person required to be licensed by the State pursuant to §48.62, Wis. Stats., for the care and maintenance of 5 to 8 foster children.
- (60) HIGH WATER MARK OR ELEVATION. The average annual high water level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.
- (61) HOME INDUSTRY. A home occupation that is carried out in a structure separate from the principal structure; or the manufacture or assembly of a product, often on a contract basis, in a residence, or an occupation of a more intense nature than is normally defined as a home occupation.
- (62) HOME OCCUPATION. Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.
- (63) HOUSING FOR THE ELDERLY. A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.
- (64) INSTALLED. The attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.
- (65) IRREVOCABLE LETTER OF CREDIT. An agreement entered into by a bank, savings and loan, or other financial institution which is authorized to do business in the State and which has a financial standing acceptable to the Town, and which is approved, as to form, by the Town Attorney.
- (66) KENNEL. A use of land in which more than 3 dogs over 6 months of age are kept on the premises.
- (67) LAND DEVELOPING ACTIVITY. The construction of buildings, streets, parking lots, paved storage areas and similar facilities.
- (68) LAND DISTURBING ACTIVITY. Any man-made change of the land surface

including removing vegetation cover, excavating, filling and grading, but not including agricultural activities such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscape modifications.

- (69) LANDMARK. Any structure or improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the community, State, or nation and which has been designated as a landmark pursuant to the provisions of this chapter.
- (70) LANDMARK SITE. Any parcel of land of historical significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and, which has been designated as a landmark site pursuant to the provisions of this chapter; or a parcel of land, or part thereof, on which is located a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.
- (71) LANDOWNER. Any person holding title to or having an interest in land.
- (72) LAND USER. Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his land.
- (73) LIGHT TRESPASS. Light falling across property boundaries.
- (74) LIVESTOCK. Domestic animals traditionally used in this state in the production of food, fiber or other animal products. "Livestock" includes cattle, swine, poultry, sheep and goats. "Livestock" does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (75) LIVESTOCK FACILITY. – definition deleted Ordinance 2013-04 (9-16-2013)
- (76) LIVESTOCK STRUCTURE. A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, animal lot or waste storage facility. "Livestock structure" does not include pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.
- (77) LOT. For the purposes of this chapter, a lot shall be defined as a parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces, provided that no such parcel shall be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this chapter. (See also Parcel.)

- (78) LOT, CORNER. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. (See Illustration No. 1)
- (79) LOT, DOUBLE FRONTAGE. A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. (See Illustration No. 1)(page 12)
- (80) LOT, FLAG. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right of way. Flag lots are not generally considered to conform to sound urban design principles. (See Illustration No. 1)(page 12)
- (81) LOT, INTERIOR. A lot with frontage on one street which is bounded by adjacent lots along each side and a lot behind fronting on a different street. (See Illustration No. 1)(page 12)
- (82) LOT WIDTH. The width of a parcel of land measured at the setback line.
- (83) LUMEN. Unit of luminous flux; used to measure the amount of light emitted by lamps.
- (84) LUMINAIRE. The complete lighting assembly, less the support assembly. For purposes of determining total light output from a luminaire, lighting assemblies which include multiple unshielded or partially shielded lamps on a single pole or standard shall be considered as a single unit.

ILLUSTRATION NO. 1
ILLUSTRATION OF TYPICAL CORNER,
DOUBLE FRONTAGE, AND INTERIOR LOT

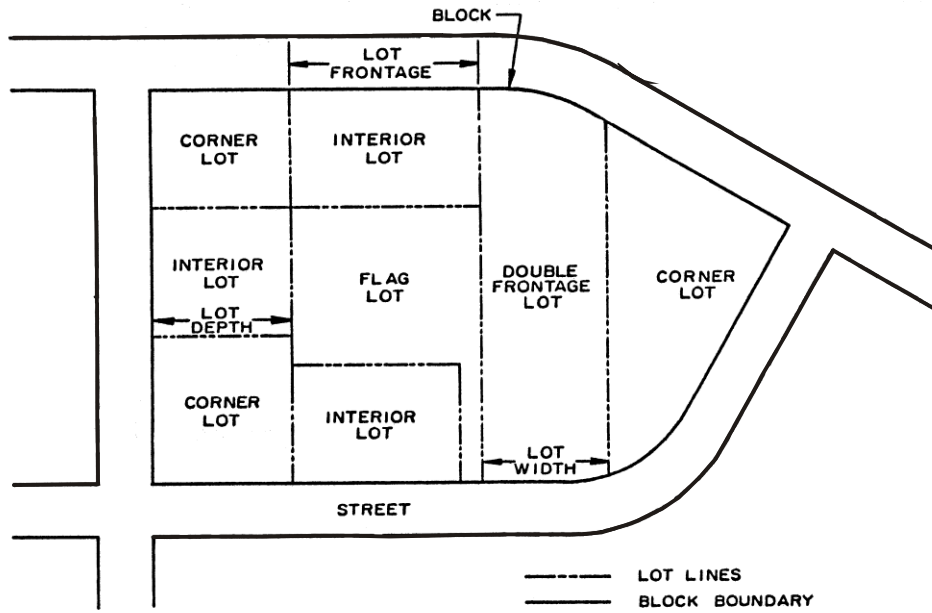
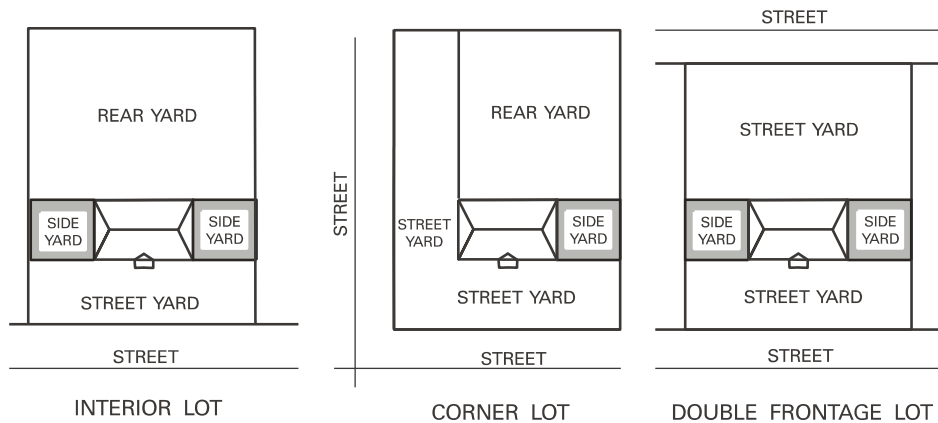


ILLUSTRATION NO. 2
LOCATION OF YARDS ON TYPICAL INTERIOR,
CORNER, AND DOUBLE FRONTAGE LOTS



(85) LUX. One lumen per square meter. Unit of illuminance. It is the luminous flux per unit area in the metric system. One lux equals approximately 10 (10.8) footcandles.

(86) MANURE. Excreta from livestock kept at a livestock facility. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.

(87) MOBILE HOME. A mobile home is a transportable structure, being 8 feet or more

in width, not including the overhang of the roof, or 32 feet or more in length, not including the overhang of the roof, built on a chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

- (88) MOBILE HOME, DOUBLE WIDE. A mobile home consisting of 2 mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.
- (89) MOTEL. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (90) MOTORIZED OFF-ROAD VEHICLE. An engine driven device which is designed to travel on 2 or more tires, sled type runners, skis, an endless belt, or any combination of these or similar means of contact with the surface upon which it is operated.
- (91) MULTI-CLASS OR MULTI-USE LIGHTING. Any outdoor lighting used for more than one purpose, such as security and decoration.
- (92) NEW LIVESTOCK FACILITY. Definition deleted Ordinance 2013-04 (9-16-2013)
- (93) NONCONFORMING USES OR STRUCTURES. Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this chapter or amendments thereto which does not conform to the regulations of this chapter. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (94) NUDITY. The showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion thereof below the top of the areola, or the human male genitals in a discernible turgid state even if completely or opaquely covered.
- (95) OPAQUE. Opaque means that a material does not transmit light from an internal illumination source. Applied to sign backgrounds, means that the area surrounding any letter or symbols on the sign either is not lighted from within, or allows no light from an internal source to shine through it.
- (96) OPERATOR. A person who applies for or holds a local approval for a livestock facility.
- (97) OUTDOOR LIGHT FIXTURE. An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not

limited to lights used for:

- a) Parking lot lighting;
- b) Roadway lighting;
- c) Buildings and structures;
- d) Recreational areas;
- e) Landscape lighting;
- f) Billboards and other signs (advertising or other);
- g) Product display area lighting;
- h) Building overhangs and open canopies;

(98) **OUTDOOR LIGHT OUTPUT, TOTAL.** The maximum total amount of light, measured in lumens, from all outdoor light fixtures. For lamp types that vary in their output as they age (such as high pressure sodium, fluorescent and metal halide), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with the total Outdoor Light Output of 17.22, the light emitted from outdoor light fixtures is to be included in the total output as follows:

- a) Outdoor light fixtures installed on poles (such as parking lot luminaires) and light fixtures installed on the side of buildings or other structures, when not shielded from above by the structure itself as defined below, are to be included in the total outdoor light output by simply adding the initial lumen outputs of the lamps used;
- b) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least five (5) feet but less than ten (10) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter (.025) of the lamp's rated initial lumen output;
- c) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located at least ten (10) feet but less than thirty (30) feet from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-tenth (0.10) of the lamp's rated initial lumen output.
- d) Outdoor light fixtures installed under canopies, buildings (including parking garage decks), overhangs or roof eaves where all parts of the lamp or luminaire are located thirty (30) or more feet from the nearest edge of the canopy or overhang are not to be included in the total outdoor light output. Such lamps must, however, conform to the lamp source and shielding requirements of Chapter 17.22

(99) **OUTDOOR RECREATION FACILITY.** An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

(100) **OVERFLOW AREA.** A plot of ground in or adjacent to a campground or

site to be used for camping set apart for accommodating those campers for whom no designated sites are available in the general geographical area, and which is subject to certain restrictions as to size, length of stay, temporary facilities, etc.

- (101) OVERNIGHT. The occupation of a camping unit as a temporary habitation between the hours of 7 p.m. and 7 a.m. or major portion thereof.
- (102) PARCEL. For the purposes of this chapter, a parcel shall be defined as a land ownership upon which one or more rural structures, including farm residences, are placed, together with the required open spaces. The term "parcel" is used in the EA and A-1 district regulations and, unlike the term "lot" as defined elsewhere in this section, a parcel may contain lands reserved for roadway purposes in the computation of the required parcel size.
- (103) PARKING LOT. A structure or premises containing 10 or more parking spaces open to the public. Such spaces may be for rent or a fee.
- (104) PARTIES IN INTEREST. Includes all abutting property owners, all property owners within 500 feet, and all property owners of opposite frontages. The application of the 500-foot rule is not affected by Town, city, or town corporate limit lines.
- (105) PERSON. An individual (tenant, lessee, owner), or any commercial entity including but not limited to firm, business, corporation, partnership, joint venture, cooperative, limited liability company, trust or other legal entity.
- (106) PLANNED UNIT DEVELOPMENT (PUD). The PUD Planned Unit Development is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD will allow for flexibility and overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. All provisions for PUD shall be complied with as stated in the Zoning Code
- (107) POPULATE. To add animal units for which local approval is required.
- (108) POULTRY. Domestic farm fowl, such as chickens, ducks, and turkeys.
- (109) PRINCIPAL USE OR STRUCTURE. The main use of land or structures

as distinguished from a secondary or accessory use.

- (110) **PROFESSIONAL HOME OFFICES.** Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.
- (111) **PROPERTY LINE.** A line that separates parcels of land owned by different persons.
- (112) **REAR YARD.** A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot (See Illustration No. 2).(page 13)
- (113) **RECYCLING.** The process by which waste products such as metal cans, scrap metal, paper, or glass are reduced to raw materials for transformation into new and different products. For the purpose of this chapter, recycling does not include the reclamation of sewage sludge, food wastes, or other organic material.
- (114) **RECYCLING CENTER.** A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment for eventual reuse in new products.
- (115) **RECYCLING COLLECTION POINT.** An incidental use that serves a neighborhood drop-off point for temporary storage of recyclable materials.
- (116) **RELATED LIVESTOCK FACILITIES.** Definition deleted Ordinance 2013-04 (9-16-2013)
- (117) **RESTAURANT.** An establishment where food, refreshments, and beverages are prepared, served, and consumed primarily within the principal structure. See also "Drive-in Restaurant."
- (118) **RESTRICTED CONFINEMENT.** Animals in buildings or a lot associated with a building.
- (119) **RUMMAGE SALE.** The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed 4 consecutive days in length and are not conducted more often than 3 times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales." Flea markets, defined elsewhere in this section, are not rummage sales.

- (120) SEPARATE SPECIES FACILITY. Definition deleted Ordinance 2013-04 (9-16-2013)
- (121) SEAT. Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.
- (122) SET OF ONE-YEAR STORMS. The rain intensities and rain volumes or corresponding values specific to the community for the storm durations of 0.5, 1, 2, 3, 6, 12, and 24 hours that occur approximately once per year. The following are typical characteristics of these one-year storms in most of Wisconsin:
(see next page)

Storm Duration (hours)	Average Rain Intensity (inches/hour)	Total Rain (inches)
0.5	1.8	0.9
1	1.1	1.1
2	0.7	1.3
3	0.5	1.5
6	0.3	1.7
12	0.2	2.0
24	0.1	2.3

- (123) SEXUAL CONDUCT. Acts or simulated acts of masturbation, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.
- (124) SHORELANDS. Those lands lying within 1,000 feet from a lake or pond of flowage, and 300 feet from a river or stream or to the landward side of the floodplain, from the ordinary high water mark of navigable waters, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river, those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history, and such lands are maintained in nonstructural agricultural use.
- (125) SHORE YARD. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the high water mark of the lake or stream upon which the lot abuts and a line parallel thereto through the nearest point of the principal structure.
- (126) SIDE YARD. A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. (See Illustration No. 2)(page 13)

- (127) SIGN. Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.
- (128) SIGN, EXTERNALLY ILLUMINATED. A sign illuminated by light sources from the outside.
- (129) SIGN, INTERNALLY ILLUMINATED. A sign illuminated by light sources entirely within the sign cabinet and not directly from outside the sign.
- (130) SIGN, NEON. A sign including luminous gas-filled tubes formed into text, symbols or decorative elements and directly visible from outside the sign cabinet.
- (131) SPECIAL EVENT. An event of limited duration which is open to the public and is not otherwise permitted in the zoning district. Examples include, but are not limited to: auctions, art fairs, festivals, fundraisers, bike races, and other events deemed to be of a similar nature by the Plan Commission.
- (132) SPECIAL EVENT CAMPING. A place where camping is allowed when specifically related to a special event as designated by the Plan Commission.
- (133) SPECIAL EVENT CONCESSIONS. A place where concessions are sold when specially related to a special event as designated by the Plan Commission.
- (134) SPECIAL EVENT PARKING. A place where parking for motor vehicles is allowed when specifically related to a special event as designated by the Plan Commission.
- (135) SPOT LIGHT. A specific form of lamp designed to direct its output in a specific direction (a beam) and with a clear or nearly clear glass envelope; such lamps are so designated by the manufacturers, and typically used in residential outdoor area lighting.
- (136) STREET, PUBLIC. A public right-of-way not less than 49.5 feet (three rods) wide providing primary access to abutting properties.
- (137) STREET PRIVATE. A private route of ingress and egress from any public right-of-way which provides access to two (2) or more residential dwellings/units, commercial buildings, or properties.
- (138) STREET YARD OR SETBACK. A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards.

(See Illustration No. 2)(page 12)

- (139) **STRUCTURE.** Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment.
- (140) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.
- (141) **SWIMMING POOL.** Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool or hot tub, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.
- (142) **TEMPORARY LIGHTING.** Lighting which does not conform to the provisions of 17.22 and which will not be used for more than one thirty (30) day period within a calendar year, with one thirty (30) day extension. Temporary lighting is intended for uses, which by their nature are of limited duration, for example, holiday decorations, civic events or construction projects.
- (143) **TRANSLUCENT.** Permitting light to pass through but diffusing it so that persons, objects, etc., on the opposite side are not clearly visible.
- (144) **UNNECESSARY HARDSHIP.** That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of the chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.
- (145) **USE, ABANDONMENT OF.** The relinquishment of a property, or the cessation of a use or activity by the owner or tenant for a period of six months, excluding temporary or short term interruptions for the purpose of remodeling, maintaining, or otherwise improving or rearranging a facility. A use shall be deemed abandoned when such use is suspended as evidenced by the cessation of activities or conditions which constitute the principle use of the property.
- (146) **UTILITIES.** Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (147) **VARIANCE.** A relaxation of the terms of this chapter, granted by the Zoning Board of Appeals, where such variance will not be contrary to the public

interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardships.

- (148) WASTE STORAGE FACILITY. One or more waste storage structures. “Waste Storage Facility” includes stationary equipment and piping used to load or unload a waste storage structure if the equipment used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and its an integral part of the facility. “Waste Storage Facility” does not include equipment used to apply waste to land.
- (149) WASTE STORAGE STRUCTURE. A waste storage impoundment made by constructing embankments, excavating a pit or dugout or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposed of ss.ATCP 51.12(2) and 5.14, “waste storage structure” does not include any of the following: (a) A structure used to collect and store waste under a livestock housing facility. (b) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.
- (150) WINERIES. Includes production, sale, and consumption of beverages; exhibits, displays, and demonstrations; and ancillary recreational and educational activities.
- (151) WPDES PERMIT. A Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.
- (152) YARD. An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.
- (153) ZONING PERMIT. A permit issued by the Zoning Administrator for construction, moving, alteration, or addition to any use, structure, or structure and use in combination upon compliance with the provisions of this chapter.

17.03 GENERAL PROVISIONS.

- (1) **JURISDICTION.** The jurisdiction of this chapter shall apply to all structures, lands, water, and air within the unincorporated limits of the Town.
- (2) **COMPLIANCE.** No structure, land, or water shall hereafter be used or developed, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.
- (3) **MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically exempted by law, all cities, towns, and counties are required to comply with this chapter and obtain all required permits. State agencies are required to comply if §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance, and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt from compliance when §30.12(4), Wis. Stats., applies.
- (4) **USE RESTRICTIONS.** The following use restrictions and regulations shall apply:
 - (A) **Permitted uses:** Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
 - (B) **Accessory uses and structures** are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this chapter.

- (C) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board in accordance with sec. 17.16 of this chapter.
 - (D) Gas and electric utility uses which have been issued a Certificate of Public Convenience and Necessity pursuant to §196.491(3), Wis. Stats., are exempt from the requirements of this chapter, and shall not be required to obtain a zoning permit or certificate of compliance.
 - (E) Unclassified or unspecified uses may be permitted as a conditional use by the Plan Commission provided that such uses are similar in character as determined by the Plan Commission to the principal uses permitted in the district.
 - (F) Temporary uses, such as real estate sales or rental field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted for a period of up to one year by the Plan Commission. Temporary use permits may be renewed if the Plan Commission deems such renewal appropriate. Additional temporary uses are set forth in sec. 17.17(30) of this chapter and may be permitted as conditional uses as set forth in sec. 17.16 of this chapter.
- (5) **SITE RESTRICTIONS.** No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall, in writing, recite the particular facts upon which he/she bases a conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify, or withdraw the determination of unsuitability. In addition:
- (A) All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family residential districts. The Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
 - (B) All lots shall abut upon a public street, and each lot shall have a minimum frontage at the public right-of-way of 50 feet.
 - (C) No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
 - (D) Additions in the front yard of existing structures shall not project beyond the average of the existing setbacks on the abutting lots or parcels.

- (E) Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard located behind the main entrance to the structure and a side yard.
- (F) All driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall meet the following requirements:
- 1) Islands between residential driveway openings shall be provided with a minimum of 20 feet between all driveways and 10 feet at all lot lines.
 - 2) Vehicular entrances and exits to banks, restaurants, motels, funeral homes, vehicular sales, service or repair stations, washing stations, or garages shall be located 200 feet or more from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, emergency shelter, or place of public assembly.
 - 3) Shared driveways may be permitted by the Plan Commission as a conditional use.
- (G) Construction Standards for Private Drives in Excess of 200 Feet in Length.
- 1) Notwithstanding anything contained herein to the contrary, this ordinance shall only apply to private drives that are 200 feet in length or more, as measured from the edge of the public right-of-way along the centerline of the proposed driveway to the nearest exterior point of the principal building located on that property.
 - 2) All private drives shall be constructed utilizing a compacted subgrade consisting of quality material suitable for standard highway loading.
 - 3) Drainage structures or culverts, at least 24 feet long with end sections, shall be installed under the surface at the low points in grades, sloped to drain to the existing storm drainage outlet. These structures or culverts shall be sized to drain their entire storm drainage contributing areas based on the ten (10) year frequency storm design.
 - 4) A minimum of road ditch construction along these private drives shall be required in those areas where storm runoff would otherwise be forced onto the traveled surface due to the topography. The property owner shall obtain all drainage easements necessary to construct these ditches.
 - 5) The minimum depth of the stone base shall be 5 inches of 1-1/2 inch crushed stone traffic bond (TB) material compacted in place, over which 5 inches of 3/4 inch crushed gravel or crushed stone (TB) material shall be compacted in place.

- 6) All private drives shall have a gravel surface not less than 14 feet in width, not more than 12% change in grade along any portion of the driveway.
- 7) All private driveways shall provide turn-around areas at the end of the private driveway. A cul-de-sac or turn-around area shall be provided for emergency vehicle use. The minimum size shall be a 40 ft. radius cul-de-sac or 40ft. x 40ft. wide "T" turn-around.
- 8) Emergency vehicle pull off areas as noted below shall be provided. The emergency pull off areas shall be:
 - Every 300 linear feet of driveway
 - 50 feet long – 10 feet wider than driveway
 - Same construction standards as indicated in subparagraph D.
 - All branches and shrubbery shall be cut back to a distance of 5 feet beyond the edge of the pull off area.
- 9) All vegetation, trees and shrubbery must be cut back so that a 12 foot clearance height is provided (Am. Ord. #2011-02). All branches and shrubbery shall also be cut back to a distance of 15 feet on either side of the centerline of the traveled surface portion of the private drive.
- 10) All curves and bends in the surface shall be constructed to safely transport a fire truck with cab and trailer so that this vehicle is confined to the 14-foot surface width.
- 11) All costs necessary for the maintenance of the private drives to conform to these standards for safe passage shall be at the property owner's expense.

(H) Construction Standards for Private Streets.

- 1) At the end of the private street, a minimum paved cul-de-sac shall be provided. This cul-de-sac and the private street shall be constructed in accordance with the Town's Standard Road Specifications and the Town's Standard Road Sections in effect at the time of construction.
- 2) The road ditch construction along the private street shall be required per the Town's Standard Road Specifications and Road Section. The property owner shall obtain all drainage easements necessary to construct these ditches.
- 3) All costs necessary for the maintenance of the private street to conform to these requirements for the safe passage of emergency vehicles shall be at the property owner's expense.

(I) Driveway and Private Street Plan Submittal and Review.

- 1) The applicant shall submit construction, sit and drainage plans to the Town Clerk's office indicating dimensions, locations and construction materials as needed/required by the Town. The plans shall be drawn to scale and shall not exceed 1 inch = 50 feet or private streets and 1 inch = 200 feet for private drives. The applicant shall submit copies of the plans as determined by the Town Board.
- 2) The Town Engineer shall review the plans for compliance with this ordinance and forward recommendations to the Town Plan Commission and Town Board for review. Town Board approval is required prior to building permit issuance.
- 3) The private driveway or street shall be completed prior to an occupancy permit being issued.
- 4) The Town Building Inspector or designee may inspect the private driveway and streets at the following stages:
 - After subgrade is graded
 - After stone/gravel is installed
 - During asphalt installation (if applicable)
- 5) The cost of reviewing the plans by the Town Engineer or other Town officials, as well as any inspection services required to insure installation of the private drive and/or private street in accordance with this ordinance, shall be borne by the property owner. The property owner shall reimburse any such expense within thirty (30) days after invoicing, and if not reimburse, shall constitute a special assessment upon the property in accordance with the provisions of Section 66.60(16), State Stats.

(J) Private Sewer and Water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with the Wisconsin Administrative Code.

(K) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts.

(L) Preservation of Topography. In order to preserve the natural topography as much as possible and in order to protect against dangers and damage caused by man-made changes to the existing topography, and to avoid unsightly and hazardous exposed earth sections, no lots or portions of lots nor any parcels of land shall be excavated or filled unless the following conditions are met:

- 1) If the difference in grade between 2 adjacent lots along a lot line is to

be not greater at any point than 2 feet, this difference in levels may be sloped toward or away from the lot line at a gradient of one foot vertical to 2 feet horizontal, and as soon as practical must be covered adequately with top soil and sodded to prevent erosion; or a retaining wall of stone or other suitable masonry material shall be constructed to retain the higher ground. Within a single lot, any excavation or fill not exceeding 2 feet, and not involving an area in excess of 4,000 square feet shall be subject to the aforesaid requirements.

- 2) If a difference in grade between 2 adjacent lots along a lot line is to be greater at any point than 2 feet, the following procedure shall be followed:
 - a) No slope to be covered with sod, grass seed, or other natural plan material may exceed a gradient of one foot vertical to 2 feet horizontal.
 - b) A slope protected by rip-rap construction may not exceed a gradient of one foot vertical to one foot horizontal.
 - c) A difference in adjacent grades may be protected by a retaining wall providing that the wall is engineered in such a manner as not to collapse. No retaining wall shall exceed 4 feet in height. A retaining wall may be stepped to achieve greater height. Each step of the wall shall be no more than 4 feet in height and shall be set back a minimum of 2 feet from the previous step.
 - d) Approval of any of the aforesaid methods shall be obtained in the following manner:
 1. The applicant shall furnish a topographic survey with a maximum contour interval of one foot prepared by a registered professional engineer or registered land surveyor showing existing elevations on the subject lot and on adjacent lands within 25 feet of the area to be filled or excavated.
 2. The applicant shall furnish a map showing existing drainage patterns and existing soil types on the subject lot and on adjacent land within 25 feet of the area to be filled or excavated.
 3. The applicant shall furnish a plan showing a typical cross-section of the proposed slope, rip-rap, or retaining wall; the proposed drainage pattern; a planting or sodding schedule; and the proposed means of preventing erosion during construction. If a retaining wall is to be constructed, a registered professional engineer shall certify that the wall will not collapse.
 4. The Zoning Administrator shall transmit the applicant's plans to the Town Engineer for review and comment, and the permit shall be issued only after receipt of the Engineer's written report.

5. The applicant shall complete the proposed work in strict accordance with the approved plan and the time schedule specified in the permit.
- 3) In every instance, no person, occupant, owner of land, or corporation shall remove or cause to be accumulated topsoil or subsoil on any industrial, commercial, institutional, or residential district without the proper review and approval of an application for such removal or accumulation by the Plan Commission. Such removal or accumulation includes, but is not limited, to piles of earth, dirt, topsoil, or subsoil, which has been formed, accumulated or pushed into mounds or piles and which obstruct view or pose a threat to the general safety or welfare of the community with the existence of trenches, holes, or pits caused by such removal or accumulation.
- (M) A buffer yard shall be created and maintained around all business and manufacturing districts which abut upon residential districts. The Plan Commission may also require a buffer yard around business and industrial districts abutting park and institutional districts. Buffer yards shall be a minimum of 20 feet in width and shall screen business or manufacturing uses from adjoining lands in such a manner that:
- 1) If the buffer yard is composed entirely of plant materials, it shall be of sufficient initial depth and height and of such varieties as to provide adequate visual screening within no more than 2 years and during all seasons of the year.
 - 2) Where architectural walls or fences are used, sufficient landscaping shall be used in conjunction with such wall or fence to create an attractive view from the residential side, and all walls and fences shall be maintained in a structurally sound and attractive condition. Any wall or fence shall be not less than 4 feet nor more than 6 feet in height.
 - 3) All landscaping shall be maintained by the owner or operator to the satisfaction of the Plan Commission.
 - 4) Where the land adjacent to the buffer yard is a parking lot, the buffer yard shall be sufficiently opaque to prevent the penetration of headlight glare. Overhead lighting installed in or adjacent to a buffer yard shall not throw any rays onto adjacent residential properties.
 - 5) No signs shall be permitted on or in any part of the buffer yard.

(6) BUILDING RESTRICTIONS.

- (A) HEIGHT. The district height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accordance with the following:

- 1) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.
 - 2) Special structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this chapter.
- (B) SETBACK. The setback requirements stipulated elsewhere in this chapter may be modified as follows:
- 1) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard, but such projection shall not exceed 2 feet.
 - 2) Uncovered stairs, landings, and fire escapes may project into any yard, but shall not exceed 6 feet nor be closer than 3 feet to any lot line.
 - 3) The required street yard setbacks for residences may be decreased in any residential district to the average of the existing street yard setbacks of the abutting structures on each side but in no case less than 25 feet.
- (C) COMPLIANCE WITH AMERICANS WITH DISABILITIES ACT. Modifications to requirements of this chapter may be granted by the Plan Commission for the purpose of complying with the requirements of Title II Public Services and Title III Public Accommodations and Commercial Facilities of the Americans with Disabilities Act. Such compliance may require the waiving or modifications to setback and yard requirements, parking requirements, sign requirements, and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.
- (7) FLOODLAND REGULATIONS. In addition to any other applicable use or site regulations, the following floodland regulations shall apply:
- (A) Dumping; filling; onsite sewage disposal systems; wells which are used to obtain water for ultimate human consumption; storage of materials that are buoyant, flammable, explosive, or injurious to human, animal, or plant life; and the permanent sheltering or restricted confinement of animals is prohibited within the floodways and flood fringe of the 100-year recurrence interval floodplain.
 - (B) Structures, except navigational structures, public water measuring and control facilities, bridges, and utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas,

and similar products and services are prohibited within the floodways and flood fringe of the 100-year recurrence interval floodplain.

- (C) Within the channels of navigable waters, the erection of all structures shall require the issuance of a permit from the State agency having jurisdiction pursuant to §30.12, Wis. Stats. All bulkheads, wharves, and piers shall comply with bulkhead and pier head lines established by any municipality pursuant to §30.11 or §30.13. Wis. Stats.
 - (D) Dam construction, maintenance, and abandonment shall require the issuance of a permit by the Washington County Land Use and Park Department.
 - (E) All structures and improvements not prohibited by this section shall require the issuance of a permit by the Washington County Land Use and Park Department.
 - (F) Boundaries of the 100-year recurrence interval floodplain shall be determined through the use of flood profiles developed in the Flood Insurance Study for the Unincorporated Areas of Washington County, Wisconsin, published by the Federal Emergency Management Agency, and dated March 1, 1983, and are further illustrated on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, dated September 1, 1983.
- (8) ENVIRONMENTAL CORRIDOR REGULATIONS. In addition to any other applicable use or site regulations, the following regulations shall apply to environmental corridors:
- (A) Environmental corridors, illustrated in the adopted Town land use plan, and delineated on the Zoning District Boundary Map are intended to preserve and protect important wetlands, woodlands, wildlife habitat areas, steep slopes, poorly drained soils, floodlands, shorelands, existing and potential park sites, and scenic vistas in the Town.
 - (B) Notwithstanding the district area and lot widths of the basic zoning district in which they are located, lots with greater than 50% of their area in delineated environmental corridors shall have a minimum lot area of 5 acres. Conservation measures such as conservation easements or deed restrictions shall be recorded that will protect the environmental corridors.
 - (C) No lot containing environmental corridors shall have a buildable site of less than one acre. Buildable sites shall not contain wetlands, floodlands, or slopes of 12% or more.
- (9) REDUCTION OR JOINT USE. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.
- (10) SINGLE-FAMILY DWELLING STANDARDS. No single-family dwelling, including dwellings constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district unless such dwelling meets all of the following standards:

- (A) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code. The structure shall not rest upon a metal frame where the foundation meets the sills or floor joists.
 - (B) The dwelling shall have a minimum of 1,200 square feet
 - (C) The dwelling shall have a pitched roof with a minimum slope of 3:1 and eaves extending beyond the nearest vertical wall a minimum of 12 inches; the roofing shall be roofing as permitted by the State Building Code.
- (11) HOME OCCUPATIONS AND PROFESSIONAL HOME OFFICES. A home occupations and professional home offices is permitted as an accessory uses in any district. No conditional use permit is required in any districts provided that the use complies with all of the following conditions, and provided a business permit is placed on file with the Town Clerk:
- (A) The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use and shall not occupy more than 25% of the floor area of one floor.
 - (B) No home occupation or professional home office shall be located in or conducted in an accessory structure.
 - (C) No person other than members of the family residing on the premises shall be employed or engaged in such home occupation or professional home office.
 - (D) Home occupations shall use only household equipment and no stock in trade shall be kept or sold except that made on the premises.
 - (E) No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
 - (F) No outdoor storage of equipment or product shall be permitted.
 - (G) Home occupations, which comply with the conditions set forth above, may include, but are not limited to, canning, crafts, desktop publishing and other computer services, dance studios, dressmaking, insurance agencies, laundering, millinery, music lessons, real estate brokerages, telephone marketing, and word processing.
 - (H) Home occupations shall not include auto body or engine repair, barbering, beauty shops, construction trades, or photographic studios.
 - (I) Home occupations shall be required to provide written confirmation that they meet the above requirements and shall pay an annual Home Occupations Permit fee as determined by the Town Board.

17.05 EROSION CONTROL AND STORM WATER MANAGAEMENT

See Ch. 19 of the Town of Kewaskum Ordinances.

17.06 ZONING DISTRICTS.

(1) ESTABLISHMENT.

(A) For the purpose of this chapter, the Town is hereby divided into the following 8 Zoning Districts:

- 1) EA Agricultural Preservation District
- 2) A-1 Agricultural/Open Space District
- 3) R-1 Single-Family Residential District
- 4) B-1 Business District
- 5) M-1 Manufacturing District
- 6) I-1 Institutional District
- 7) P-1 Park District
- 8) C-1 Lowland Conservancy Overlay District

(B) Boundaries of the zoning districts are hereby established as shown on the Map entitled "Zoning Map, Town of Kewaskum, Washington County, Wisconsin," dated December 15, 2008 (Map can be located at end of this chapter) which accompanies this chapter and is herein made a part of this chapter. All notations and references shown on the Zoning Map are as

much a part of this chapter as though specifically described herein. This chapter incorporates any future changes or any later zoning maps that may be adopted by ordinance of the Town Board.

- (C) The district boundaries in all districts, except the C-1 Lowland Conservancy Overlay District, shall be construed to follow corporate limits; U. S. Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
 - (D) Boundaries of the C-1 Lowland Conservancy Overlay District are based on the Wisconsin Wetland Inventory Maps for Washington County which cover the Town. The district includes those wetlands determined to be "shoreland" wetlands by Washington County and such other wetlands which the Town deems are necessary to the preservation of a rural environment in the Town. The wetlands shown on the Wisconsin Wetland Inventory Maps and the Town Zoning Map are intended to be illustrations of wetland limits. Precise wetland delineations shall be made by field investigation prior to development to verify C-1 district boundaries
 - (E) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (2) ZONING MAP. A certified copy of the Zoning Map shall be adopted and approved with the text as part of this chapter and shall bear upon its face the attestation of the Town Chairperson and Town Clerk and shall be available to the

public in the office of the Town Clerk. Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk. It shall be the duty of the Town Clerk to enter all Zoning Map amendments upon the certified copy of the Zoning Map and certify the same.

17.07 EA AGRICULTURAL PRESERVATION DISTRICT. The EA Agricultural Preservation District is intended to maintain, enhance and preserve agricultural lands historically utilized for crop production and the raising of Animals. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial and industrial uses at a density not to exceed (1) principle structure per ten (10) acres.

- (1) PERMITTED USES.
 - (A) Apiculture (beekeeping)
 - (B) Dairy farming.
 - (C) Essential services.
 - (D) Farm dwelling w/garage (One single-family only)
 - (E) Floriculture (cultivation of ornamental flowering plants).
 - (F) Grazing or pasturing.
 - (G) Horticultural Service

- (H) Orchards.
 - (I) Plant nurseries.
 - (J) Raising of domestic animals or poultry
 - (K) Raising of grain, grass, mint, and seed crops.
 - (L) Raising of tree fruits, nuts, and berries
 - (M) Raising of Vegetables
 - (N) Sod farming.
 - (O) Viticulture (grape growing).
- (2) PERMITTED ACCESSORY USES. Accessory uses or structures as defined in Sec. 17.02(1) of this chapter and as regulated in sec. 17.25(1) of this chapter.
- (A) Garages or carports
 - (B) Forest and game management
 - (C) General farm buildings including barns, silos, sheds, storage bins.
 - (D) Home occupations as specified in sec. 17.03 (11) of this chapter
 - (E) Satellite dish antennas 32” in diameter or smaller
 - (F) Forest and game management
 - (G) Roadside stand (one not to exceed 150 s.f. for products produced on site)
- (3) CONDITIONAL USES. Conditional uses shall be approved only if they are “consistent with agricultural use” as determined by the Plan Commission. See sec. 17.16 of this chapter. (Amd. Ord 2013-02)
- (A) Additional existing dwellings
 - (B) Agricultural warehousing
 - (C) Airports, airstrips, and landing fields
 - (D) Animal hospitals, kennels and veterinary services
 - (E) Bed and breakfast establishments
 - (F) Boarding stables
 - (G) Boat and recreation vehicle storage
 - (H) Communication antennas or towers – see Wis. Stats 66.0404 (Amd. Ord. 2014-02)
 - (I) Energy conservation uses
 - (J) Fish hatcheries, game farms, and hunting clubs
 - (K) Home Industries
 - (L) Housing for farm laborers, seasonal and migratory farm workers
 - (M) Manure storage facilities (with Washington County permit as needed)
 - (N) Nonmetallic mineral extraction, Quarrying
 - (O) Off-road vehicle racing or operation
 - (P) Parking
 - (Q) Pea vineries, creameries, and condenseries
 - (R) Planned Unit Developments
 - (S) Raising fur-bearing animals, (I.E. mink, rabbits and foxes)(see Fur Farm)
 - (T) Raising exotic animals (any animal not listed on table in sec 17.07(5))
 - (U) Roadside stands (in excess of 150 s.f. for products on site)
 - (V) Salvage operations, recycling centers and automobile wrecking yards
 - (W) Satellite dish antennas larger than 32” in diameter
 - (X) Sawmills.
 - (Y) Utilities
- (4) PARCEL, YARD AND BUILDING REQUIREMENTS.

Parcel area..... Minimum 10 acres
 Parcel frontage at road right-of-way..... Minimum 50 feet
 Parcel frontage at building setback line..... Minimum 400 ft.
 Parcel Density..... Not to exceed 1 house per 10 acres
 Principal building: Front yard..... Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
 Side yards Minimum 25 ft.
 Rear yard Minimum 25 ft.
 Building height..... Maximum 35 ft.
 Floor area Minimum 1,200 sq. ft.

Agricultural Accessory buildings: (Am. Ord. #2011-02)

Front yard Same as principal building
 Side yards Minimum 25 ft.
 Rear yard Minimum 25 ft.
 Building height..... Maximum 100 ft.

Residential Accessory Buildings See section 17.25(1)(a-c)
 (Am. Ord. #2011-02)

Off-street park See sec. 17.17 of this chapter

(5) LIMITATION ON ANIMAL UNITS.

Table 1 - Animal Equivalency Factors

	Animals Type	Animal Unit Factor	Animal Units For Proposed Facility	
<i>Example - Milking & Dry Cows</i>			<i>1.4 x 500</i>	<i>=700AU</i>
Dairy Cattle	Milking and Dry Cows	1.4	1.4 x	=
	Heifers (800 lbs. to 1200 lbs.)	1.1	1.1 x	=
	Heifers (400 lbs. to 800 lbs.)	0.6	0.6 x	=
	Calves (up to 400 lbs.)	0.2	0.2 x	=
Beef	Steers or Cows (600 lbs to market)	1	1.0 x	=
	Calves (under 600 lbs.)	0.5	0.5 x	=
	Bulls (each)	1.4	1.4 x	=
Swine	Pigs (55 lbs. to market)	0.4	0.4 x	=
	Pigs (up to 55 lbs.)	0.1	0.1 x	=
	Sow(each)	0.4	0.4 x	=
	Boars (each)	0.5	0.5 x	=
Poultry	Layers (each)	0.01	0.01 x	=
	Broilers (each)	0.005	0.005 x	=

	Broilers - continuous overflow watering	0.01	0.01 x	=
	Layers or Broilers - liquid manure system	0.033	0.033 x	=
	Ducks - wet lot (each)	0.2	0.2 x	=
	Ducks - dry lot (each)	0.01	0.01 x	=
	Turkeys (each)	0.018	0.018 x	=
Sheep	(each)	0.1	0.1 x	=
Goats	(each)	0.1	0.1 x	=
Llama	(each)	0.1	0.1 x	=
Alpacas	(each)	0.1	0.1 x	=
Horses	(each)	2.0	2.0 x	=

Adopted from NR 243.05 (Amd. Ord. 2013-02)

*To calculate Animal units

1. Identify each type of animal and enter the maximum number of animals of each type kept on site.
2. Multiply the number of animals of each type by the relevant Animal Unit Factor
3. Sum the animal units for all animals' types to obtain the Total Animal Units

(6) **CHANGES AND AMENDMENTS TO THE EA DISTRICT.** The Plan Commission shall review all proposed changes and amendments to the EA Agricultural Preservation District within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. In addition:

(A) The Plan Commission shall recommend changes which remove areas from the EA District only after a consideration of findings with respect to the following:

- 1) The land is not feasible for continued practical agricultural use;
- 2) Adequate public facilities can be provided to serve the proposed change which will not unreasonably burden the Town;
- 3) The land is suitable for the proposed change;
- 4) The change shall not cause unreasonable air or water pollution, soil erosion or adversely affect irreplaceable natural resources;
- 5) The proposed change would not conflict with existing agricultural uses in the area;
- 6) The proposed use is needed in the area and alternative locations are of some scarcity; and
- 7) The proposed use minimizes the amount of the converted agricultural lands.

(B) The Plan Commission shall recommend changes which add areas to the

EA District only after a consideration of findings with respect to the following:

- 1) The land is physically suitable for long term agriculture use.
- 2) Alternate land uses would not be desirable due to public service burden, potential conflict with adjacent existing land uses, or lack of need for alternate land uses on the subject parcel.
- 3) The addition would be compatible with the spirit and the intent of this district and general neighborhood.

(B) The Town Clerk shall notify the Wisconsin Land and Water Conservation Board (LWCB) of any change in the EA Agricultural District.

17.08 A-1 AGRICULTURAL/OPEN SPACE DISTRICT. The A-1 Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the EA Agricultural Preservation District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related activity. The district also permits the creation of large rural residential estate type lots not to exceed (1) house per five (5) acres density.

- (1) PERMITTED USES. (amd ord. 2013-02)
 - (A) Apiculture (beekeeping)
 - (B) Contract sorting, grading, and packaging of fruits and vegetables
 - (C) Corn shelling, hay baling, and threshing services
 - (D) Dairy farming
 - (E) Dwelling w/garage (One single-family only)
 - (F) Essential services
 - (G) Floriculture (cultivation of ornamental flowering plants)
 - (H) Grazing or pasturing
 - (I) Grist milling services
 - (J) Horticultural service
 - (K) Orchards
 - (L) Plant nurseries
 - (M) Raising of domestic animals (per Table 1 in sec. 17.07)
 - One animal unit per acre on parcels which are less than or equal to 10

acres in area;

- One-hundred animal units on parcels which are greater than 10 acres in area

- (N) Raising of rabbits (a maximum of 25 rabbits per acre)
- (O) Raising of grain, grass, mint, and seed crops
- (P) Raising of tree fruits, nuts, and berries
- (Q) Raising of Vegetables
- (R) Sod farming
- (S) Vineyards and Orchards (created Ordinance 2017-01)
- (T) Viticulture (grape growing)
- (U) Wineries (created Ordinance 2017-01)

(2) PERMITTED ACCESSORY USES. Accessory uses or structures as defined in sec. 17.02(1) of this chapter and as regulated in sec. 17.25(1) of this chapter.

- (A) One garage or carport
- (B) One garden shed
- (C) General farm buildings including barns, silos, sheds, and storage bins
- (D) Home occupations as specified in sec. 17.03(11) of this chapter
- (E) Satellite dish antennas 32" in diameter or smaller
- (F) Forest and game management
- (G) Roadside stand (one not to exceed 150 s.f. for products produced on site)

(3) CONDITIONAL USES.

- (A) Agricultural warehousing
- (B) Airports, airstrips, and landing fields on sites not less than 10 acres in area
- (C) Animal hospitals, kennels and veterinary services
- (D) Bed and breakfast establishments
- (E) Boarding stables
- (F) Boat and recreation vehicle storage
- (G) Communication Antennas or Towers – see Wis. Stats. 66.0404 (Amd. Ord. 2014-02)
- (H) Energy conservation uses
- (I) Fish hatcheries, game farms, and hunting clubs
- (J) Home industries
- (K) Housing for farm laborers, and seasonal and migratory farm workers
- (L) Manure storage facilities (with Washington County permit as needed)
- (M) Nonmetallic mineral extraction, and Quarrying
- (N) Off-road vehicle racing or operation
- (O) Pea vineries, creameries, and condenseries
- (P) Planned Unit Developments
- (Q) Raising of domestic animals (less than 500 animal units)
- (R) Raising of fur-bearing animals such as mink, foxes, and (rabbits over 25 per acre) (see Fur Farms)
- (S) Raising exotic animals (any animal not listed on table in sec 17..07(5))
- (T) Salvage yards, recycling centers and automobile wrecking yards
- (U) Utilities (not less than 50 feet from any residential district lot line)

(4) PARCEL, YARD AND BUILDING REQUIREMENTS.

Parcel area.....Minimum 3 acres
Parcel frontage at road right-of-way.....Minimum 50 feet

Parcel frontage at building setback line.....	Minimum 250 ft.
Parcel Density.....	Not to exceed 1 house per 5 acres
Parcel area containing greater than 50% environmental corridors	Minimum 5 acres
Parcel frontage containing greater than 50% environmental corridor.....	Minimum 330 ft.
Principal building:	
Front yard.....	Minimum 100 ft from street center line or 42 feet from right of way, whichever is greater
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Floor area	Minimum 1,200 sq. ft.
Agricultural Accessory buildings:	
Front yard.....	Minimum 100 ft. from street center line or 42 ft from right of way, whichever is greater
Side yard.....	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height.....	Maximum 35 ft., except for silos and storage bins which have a maximum height of 100 ft.
Off-street parking.....	See sec. 17.17 of this chapter

17.09 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT. The R-1 Residential District is intended to provide for single-family development, at densities not to exceed one dwelling unit per acre, served by onsite soil absorption sanitary sewerage systems and private wells.

(1) PERMITTED USES.

- (A) Single-family dwellings with an attached or detached garage.
- (B) Essential services.

(2) PERMITTED ACCESSORY USES. No more than two permitted accessory uses or structures are allowed on each lot. Accessory uses or structures as defined in sec. 17.02(1) of this chapter and as regulated in sec. 17.25(1) of this chapter.

- (A) One garage or carport
- (B) One garden shed - incidental to the residential use
- (C) Home occupations as specified in sec. 17.03(11) of this chapter

(D) Satellite dish antennas 32” in diameter or smaller

(3) CONDITIONAL USES.

- (A) Additional accessory structures complying with sec. 17.25(1)
- (B) Bed and breakfast establishments
- (C) Energy conservation
- (D) Home industries as specified in sec. 17.17(19) of this chapter
- (E) Public parks
- (F) One animal unit per acre on parcels which are greater than or equal to 2 acres in area; (not to exceed 500 animal units)
- (G) Other than occasional operation of motorized off-road vehicles
- (H) Rest homes, nursing homes, clinics and commercial children's nurseries
- (I) Utilities (not less than 50 feet from any residential district lot line)

(4) PARCEL, YARD AND BUILDING REQUIREMENTS.

Parcel area..... Minimum one acre
Parcel frontage at road right-of-way..... Minimum 50 ft.
Parcel frontage at building setback line..... Minimum 150 ft.
Parcel Density..... Not to exceed 1 house per 1 acre

Principal building:

Floor area 1,200 sq. ft.

Front yard Minimum 100 ft. from the street center line or 42 ft. from the right of way, whichever is greater
Front yard in subdivisions..... Minimum 75 ft. from street center line
Side yards Minimum 10 ft.
Rear yard Minimum 25 ft.
Building height..... Maximum 35 ft.

Accessory buildings:

Front yard Same as principal building
Side yards:
Garage..... Minimum 10 ft.
Garden shed..... Minimum 5 ft.
Rear yard Minimum 10 ft.
Garage:
Area Maximum 900. sq. ft.
Height..... Maximum 15 ft.
Garden shed:
Area Maximum 120. sq. ft.

Height.....Maximum 15 ft.

Off-street parking.....See sec. 17.23 of this chapter

17.10 B-1 BUSINESS DISTRICT. The B-1 Business District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

(1) PERMITTED USES.

- (A) Agricultural equipment sales and service
- (B) Antique and collectors stores
- (C) Automotive sales and service
- (D) Barber shops
- (E) Beauty shops
- (F) Bowling alleys
- (G) Building supply stores, excluding lumber yards
- (H) Business offices
- (I) Cocktail lounges and taverns
- (J) Garden centers
- (K) Gasoline stations (service islands and pumps shall meet the setbacks)
- (L) Gift stores
- (M) Self-service storage facilities (mini-warehouses) provided that no perishable products; no flammable or explosive materials; and no sales of merchandise

is conducted from a mini-warehouse

- (N) Tailor or dressmaking shops
- (O) Transportation facilities for buses, limousines or taxis
- (P) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permitted uses allowed within the district

(2) PERMITTED ACCESSORY USES.

- (A) Accessory garages for storage of vehicles used for business use or for occupants of the premises
- (B) Off-street parking and loading areas. See sec. 17.23 of this chapter
- (C) Satellite dish antennas 32" in diameter or smaller

(3) CONDITIONAL USES.

- (A) Adult Entertainment Establishments
- (B) Animal hospitals, veterinary services, and boarding of animals
- (C) Commercial recreation facilities, such as arcades, dance halls, driving ranges, gymnasiums, lodges, miniature golf facilities, pool and billiard halls, race tracks, rifle ranges, and skating rinks
- (D) Communications Antennas and Towers – see Wis. Stats 66.0404 (Amd. Ord. 2014-02)
- (E) Construction services including general building contractors, carpentry, wood flooring, concrete services, masonry, stone work, tile setting, plastering services, roofing services, siding and gutter services, sheet metal services, and water well drilling services
- (F) Energy conservation uses as set forth in sec. 17.17(15) of this chapter
- (G) Fuel oil, bottled gas, LP gas and ice dealers
- (H) Lumber yards, millwork, saw mills, and planing mills
- (I) Outdoor display of retail merchandise
- (J) Recycling collection point
- (K) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker
- (L) Solar energy collectors erected as an accessory structure
- (M) Temporary uses as set forth in sec. 17.17(30) of this chapter
- (N) Utility substations, municipal wells, pumping stations, and towers

(4) LOT, YARD AND BUILDING REQUIREMENTS.

Lot area	Minimum one acre
Lot frontage	Minimum 150 ft
Principal building:	
Front yard	Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Off-street parking.....	See sec. 17.23 of this chapter

- (5) **SITE PLAN AND PLAN OF OPERATIONS REVIEW.** To encourage a business environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the B-1 Business District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, security fencing, and open space utilization.

17.11 M-1 MANUFACTURING DISTRICT. The M-1 Manufacturing District is intended to provide for manufacturing, industrial, and related uses of a limited nature and size, which on the basis of actual physical and operational characteristics would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors.

- (1) **PERMITTED USES.** Assembly, processing, manufacturing, and/or storage of the following:
 - (A) General light manufacturing
 - (B) Commercial green houses
 - (C) Food locker plants
 - (D) Printing and publishing
 - (E) Self-service storage facilities (mini-warehouses), provided that no perishable products may be stored, no flammable or explosive materials may be stored, and no sales of merchandise is conducted from a mini-warehouse
 - (F) Warehousing
 - (G) Wholesaling
 - (H) Any other use which the Plan Commission finds will be similar in nature, operation, and function to permit uses permitted within the district

(2) PERMITTED ACCESSORY USES.

- (A) Off-street parking and loading areas. See sec. 17.23 of this chapter
- (B) Office, storage, power supply, and other uses normally auxiliary to the principal industrial operation
- (C) Satellite dish antennas 32" in diameter or smaller

(3) CONDITIONAL USES.

- (A) Animal reduction facilities, forges, foundries, slaughter houses, stockyards, and tanneries
- (B) Automobile wrecking yards
- (C) Communication antennas and towers – see Wis. Stats 66.0404 (Amd. Ord. 2014-02)
- (D) Composting sites and related operations, such as wood shaving or brush collection
- (E) Energy conservation uses as set forth in sec. 17.17(15) of this chapter
- (F) Incinerators, salvage yards and sewage disposal plants, provided that such uses are located not less than 500 feet from any residential district boundary
- (G) Lumber yards and building supply yards
- (H) Machine shops, tool and die manufacturing
- (I) Manufacturing of ammonia, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lamp black, poison, pulp, pyroxylin, and radium
- (J) Processing of ammonia, asbestos, asphalt, cabbage, chlorine, coal tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxylin, and radioactive materials
- (K) Radio and television transmitting towers, receiving towers, relay and microwave towers, and broadcast studios
- (L) Recycling centers and/or collection point
- (M) Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials
- (N) Temporary uses as set forth in sec. 17.17(30) of this chapter
- (O) Transportation terminals, and truck terminals and freight forwarding services
- (P) Utility substations, municipal wells, pumping stations, and towers provided that the use is not less than 50 feet from any lot line

(4) LOT, YARD AND REQUIREMENTS.

Lot area	Minimum one acre
Lot frontage	Minimum 150 ft.
Principal building:	
Front yard	Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
Side yards	Minimum 25 ft.
Rear yard	Minimum 25 ft.
Building height.....	Maximum 45 ft.

Off-street parking.....See sec. 17.23 of this chapter

- (5) SITE PLAN AND PLAN OF OPERATIONS REVIEW. To encourage an industrial environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the M-1 Manufacturing District shall not be issued without review and approval of the Plan Commission. Said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, landscaping, security fencing, and open space utilization.

17.12 I-1 INSTITUTIONAL DISTRICT. The I-1 Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

(1) PERMITTED USES.

- (A) Public or private schools, colleges, and universities
- (B) Churches, cemeteries, and crematoriums
- (C) Funeral homes
- (D) Hospitals, sanatoriums, nursing homes, and clinics
- (E) Libraries, community centers, museums, and public art galleries
- (F) Public administrative offices, public parks, and public service buildings, including fire and police stations
- (G) Public utility offices

(2) PERMITTED ACCESSORY USES.

- (A) Residential quarters for caretakers or clergy
- (B) Garages for storage of vehicles used in conjunction with the operation of a

- permitted use
- (C) Service buildings and facilities normally accessory to the permitted use
- (D) Satellite dish antennas 32” in diameter or smaller

(3) CONDITIONAL USES.

- (A) Airports, airstrips, and landing fields provided that the site is not less than 10 acres in area.
- (B) Cemeteries and crematories
- (C) Communication antennas and towers – see Wis. Stats. 66.0404 (Amd. Ord. 2014-02)
- (D) Penal and correctional institutions provided that the site area is not less than 10 acres in area and does not abut upon a residential district.
- (E) Solar energy collectors erected as an accessory structure
- (F) Transmitting towers, receiving towers, and relay and microwave towers, and broadcast studios.
- (G) Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line.

(4) LOT, YARD AND BUILDING REQUIREMENTS.

- Lot area Minimum one acre
- Lot frontage Minimum 150 ft.
- Corner lot..... Minimum 175 ft.

Principal building:

- Front yard Minimum 100 ft. from street center line of 42 ft. from right of way, whichever is greater
- Side yards Minimum 10 ft.
- Rear yard Minimum 25 ft.
- Building height..... Maximum 35 ft.
- Floor area Minimum 1,200 sq. ft.

Accessory buildings:

- Front yard Same as principal building
- Side yards:
- Garage..... Minimum 10 ft
- Garden shed..... Minimum 5 ft.
- Rear yard Minimum 25 ft.
- Garage:
- Height..... Maximum 15 ft.
- Area..... Maximum 900 sq. ft.
- Garden shed:
- Height..... Maximum 15 ft.
- Area..... Maximum 120 sq. ft.

Off-street parking.....See sec. 17.23 of this chapter

- (5) **SITE PLAN AND PLAN OF OPERATIONS REVIEW.** To encourage an institutional environment that is compatible with the rural character of the Town, zoning permits for permitted uses in the I-1 Institutional District shall not be issued without review and approval of the Plan Commission. Review shall include a general site plan, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, and utilization of landscaping and open space and the proposed operation for development.
- (A) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.
 - (B) Public or semi-public facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 85 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

17.13 P-1 PARK DISTRICT. The P-1 Park District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Town can be met without undue disturbance of natural resources and adjacent uses.

- (1) **PERMITTED USES.**
- (A) Botanical gardens and arboretums
 - (B) Golf courses without country club facilities
 - (C) Historic monuments or sites
 - (D) Hiking, biking, and nature trails
 - (E) Outdoor skating rinks
 - (F) Park and playgrounds
 - (G) Picnicking areas
 - (H) Play fields or athletic fields
 - (I) Sledding, tobogganing, skiing or snowboarding
 - (J) Swimming pools
 - (K) Tennis courts
 - (L) Single-family dwellings in existence prior to the adoption of this chapter

(2) PERMITTED ACCESSORY USES.

- (A) Garages for storage of vehicles used in conjunction with the operation of a permitted use
- (B) Service buildings and facilities normally accessory to the permitted use
- (C) Satellite dish antennas located in the side yard or rear yard

(3) CONDITIONAL USES.

- (A) Archery ranges
- (B) Golf courses with country club facilities
- (C) Utility substations, municipal wells, pumping stations, and water towers provided that the use is not less than 50 feet from any lot line
- (D) Solar energy collectors erected as an accessory structure
- (E) Special Events (created Ordinance 2017-01)
- (F) Special Event Camping (created Ordinance 2017-01)
- (G) Special Event Concessions (created Ordinance 2017-01)
- (H) Special Event Parking (created Ordinance 2017-01)

(4) LOT, YARD AND BUILDING REQUIREMENTS.

Lot area	Minimum 3 acres
Lot area within environmental corridor	Minimum 5 acres
Lot frontage	Minimum 250 ft.
Lot frontage within environmental corridor.....	Minimum 350 ft.
Principal building:	
Front yard	Minimum 100 ft. from street center line or 42 ft. from right of way, whichever is greater
Off-street parking.....	See sec. 17.23 of this chapter

(5) SITE PLAN AND PLAN OF OPERATIONS REVIEW (Amd. Ord. 2011-06)
See Section 17.15(10)

17.14 C-1 LOWLAND CONSERVANCY OVERLAY DISTRICT. The C-1 Lowland Conservancy Overlay District is intended to preserve, protect, and enhance the ponds, streams, and wetland areas of the Town. The preservation, protection, and enhancement of these areas will serve to maintain safe and healthful conditions; maintain and improve water quality, both ground and surface; prevent flood damage; control storm water runoff; protect stream banks from erosion; protect groundwater recharge and discharge areas; protect wildlife habitat; protect native plant communities; avoid the location of structures on soils which are generally not suitable for use; and protect the water-based recreation resources of the Town.

(1) PERMITTED USES.

- (A) Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws or ordinances
- (B) Harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops, and that does not involve filling, flooding, draining, dredging, ditching, tiling, or excavating.
- (C) Silviculture, including the planting, thinning, and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling, or

excavating is done except for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on silvicultural activities if not corrected.

- (D) Construction and maintenance of fences.
- (E) Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
- (F) Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (G) The construction and maintenance of piers, docks, and walkways, including those built on pilings.
- (H) The maintenance, repair, replacement, and reconstruction of existing streets, and bridges.

(2) CONDITIONAL USES.

- (A) The construction and maintenance of streets which are necessary to conduct silviculture activities or are necessary for agricultural cultivation, provided that:
 - 1) The street cannot as a practical matter be located outside the conservancy district.
 - 2) The street is designed and constructed to minimize adverse impact upon the natural functions of the wetland.
 - 3) The street is designed and constructed with the minimum cross-section practical to serve the intended use.
 - 4) The street construction activities are carried out in the immediate area of the roadbed only.
 - 5) Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is done must be necessary for the construction or maintenance of the street.
- (B) Construction and maintenance of non-residential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with natural resource preservation, provided that:
 - 1) The building cannot, as a practical matter, be located outside the conservancy district.
 - 2) The building is not designed for human habitation and does not exceed 3,000 square feet in area.
 - 3) Only limited filling or excavating necessary to provide structural support is conducted.
- (C) Establishment and development of public and private parks and recreation

areas, recreation trails, public boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and private habitat areas, provided that:

- 1) Parks shall be limited to passive activities. No ball diamond, tennis court, play field, playground or other active recreational area shall be constructed in a wetland.
- 2) Any private recreation or wildlife habitat area shall be exclusively for that purpose.
- 3) Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches, or the construction of bicycle paths, recreational trails, park shelters or similar structures is permitted.
- 4) Construction and maintenance of streets necessary for permitted uses shall be in accordance with sub. (2)(A) above.
- 5) Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves, and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance the value of a wetland or other natural resource.

(D) Construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to members, provided that:

- 1) The transmission and distribution lines and related facilities cannot as a practical matter be located outside the conservancy district.
- 2) Any filling, draining, dredging, ditching, or excavating that is done shall be necessary for the construction or maintenance of the utility, and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(E) Construction and maintenance of railroad lines, provided that:

- 1) The railroad lines cannot, as a practical matter, be located outside the conservancy district.
- 2) Any filling, draining, dredging, ditching, or excavating that is done shall be necessary for the construction or maintenance of the railroad, and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the conservancy area.

(F) Fish hatcheries, game farms, and hunting clubs pursuant to Ch 29, Wis. Stats. and Wis. Adm. Code NR 16 and 19.

- (3) **SITE PLAN AND PLAN OF OPERATIONS REVIEW.** Every applicant for a permitted, accessory or conditional use in the C-1 Lowland Conservancy Overlay District shall, before a zoning permit is issued, present detailed plans and specifications of the proposed use or structure to the Plan Commission, who will approve said plans only after determining that

proposed use will not be contrary to the purpose of the C-1 District. In addition, any use proposed in the "shoreland" portion of the C-1 District shall not be permitted without first obtaining any permit required by the Washington County Land Use and Park Department.

17.15 SITE PLAN AND PLAN OF OPERATIONS REVIEW.

- (1) **PURPOSE AND INTENT.** For the purpose of promoting compatible business and industrial development, (within the following zoning districts: B-1, M-1, I-1, P-1 and with a Conditional Use Permit when requested by the Plan Commission), stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, with the exception of Town owned Utility Buildings and Utility Structures and residential development, without first obtaining the approval of the Town Plan Commission of detailed site, plan of operation, landscape plan and architectural plans as set forth in this section. New tenants and individuals proposing a change in use are required to have site plan and plan of operation approval.

The Town Plan Commission shall approve, conditionally approve, or reject the detailed site and architectural plans. The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses,

utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

- (2) ADMINISTRATION. Plan data shall be submitted to the Town Clerk who shall transmit all applications and their accompanying plans to the Plan Commission, Zoning Administrator/Planner, and Building Inspector for their review. Plans shall be accompanied by the application fee as established by the Town Board. The fee shall include all costs associated with staff review by the Town Planner, Engineer and Attorney, which shall be billed back to the applicant. Plan data to be submitted with plan review applications shall include the following:

**Only required with new construction unless requested by the Plan Commission*

(A) A plat of survey drawn by a registered land surveyor including the site plan information drawn to a recognized engineering scale of not more than 100 feet to 1 inch.

(B) Name of project noted.

(C) Owners and developer's name and address noted.

(D) Architect and/or engineer's name and address noted.

(E) Date of plan submittal.

(F) Scale of drawing noted on plan.

* (G) Existing and proposed topography shown at a contour interval not less than two (2) feet. Topography shall extend 40 feet onto adjacent property or to the building on the adjacent lot, whichever is greater.

* (H) The characteristics of soils related to contemplated specific uses

(I) Total number of parking spaces and layout, including driveways shall be shown on the plan. The drawing shall indicate whether parking area is paved or unpaved.

(J) The type, size and location of all structures with all building dimensions shown.

(K) Indicate height of building(s).

(L) Indicate existing and proposed street locations on the site plan.

(M) Indicate existing and proposed public rights-of-way and widths.

- (N) North arrow shown.
 - (O) Locate existing and general location of proposed septic systems, sanitary sewers, storm sewers and water mains as applicable.
 - * (P) Submit a storm water management plan indicating all facilities, including detention/retention areas. The design criteria shall meet the requirements as stated in the Erosion Control and Storm Water Management section of this Ordinance.
 - * (Q) Locate existing trees that are 8 inches in diameter or larger.
 - * (R) Note location, extent, and type of proposed plantings.
 - (S) Note location of pedestrian sidewalks and walkways.
 - (T) A graphic outline of any development staging that is planned is required to be shown on the site plan.
 - * (U) Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures. These plans shall include proposed building colors and building materials.
 - * (V) Landscaping plan and point calculations
 - (W) Lighting plan and a photometric plan may be required upon Plan Commission request. (See sec. 17.22)
- (3) PLAN OF OPERATION. No use shall be approved until the Town and staff has reviewed/approved the plan of operation application form that shall indicate:
- (A) The Proposed use of the land and/or structures;
 - (B) Activities to occur both inside and outside all principal and accessory structures;
 - (C) The frequency and duration of all activities; (hours of operation)
 - (D) The number of employees of any commercial or industrial enterprise;
 - (E) The estimated number of occupants of a residential use;
 - (F) The number, size and type of all vehicles associated with the use;

- (G) Plans for compliance with the performance standards set forth in this Ordinance (See sec 17.30);
 - (H) The season, days and hours of operation
 - (I) The expected starting and completion dates of construction;
 - (J) The proposed phasing of the project, if appropriate
 - (K) Other information as requested by the Town.
- (4) GENERAL ARCHITECTURAL PRINCIPLES. To implement and define criteria for the purposes set forth in this Ordinance, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.
- (A) No building regulated by this section shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
 - (B) No building regulated by this section shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
 - (C) No building regulated by this section shall be permitted where any exposed façade is not constructed or faced with a finished material that is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.
 - (D) No building or sign regulated by this section shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
 - (E) No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
 - (F) Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
 - (G) Buildings and uses regulated by this section shall provide for adequate site construction erosion control measures. The Plan Commission may require erosion control plans and may establish time schedules for landscaping

and re-vegetation of construction sites.

- (H) Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.
 - (I) Buildings and uses regulated by this section shall provide adequate parking and loading areas.
 - (J) Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.
- (5) DETAILED ARCHITECTURAL STANDARDS. To implement the purposes set forth in this Chapter, the following criteria and review guidelines are established.
- (A) Building Facades. In the commercial districts, 50% of all building exteriors shall be brick, decorative masonry, glass panel, or other appropriate finished façade as may be approved by the Plan Commission. In the industrial district, all building exteriors facing a street or approved way, shall have 50% of the street face be brick, decorative masonry, glass panel, or other appropriate finished façade as may be approved by the Plan Commission. Such brick, masonry, glass, or other decorative facing shall extend for a distance of 20 feet along the sides of the structure. Material type and colors shall be noted on the plans. Material samples shall be provided when requested by the Planner or Plan Commission.
 - (B) Overhead Doors. No overhead doors in a business or industrial district shall face a public street. The Plan Commission may permit overhead doors to face a public street when it has made a finding that there is no feasible alternative location for such doors.
 - (C) Heating, Air Conditioning and Ventilating Equipment. HVAC equipment shall be located in a manner to be unobtrusive and screened from view. Rooftop equipment shall also be screened from view. All duct work, mechanical, and electrical connections shall be made through the roof or from the rear of the building. Landscaping shall be used to screen equipment whenever possible.
 - (D) Storage of Garbage/Trash. All garbage cans, trash containers, and other storage devices situated on any lot shall be in closed containers with lids and shall be concealed or suitably screened from public view. Fencing or landscaping shall be used to totally obstruct vision into the storage areas.
 - (E) Other Architectural Standards. The Plan Commission and Town Board may impose other architectural standards deemed appropriate such as; but not limited to: building material samples, building color samples, roof pitch designs and architectural breaks in walls over 75 ft. in length. Except

for flat roofs, the minimum pitch shall be 2:12. The Plan Commission and Town Board may allow a roof pitch less than 2:12 when it has made a finding that there is no feasible alternative to meet the 2:12 roof pitch.

(6) LANDSCAPING.

- (A) On-Site Landscaping and Screening. Shall be required where site plan and plan of operations review are required. The Plan Commission will review each landscape plan to determine if the proposed plan conforms to the intent of these Standards and Guidelines. Please refer to this section for guidance in preparing the landscape plan.
- (B) Landscape Plan. Landscape plan shall indicate the location, type of species and size of all plantings. Materials and colors for all other landscape treatments shall be submitted with the landscape plan. (i.e., dumpster enclosure, fence, etc.)
- (C) Landscaping Point System and Minimum Installation Sizes for Plants. On-site landscaping shall be required where site plan and plan of operations review are required. All landscaping recommendations shall be stated in terms of the number of landscaping points recommended. The number of landscaping points is dependent upon the size of the development. A different number of points are awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories as listed in Table A. (see page 59)
- (D) Measurement for Landscaping Recommendations. A minimum amount of landscaping points are required for the linear feet of building foundations, the gross floor area of buildings on developed lots, the linear feet of street frontage and the total combined area of paved areas.
- (E) Landscaping Recommendations for Building Foundations.
 - 1) Buildings and additions constructed shall be accented by a minimum amount of landscaping placed near the building foundation. For additions, the new building area shall comply with the requirements of this section. Seven foot depth minimum for landscaping plants i.e., not grass, but for shrubs and trees.
 - 2) Landscaping for building foundations shall be placed so that at maturity, the plant's drip line is located within ten feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages or paved areas. Landscaping shall not impede vehicle or pedestrian visibility.

- 3) For each 100 feet of building foundation perimeter, 40 landscaping points shall be installed on a prorated basis, and maintained.
- 4) Tall trees shall not be used to meet this requirement. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of six feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, storm-water discharge pipes).

(F) Landscaping Recommendations for Developed Lots.

- 1) This section shall apply to developed lots with building additions or remodels with improvements of more than 25% of the assessed value and shall contain a minimum amount of landscaping.
- 2) Landscaping for developed lots shall be placed away from those areas required for landscaping as building foundations, street frontages, and paved areas. Landscaping shall not impede vehicle or pedestrian visibility.
- 3) For each 1,000 square feet of gross building floor area, ten landscaping points shall be provided on a prorated basis, and installed and permanently maintained.
- 4) The intent of this section is to provide yard shade and require a visual screen a minimum of six feet in height for all detached exterior appurtenances (HVAC, utility boxes, storm-water discharge pipes, etc.).

(G) Landscaping Recommendations for Street Frontages.

- 1) This section shall apply to new buildings and additions for street frontages on lots and shall contain a minimum amount of landscaping in those areas that abut the right-of-way of a public street.
- 2) Landscaping for street frontages shall be located within ten feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
- 3) For each 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, 40 landscaping points shall be provided on a prorated basis, and installed and permanently maintained.
- 4) A minimum of 50% of all points shall be devoted to tall or medium trees and a minimum of 30% of all points shall be devoted to medium and low shrubs.

(H) Landscaping Recommendations for Paved Areas.

- 1) A 10-foot wide green buffer shall be provided around the perimeter of all lots excluding areas for driveways that cross perpendicular and not parallel to the lot line.
- 2) This section shall apply to new buildings and additions for paved areas on lots and shall contain a minimum amount of landscaping within, or within ten feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public right-of-ways at a minimum height of 36 inches.
- 3) For every 20 off-street parking stalls in a lineal row, there shall be a landscape island that is a minimum of 270 square feet in area and 14 feet wide minimum. Landscape medians that divide opposite facing stalls can be used in lieu of landscape islands with specific Plan Commission approval. All landscaping to be located within ten feet of the paved area. Plants used to fulfill this requirement should provide solid visually screened parking, loading and circulation areas from view from public streets.
- 4) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, 80 landscaping points shall be provided on a prorated basis, and installed and permanently maintained. A minimum of 30% of all points shall be devoted to tall or medium trees and a minimum of 40% of all points shall be devoted to tall and medium shrubs.

(I) Classification of Plant Species.

For the purpose of these Standards and Guidelines, plant materials are classified into 13 groupings: "tall deciduous tree", "medium deciduous tree", "low deciduous tree," "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "tall evergreen shrub", "medium evergreen shrub", "low evergreen shrub", and non-contributory plants. Species suitable for landscaping use and compatible with vicinity climate and soil factors are listed in the table below. The Town Planner or Plan Commission shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

**TABLE A
CLASSIFICATION OF PLANTS**

TALL DECIDUOUS TREES (40 Landscaping Points) (3" Caliper and 8' Tall Minimum)		TALL EVERGREEN TREES (40 Landscaping Points) (3" Caliper and 8' Tall Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Acer saccharum</i>	Maple: Red, Silver, Sugar	<i>Abies concolor</i>	White Fir
<i>Ginkgo biloba</i>	Ginko	<i>Pinus sp.</i>	Pine: Red, White, Scots
<i>Quercus sp.</i>	Oak: Red, White, Pin	<i>Pseudotsuga Menziesii</i>	Douglas Fir
<i>Gleditsia triancanthos</i>	Honeylocust	<i>Tsuga Canadensis</i>	Canada Hemlock
<i>Tilia sp.</i>	Linden: Basswood, Littleleaf, Redmond		Spruce: Colorado Blue
MEDIUM DECIDUOUS TREES (15 Landscaping Points) (2" Caliper and 6' Tall Minimum)		MEDIUM EVERGREEN TREES (15 Landscaping Points) (2" Caliper and 6' Tall Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Betula sp.</i>	Birch: River, Paper	<i>Thuja occidentalis</i>	American Arborvitae
<i>Prunus sp.</i>	Cherry: Choke, Pin		
<i>Salix sp.</i>	Willow		

LOW DECIDUOUS TREES (10 Landscaping Points) (4' Tall Minimum)		LOW EVERGREEN TREES (10 Landscaping Points) (3' Tall Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Corpinus Caroliniana</i>	Hornbeam Thornless	<i>Juniperus sp.</i>	Juniper: Mountbatten, Redcedar
<i>Crataegus sp.</i>	Hawthorne: Cockspur, Downy, Washington	<i>Thuja sp.</i>	Arborvitae: Pyramidal, Techny
<i>Malus sp.</i>	Crabapple sp.		Colorado Dwarf Blue Spruce
<i>Sorbus sp.</i>	Mountain Ash: European, Korean		
<i>Syringa Reticula</i>	Lilac		

TALL DECIDUOUS SHRUBS (7 Landscaping Points) (36" Tall Minimum)		TALL EVERGREEN SHRUBS (7 Landscaping Points) (36" Tall/Wide Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Cornus sp.</i>	Dogwood: Pagoda	<i>Juniperus Chinensis</i>	Juniper: Hetz
<i>Syringa sp.</i>	Lilac: Chinese, Hyacinth, Common Misskim	<i>Taxus sp.</i>	Yew: Japanese
<i>Hydrangea lc Panicolata sp.</i>	Reege Hydrangea	<i>Thuja Occidentalis</i>	Broad Pyramich
<i>Viburnum sp.</i>	Viburnum: Arrowwood, Nannyberry		
<i>Hamanelis sp.</i>	Common Witchazel		
<i>Evonymous lc Astro Purporea</i>	Eastern Wahoo		
<i>Lonicera sp.</i>	Honeysuckle: Zabel, White Belle		
<i>Salix Caprea</i>	Pussy Willow		

MEDIUM DECIDUOUS SHRUBS (5 Landscaping Points) (24" Tall/Wide Minimum)		MEDIUM EVERGREEN SHRUBS (5 Landscaping Points) (24" Tall/Wide Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name
<i>Corylus americana</i>	American Filbert, Hazelnut Bayberry	<i>Juniperus Chinensis</i>	Juniper Pfitzer
<i>Myrica Pensylvanica</i>	Cotoneaster	<i>Juniperus lc. Communis</i>	Juniper Old Field Common
<i>Cotoneaster sp.</i>	Forsythia: Border, Early, Weeping	<i>Picea glavca</i>	Alberta Spruce
<i>Forsynthia sp</i>	Privet	<i>Taxus sp.</i>	Yew Japanese
<i>Ligustrum</i>	Rose: Virginia, Rugosa	<i>Thuja Woodwardi</i>	Globe Arborvitae
<i>Rosa sp.</i>	Spirea: Bridalwreath, Thunberg		
<i>Spirea</i>	Vanhoutte		
LOW DECIDUOUS SHRUBS (3 Landscaping Points) (18" Tall Minimum)		LOW EVERGREEN SHRUBS (3 Landscaping Points) (18" Tall/Wide Minimum)	
Botanical Name	Common Name	Botanical Name	Common Name

<i>Amerlanchier Stolonifera</i>	Running Service berry	<i>Juniperus sp.</i>	Juniper: Sargent, Creeping, Andorra
<i>Cotoneaster</i>	Cranberry		
<i>Spiraea sp.</i>	Spirea: Froebel, Snowmound	<i>Pinus Mugo</i>	Mugo Pine
<i>Hydranga sp.</i>	Hydranga: Anabelle, Snowhill	<i>Nana</i>	Dwarf Japanese Yew
<i>Lonicera sp.</i>	Honeysuckle: Clavey's Dwarf Emerald Mound	<i>Juniper Sabina</i>	Savin Voniperi Broadmour, Tamarix
Source: <u>A Guide to Selecting Landscape Plants for Wisconsin</u> , Hasselkus, UW-Ext. Publication: A2865			

(J) Requirements for Installation of Landscaped Areas.

- 1) Installation. All landscaping material recommended by these Standards and Guidelines shall be installed on the subject property, per the approved site plan, within 180 days of the issuance of an occupancy permit for any building on the subject property or as determined by the Plan Commission but no later than the time period stated above.
- 2) Surety.
 - a) If the subject property is to be occupied prior to the installation of all required landscaping material, the property owner shall file, subject to approval by the Planner, a certificate of deposit or a certified check in the amount equal to 125% of the estimate of landscaping materials and installation cost. An enforceable contract, for all work on the subject property indicated on the detailed landscaping plan required under the provisions of these Standards and Guidelines, from a qualified contractor (valid for 180-day period), shall be used to determine the amount of surety.
 - b) If a part of a phased project approved per the requirements of the Standards and Guidelines, said amount may be split into amounts which are applicable to phases of the project.
 - c) Governmental units to which these bond and guarantee provisions apply, may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of these Standards and Guidelines.
- 3) Existing plant material which meets the recommendations of these Standards and Guidelines and which will be preserved on the subject property following the completion of development, may be counted as

contributing to the landscaping recommendations.

- 4) All landscaping areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- 5) The exact placement of required plans and structures depicted on the required detailed landscaping plan component of the required site plan shall be the decision of each property owner within the recommendations of this Subchapter, except that the following requirements shall be met:
 - a) Evergreen shrubs shall be planted in clusters in order to maximize their chance of survival.
 - b) Where a combination of plant materials, and/or berming and/or fencing is used, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 - c) Landscaping materials shall not be selected and/or located in a manner that results in the creation of a safety or visibility hazard.

(K) Requirements of Maintenance.

The continued and continual maintenance of all required landscaping materials shall be a requirement of these Standards and Guidelines and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of these Standards and Guidelines shall constitute an agreement by the property owner to comply with the provisions of these Standards and Guidelines. Upon failure to comply with these provisions, the Town may enter upon the property for the purpose of evaluating and maintaining all required landscaping materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of these Standards, and shall be subject to any applicable enforcement procedures and penalties.

(L) Use of Required Landscaped Areas.

Any and all required landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike, or equestrian trails provided that: (1) no required materials are eliminated; (2) the total width and area of required landscaping is maintained; and (3) all other regulations of these Standards and Guidelines are met. In no event,

however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation use be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

(M) Utility Easements.

Landscaping materials, fences and berms that are located within a duly-recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscape requirement. However, the width of such areas may be counted as part of a landscaping requirement.

(N) Calculating Landscaping Recommendations.

In calculating the number of recommended landscaping points under the provisions of these Standards and Guidelines, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet.

(7) EXTERIOR LIGHTING STANDARDS.

****REFER TO SECTION 17.22, EXTERIOR LIGHTING – DARK SKY

(8) EXTERIOR SITE USAGE.

(A) Outside Storage of Materials and Equipment.

In all non-residential districts and non-residential uses outside storage of materials and equipment may be permitted subject to the following:

- 1) Storage area is allowed in the rear yard only as determined by the Town Plan Commission. The side yard could be used if the Plan Commission determines the rear yard is not a practical location and with screening of the side yard.
- 2) Storage area shall be screened from view of any public right-of-way.
- 3) Storage area shall be enclosed with a 6 foot high wooden fence or a chain link fence with Evergreen plantings on the street side at the height of the fence at planting to screen/break up the view of the fence from the public.
- 4) Storage area shall not exceed 20% of the lot area.
- 5) Stored items shall be accessory to the approved business operation.

(B) Outside Display of Merchandise.

In the Business and Manufacturing Zoning Districts the outside display of merchandise may be permitted subject to the following:

- 1) Scaled Site Plan approved by the Town.
- 2) Display area shall not exceed 30% of lot area.
- 3) Displayed items shall be in working condition and displayed in a neat and orderly condition at all times so that the premises will not detract from the neighboring premises.

(9) MODIFYING AND/OR TERMINATION OF SITE PLAN OR PLAN OF OPERATION.

If any item of the site plan or plan of operation does not continue in conformance with the approved plan or operation, the use and site plan approval may be modified and/or terminated by action of the Town. Notwithstanding the foregoing, prior to any decision made by the Town which would result in the modification and/or termination of the use and site plan as previously approved, the property owner shall be given written notice of the proposed action to be taken by the Town, and shall be afforded an opportunity to present evidence and be heard by the Town prior to any final action being taken by the Town which could result in the modification or termination of the use and site plan.

(10) (Cr. Ord. #2011-02) AMENDMENTS TO SITE PLAN OR PLAN OF OPERATION.

Subsequent to site plan approval by the Plan Commission, minor adjustments may be approved (in writing) by the Zoning Administrator. These adjustments must comply with the spirit of Chapter 17.15 and the intent of the Plan Commission in its approval of the site plan. If the Zoning Administrator determines that the adjustment is not minor, the proposed amendments will be submitted to the Plan Commission to determine whether a site plan amendment or resubmission of the site plan in its entirety is required. The Plan Commission will determine whether a Public Hearing is required for major site plan amendments. The Zoning Administrator shall utilize the criteria in Table B to determine whether a proposed amendment to a site plan is to be considered a major or minor site plan amendment

TABLE B
EVALUATION CRITERIA

Development Type	Development Proposal
Single-Family Detached Dwellings	Any addition or alteration that exceeds 10% of the value of the structure

Multi-Family Residential, Non-Residential, and Mixed Use Development proposals	Any addition, alteration or increase to the approved gross floor area equal to or greater than 10% of the approved Gross Floor Area, or equal or greater than 500 square feet, or any change in location of proposed structures.
NOTE: Non-residential development shall include commercial uses, industrial uses, and institutional uses.	

17.16 CONDITIONAL USE PERMITS.

- (1) **APPROVAL REQUIRED.** Certain uses and situations which are of such a special nature or are so dependent upon actual contemporary circumstances as to make impractical the predetermination of permissibility or the detailing in this chapter of specific standards, regulations or conditions which would permit such determination in each individual situation may be permitted as conditional uses. The fact that a conditional use may be permitted should not infer any right thereto. Conditional uses may be denied by the Town Board or Plan Commission so long as such action is not discriminatory or unreasonable.
- (2) **NOTICE TO DATCP.** A notification of each conditional use granted in the EA

Agricultural Preservation District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).

- (3) APPLICATION. Applications for conditional use permits shall be made to the Town on forms furnished by the Clerk and shall include the following:
 - (A) Fifteen copies of a map (preferably a topographic map), drawn to a scale of not less than 100 ft. to 1 inch showing the land in question; its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100 ft. of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100 ft. of such land in question and any and all information listed in the Site Plan and Plan of Operation Review section of this ordinance.
 - (B) The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 ft. (1/2 mile from the property line for quarry operations) of any part of the land included in the proposed use.
 - (C) Additional information as may be required by the Town Planner, Town Plan Commission or Town Board.
 - (D) A fee, as may be established and periodically modified, shall accompany each application. Such fee shall be paid by cash, check or money order to the Town of Kewaskum Treasurer. Costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.
 - (E) Where necessary to comply with the certain Wisconsin Statutes, an application will be submitted to the Department of Natural Resources.
 - (F) The site plan and plan of operation form furnished by the Town shall be submitted to the Planner and Clerk prior to scheduling a Plan Commission and Town Board meeting.
- (4) PUBLIC HEARING. Upon receipt of the application, foregoing data and fees, the Town Planner and Clerk shall establish a date for a joint public hearing and shall publish notice of the hearing once each week for 2 consecutive weeks in the official newspaper for a Class 2 notice per Wisconsin Statute 985. Notice of the public hearing shall be given to the owners of all lands within 300 ft. of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted to the Plan Commission and Town Board. Testimony of all interested parties will be heard at the public hearing and the Plan Commission will forward to the Town Board a recommendation to approve, conditionally approve or deny the application.

- (5) **BASIS OF APPROVAL.** The determination of such conditional use shall be by the bodies hereinafter designated and based on consideration of whether or not the proposed use will violate the spirit or intent of the ordinance; be contrary to the public health, safety or general welfare; be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factor; or for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood. Except as may be specifically otherwise provided, any such use shall conform to the building location, height and area regulations of the district in which it is located and the approving body may require compliance with such other conditions as may be deemed necessary in the specific situation in addition to any which may be hereinafter stated.
- (6) **FINAL REVIEW AND APPROVAL.** The Plan Commission and Town Board shall review the proposal as submitted. Any conditions deemed necessary by the Plan Commission and Town Board or other governmental agencies may be made an integral part of the permit. These conditions shall be complied with by the applicant and any deviation or alteration of those conditions set forth in the permit shall constitute a violation of the terms of the conditional use permit. Such violation shall constitute a violation of this ordinance and will be subject to prosecution and penalties under the terms of this ordinance.
- (7) **DETERMINATION.** The Town Board, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Conditional Use Permit shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Town Board. The conditions of approval or reasons for disapproval shall be stated in writing by the determining body and a copy made a permanent part of the minutes of such body.
- (8) **APPLICATION FOR CHANGES AND ADDITIONS.** Any subsequent change or addition to the Conditional Use Permit, plans or uses shall first be submitted for approval to the Plan Commission through the procedure of application for conditional use permits detailed herein and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of sec. 17.35 of this chapter. At the discretion of the Plan Commission and Town Board minor changes which are consistent with the approved Site Plan and Plan of Operations may be permitted without a public hearing. A minor change is one in which the proposed change does not significantly affect the overall character of the site or intensity of the use and is consistent or compatible with the Site Plan and Plan of Operations. All proposed changes, additions or alterations shall be submitted to the Town Board for approval.
- (9) **TERM OF APPROVAL:** Unless otherwise specified a conditional use permit

shall be continued as long as the operation is uninterrupted, and none of the approved conditions are violated or changed. Conditional use permits for structures shall be reviewed by staff annually. Annual review of the conditions for a conditional use permit, for other than structures, shall be required by the Plan Commission on the anniversary date of the approval, or as determined by the Plan Commission.

- (10) **REVOCATION OF CONDITIONAL USE PERMIT.** Conditional use permit will be revoked when, after public hearing, the Plan Commission and Town Board determine any of the following:
- (A) A permit applicant, his heirs or assigns, fails to comply with or to continue in conformity with the conditions of the permit issued by the Town Board,
 - (B) A change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.
 - (C) The conditional use has been discontinued or not utilized for a period of 12 consecutive or 18 cumulative months in a 3 year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski area, quarries, etc.) Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this chapter within 90 days from such determination.

17.17 CONDITIONAL USES. The following is a list of items that are considered as conditional uses subject to public hearing, Plan Commission review and Town Board action. The individual conditions for each item listed follows.

(1) ADULT ENTERTAINMENT ESTABLISHMENTS	pg 70
(2) AGRICULTURAL WAREHOUSING	pg 71
(3) AIRPORTS, HELICOPTERS, LANDING FIELDS AND TAKE-OFF STRIPS	pg 71
(4) ANIMAL HOSPITALS, KENNELS, AND VETERINARY SERVICES	pg 71
(5) BED AND BREAKFAST ESTABLISHMENTS	pg 72
(6) BOARDING STABLES	pg 72

(7) BOAT AND RECREATIONAL VEHICLE STORAGE	pg 73
(8) CAMPGROUND REGULATIONS	pg 73
(9) CEMETERIES AND CREMATORIUMS	pg 75
(10) COMMERCIAL RECREATIONAL FACILITIES, (IE. ARCADES, DANCE HALLS, DRIVING RANGES, MINTURE GOLF COURSES, RIDING ACADEMIES, RESORTS)	
(11) COMMUNITY BASED RESIDENTIAL FACILITIES (CBRF'S)	pg 76
(12) COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES	pg 76
(13) CONSTRUCTION EQUIPMENT SALES AND SERVICE	pg 77
(14) CREAMERIES, CONDENSERIES, OR CUSTOM GRAIN DRYING OPERATION	pg 77
(15) ENERGY CONSERVATION USES	pg 77
(16) FARM LABORERS QUARTERS OR GUEST HOUSES	pg 80
(17) FISH OR BAIT PONDS, HATCHERIES	pg 80
(18) FUR FARMS	pg 80
(19) HOME INDUSTRIES	pg 81
(20) LANDFILLS	pg 81
(21) LEGAL NON-CONFORMING USES	pg 83
(22) MANURE STORAGE FACILITY	pg 83
(23) OUTDOOR MUSIC AMPHITHEATER AND MOVIE THEATER	pg 84
(24) PARK AND RECREATION AREAS OF LOW INTENSITY TYPES	pg 84
(25) PLANNED UNIT DEVELOPMENTS	pg 84
(26) QUARRYING	pg 89
(27) RAISING OF DOMESTIC ANIMALS IN A-1 AND R-1(IN EXCESS OF ZONING THRESHOLD AND LESS THAN 500 ANIMAL UNITS)	pg 95
(28) ROADSTANDS (in excess of 150 s.f.)	pg 95
(29) SALVAGE YARDS, RECYCLING CENTERS & AUTO WRECKING YARDS	pg 96
(30) SPECIAL EVENTS (created Ordinance 2017-01)	pg 96
(31) SPECIAL EVENT CAMPING (created Ordinance 2017-01)	pg 96
(32) SPECIAL EVENT CONCESSIONS (created Ordinance 2017-01)	pg 96
(33) SPECIAL EVENT PARKING (created Ordinance 2017-01)	pg 96
(34) TEMPORARY USES	pg 96
(35) UTILITY SUBSTATIONS	pg 97

(1) ADULT ENTERTAINMENT ESTABLISHMENTS. It is declared to be the purpose and intent of this subsection to protect the public health, safety, welfare, and morals of the community, to promote the stability of property values, and impose restrictions upon those activities which pander to gross sexuality in a manner that would detract from the neighborhood and adversely affect the property values, increase crime and violence and be repugnant to the morals of the community. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent to inhibit freedom of speech or the press, but rather to restrict the location of defined material and activities consistent with the Town's interest in the present and future character of its community development.

Accordingly, the following uses shall be conditional uses and may be permitted in the B-1 Business District as specified:

- (A) Commercial establishments which display, sell, have in their possession for sale, offer for view, publish, disseminate, give, lease, or otherwise deal in any written or printed matter, pictures, films, sound recordings, machines, mechanical devices, models, facsimiles, or other material and paraphernalia depicting sexual conduct or nudity and which exclude minors by reason of age.
- (B) Commercial establishments, which display for viewing any film or pictures depicting sexual conduct or nudity and which exclude minors by reason of age.
- (C) Commercial establishments in which any person appears or performs in a manner depicting sexual conduct or involving nudity and from which minors are excluded by reason of age.

2) The following general conditions shall apply to the foregoing adult oriented uses:

- a) No permit shall be granted where the proposed establishment is within 500 feet of any hospital, church, school, funeral parlor, restaurant, library, park, museum, playground, or any other public or private building or premises likely to be utilized by persons under the age of 18 years.
- b) No permit shall be granted where the proposed establishment is within 1,000 feet of any area zoned residential in the same or a contiguous town or municipality.
- c) The applicant shall furnish the Town detailed information as to the nature of use and activity of the proposed establishment. If the application is for an establishment where printed matter, pictures, films, video tapes, or sound recordings are sold or rented, the applicant shall furnish representative samples of the materials to be dealt in. If the application is for an establishment which offers live performances in which a person appears nude or which involves live depictions of sexual conduct, the applicant shall in detail specify the nature of the activity to be engaged in.
- d) The applicant for the permit shall provide the names and addresses of the owners and occupants of all property within 300 feet of the proposed establishment.
- e) Advertisements, displays, pictures, or other promotional materials shall not be shown or exhibited on the premises in a manner which makes them visible to the public from pedestrian ways or other public or semi-public areas.
- f) All points of access into such establishments and all windows or other openings shall be located, constructed, covered, or screened

in a manner which will prevent a view into the interior from any public or semi-public area.

- g) The Plan Commission, in determining whether to grant a permit hereunder, shall, in addition to considerations otherwise taken into account when acting on conditional use permits, consider the protection of property values in the affected area; the preservation of neighborhoods; the tendency of such use to attract an undesirable quantity or quality of transients; the tendency of such use to cause increases in crime, especially prostitution and sex-related crimes and the need for policing; the tendency of such use to cause increases in noise, traffic, and other factors interfering with the quiet and peaceful enjoyment of the neighborhood; the tendency of such use to encourage residents and businesses to move elsewhere; the protection of minors from such materials and activities; any other factor created by the type of use being considered; and the health, safety, and general welfare of the community.

(2) **AGRICULTURAL WAREHOUSING.** The warehousing shall be consistent with existing agricultural uses, and shall comply with the PERFORMANCE STANDARDS listed in Section 17.30.

(3) **AIRPORTS, HELICOPTERS, LANDING FIELDS AND TAKE-OFF STRIPS.** The use must be agriculturally related or municipal in nature. Detailed plans for the location of buildings and other facilities, site plans and a plan of operation shall be submitted for review/approval.

(A) Runways – minimum setback and offset shall be 500 feet.

(4) **ANIMAL HOSPITALS, KENNELS, AND VETERINARY SERVICES.** Subject to the following:

(A) The location, building and site plans and a plan of operation shall be submitted for review/approval.

(B) Animal hospitals and clinics not involved in the operation of a kennel may be permitted on lots of not less than one (1) acre and shall be in conformance with building location, height regulations and area regulations of the district in which such facilities are located. A kennel operation shall not be permitted on parcels of less than three (3) acres and three hundred (300) feet of minimum average width.

(C) No building shall be closer than fifty (50) feet to any lot line. Where the buildings are to be used to board or house dogs in a kennel, including outdoor kennel runs, such structures and fenced runs shall be one hundred (100) feet from any lot line.

(D) Outdoor grass area for animals requiring regular exercise shall be provided

with a minimum size of 2,500 square feet. Location of outdoor grass area shall not be in the street yard.

(5) **BED AND BREAKFAST ESTABLISHMENTS.** All requirements set forth in §254.74(1)(d), Wis. Stats., and Wis. Adm. Code HSS 197 shall be fully complied with, and the necessary State permits and licenses shall have been secured.

- (A) The location, building and site plan and a plan of operation shall be submitted for review/approval.
- (B) The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
- (C) No more than 4 bedrooms shall be rented.
- (D) Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.
- (E) Individual rentals shall not exceed 5 consecutive days in length.
- (F) All buildings used in conjunction with this use shall be located a minimum of 50 feet from all lot lines.
- (G) Adequate off-street parking is provided at the rate of 1 stall per bedroom plus 2 stalls for the owner/manager.
- (H) Any permit required by Section 50.51(b) of the Wisconsin Statutes has been secured and evidenced to the Town.
- (J) One exterior advertising sign may be erected on the premises. Sign location, type and size must be included in, and approved as, part of the site plan. Sign shall follow the business sign regulations.

(6) **BOARDING STABLES.** Subject to the following:

- (A) The location, building and site plans and plan of operations shall be submitted for review/approval.
- (B) The number of head of animals shall comply with the Limitation on Animal Units listed in Table 1 of Section 17.07(5).
- (C) No such use shall be permitted on a lot less than five (5) acres in area.
- (D) No building other than one used only for residence purposes shall be closer than fifty (50) feet to any lot line.

(7) **BOAT AND RECREATIONAL VEHICLE STORAGE.** Such storage shall be

permitted when the storage is in a completely enclosed structure, and provided such use is determined to be consistent with agricultural use, and provided that the use is clearly incidental to the principle farm use.

(8) CAMPGROUND REGULATIONS. All provisions of this Code and County ordinances shall be adhered to by the statement of intent and plans submitted.

- (A) Sale of alcoholic beverages shall be prohibited within campgrounds except in commercial recreation facilities.
- (B) Within a campground, no building, structure, or premise shall be used and no building or structure shall be erected, altered, or established which is intended or designed to be used in whole or in part for any other than the following specified purposes:
 - 1) One single-family residential structure and accessory uses. Said residential structure shall exist for the primary use of the owner or operator of the campground.
 - 2) Accessory buildings and structures incidental to the operation and maintenance of the entire campground, such as showers, toilet buildings, recreational buildings, pavilions, shelters, maintenance buildings, service buildings, and swimming pools.
 - 3) Sales of soft drinks, nonalcoholic beverages, sandwiches, confections, and campers' supplies in a structure or building not to exceed 400 square feet of floor area.

The duration of a camper's visit shall not exceed 21 days out of 28 days and shall be limited to the months of April through November inclusive.

(C) All campgrounds shall conform to the following regulations:

- 1) Campground area shall be not less than 3 acres.
- 2) Interior streets shall be all-weather surfaced, and shall be 12 feet wide for one-way traffic and 20 feet wide for two-way traffic.
- 3) Each camp site shall not exceed a one-family unit.
- 4) The center of each campsite shall be not less than 50 feet from the center of any other site and there shall be within the entire campground at least 5,000 square feet per campsite.
- 5) Drainage. Each campsite shall be located on well-drained land and be so graded as to ensure rapid runoff during storms and freedom from standing water.
- 6) Yards. No portion of any campsite or its accessory uses except access streets shall be located closer than 25 feet to any exterior boundary of

the campground.

- 7) Parking. Each campsite shall have adequate off-street areas for the parking of campers' vehicles.
 - 8) Sanitary sewerage and waste disposal facilities shall be provided as required by Wisconsin Administrative Code. Each campsite shall be located not more than 400 feet from a toilet and no campsite shall be located closer than 75 feet to a nonflushing toilet.
 - 9) Water. There shall be an adequate source of pure water and supply outlets for drinking and domestic purposes located not more than 400 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any campgrounds shall comply with the Wisconsin Well Construction Code except that well pits or pump pits shall not be permitted.
 - 10) Maintenance of the campgrounds shall be adequate so as to preclude the creation of any nuisance. Such maintenance shall include such activities as the cleansing of toilet facilities, the collection of trash and garbage, the upkeep of interior streets, the tidying of beach areas, the repair of recreational equipment, the removal of noxious flora, and the control of pests.
- (D) The campground developer shall submit one reproducible copy and 8 prints of the proposed campground development plan at a scale of not less than 1" = 100' to the Town Board at least 14 days prior to the date of its meeting at which the proposal is to be considered. Such plans shall include the following:
- 1) Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - 2) Statement of intent as to the proposed use of the premises.
 - 3) Legal description of the subject site, address of the subject site, type of structures, existing and proposed operation or use of the site, number of employees, and the zoning district within which the subject site lies.
 - 4) Plat of survey prepared by a registered land surveyor showing the location boundaries, dimensions, uses, and size of the following: campground area; individual campsites; existing and proposed structures, streets, and interior roadways; campsite parking; and existing and proposed yards.
 - 5) Proposed sewage disposal plan if public sewerage is not available. This plan shall be prepared by a registered professional engineer who shall certify, in writing, that satisfactory, adequate, and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, County, and State regulations.

6) Proposed water supply plan if public water service is not available. This plan shall be prepared by a registered professional engineer who shall certify, in writing, that an adequate and safe supply of water will be provided in accordance with applicable local, County, and State regulations.

7) Additional information as may be required by the Plan Commission or Town Board.

(E) The permit for campgrounds, if authorized, shall be subject to periodic review by the Town Board.

(9) CEMETERIES AND CREMATORIIUMS. Subject to the following:

(A) The location, building and site plans and plan of operations shall be submitted for review/approval.

(B) A 50 ft. minimum offset and setback for burial plots and driveway. The 50 feet buffer area shall be a landscaped buffer.

(10) COMMERCIAL RECREATIONAL FACILITIES SUCH AS ARCADES, DANCE HALLS, DRIVING RANGES, MINITURE GOLF COURSES, RIDING ACADEMIES, RESORTS. Subject to the following:

(A) The location, building and site plans, and plan of operation shall be submitted for review/approval.

(B) No such use shall be permitted on a lot less than three (3) acres in area except in a business district.

(C) No building, other than one used only for residence purposes, shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.

(D) Off-street parking shall be provided as required by the Town Board and Plan Commission adequate to meet the particular needs of the proposed use per the off-street parking section of this ordinance.

(E) No such permitted use shall include the operation of a commercial facility such as a bar or restaurant except as may be specifically authorized in the grant of the permit.

(11) COMMUNITY BASED RESIDENTIAL FACILITIES (CBRF'S) subject to the following:

(A) The minimum lot area shall be 2 acres.

- (B) The minimum open space area per dwelling unit shall be 3,000 square feet. This shall not include parking lots, drives or buildings.
- (C) Side yard and rear yard setbacks shall be a minimum of 30 feet on each side and the road setback requirement shall be maintained.
- (D) There shall be a minimum living area of 400 square feet for an efficiency apartment, 550 square feet for a one-bedroom apartment, and 750 square feet for a 2-bedroom apartment. No dwelling unit shall have more than 2 bedrooms. The minimum square footage requirements of this subsection may be reduced by the Town Board upon recommendation of the Town Plan Commission when it is determined that less space is required because substantial common areas and facilities are provided and readily available to the residents within the building of which the unit is a part, provided that the minimum living area is not reduced below the minimum requirements imposed by State law.
- (E) There shall be one parking space per 3 dwelling units. The Town Board may reduce the number of parking spaces upon recommendation of the Town Plan Commission when it is determined that the elderly housing unit or community based residential facility will need fewer spaces because employees will be working off-site, or residents will not be licensed drivers, or the petitioner demonstrates to the satisfaction of the Town Plan Commission and the Town Board through parking lot usage studies of similar facilities that fewer spaces are sufficient.

(12) COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES. The provisions of §§62.23(7)(i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall be applied as stated in this chapter.

COMMUNITY LIVING ARRANGEMENT (CLA); FAMILY DAY CARE HOMES	DISTRICTS PERMITTED	STATUTORY RESTRICTIONS
(a) Foster family home (domicile licensed under §48.62, Wis. Stats., up to 4 children	Residential district	None
(b) Other foster homes	Residential district	§62.23(7)(i). and 2., Wis. Stats.
(c) Adult family home domicile, as defined in §50.01(1), Wis. Stats., up to 4 adults, or more if all adults are siblings	Residential district	None
(d) Other adult family homes	Residential district	§62.23(7)(i)l. and 2., Wis. Stats.
(e) CLA, up to 8 persons	Residential district	§62.23(7)(i)l., 2. and 9., Wis. Stats.
(f) CLA, 9 to 15 persons	Residential district	§62.23(7)(i)l., 2. And 9., Wis. Stats.
(g) Family day care home licensed under §48.65 Wis. Stats., up to 8 children	Residential district	§66.1017, Wis. Stats.

(13) CONSTRUCTION EQUIPMENT SALES AND SERVICE. Subject to the following:

- (A) Minimum lot size shall be 2 acres.
- (B) Outside storage of equipment shall have a minimum 50 foot offset and not be stored in the street yard.
- (C) Outside storage of equipment shall be a maximum of 20% of the lot size.

(14) CREAMERIES, CONDENSERIES, OR CUSTOM GRAIN DRYING OPERATION. Subject to the following:

- (A) The location, building, and site plans and plan of operation shall be submitted for review/approval.
- (B) No building shall be located closer than one hundred (100) feet to any lot line.
- (C) No such consideration or approval will be granted on a lot less than five (5) acres in size.

(15) ENERGY CONSERVATION USES. The following energy conservation uses are conditional uses and may be permitted as specified.

- (A) Small Wind energy systems shall be a permitted use in all zoning districts subject to the following requirement:

STANDARDS

- A) Set Backs. A wind tower for a small wind system shall be set back a distance equal to its total height from:
 - a. any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road
 - b. any overhead utility lines, unless written permission is granted by the affected utility
 - c. all property lines, unless written permission is granted from the affected land owner or neighbor
- B) Blade Clearance. The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point shall be at least 30 feet
- C) Access.
 - a) all ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access
 - b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground

- D) Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground
- E) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration
- F) Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.
- G) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs or owner identification on a wind generator, tower, building or other structure associated with a small wind energy system visible from any public road shall be prohibited.
- H) Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- I) Utility notification and interconnection. Small wind energy stems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities"
- J) Metal towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

PERMIT REQUIREMENTS

- 1) Building Permit. A building permit shall be required for the installation of a small wind energy systems
- 2) Documents. The building permit application shall be accompanied by a plot plan which includes the following:
 - a. Property lines and physical dimensions of the property
 - b. Location, dimensions, and types of existing major structures on the property
 - c. Location of the proposed wind system tower
 - d. The right-of-way of any public road that is contiguous with the property
 - e. Any overhead utility lines
 - f. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed)
 - g. Tower foundation blueprints or drawings
 - h. Tower blueprint or drawings
- 3) Fees. The application for a building permit for a small wind energy system must be accompanied by the fee required for a building permit

for a Permitted Accessory Use.

- 4) Expiration. A permit issued pursuant to this ordinance shall expire if:
 - a. The small wind energy system is not installed and functioning within 12 months from the date the permit was issued; or,
 - b. The small wind energy system is out of service or otherwise unused for a continuous 12 month period

- (B) Solar energy conversion systems, commonly referred to as "active" or "passive" solar collection and heating systems and including all systems when such systems are erected as an accessory structure may be permitted in any district.
 - 1) Application. An application for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.
 - 2) Construction. Solar energy conversion systems shall be constructed and installed in conformance with all applicable State and local building and zoning codes.
 - 3) Location and Height. Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this chapter unless otherwise provided in the conditional use permit issued pursuant to this section.

- (C) Earth sheltered structures, commonly referred to as "earth homes" which are built partially or totally into the ground for the purpose of using the insulating value of the soil to conserve energy may be permitted in the EA, A-1, and R-1 districts. This section does not include conventional homes with exposed basements, split-levels or similar types of construction and provided further that the following information requirements and standards shall apply:
 - 1) Application. An application for the construction of an earth sheltered structure shall be accompanied by all of the information required to obtain a building permit with special attention to be given to the bearing strength of the structure, provision of proper drainage for sanitary, storm and ground water and wastes, proper ventilation, grading of the lot and its affect on adjacent properties, proper exit availability and exterior renderings of the structures to determine its visual affect on adjacent structures. Such standards shall be certified by a registered engineer or architect.
 - 2) Construction. Earth sheltered structures shall be constructed in conformance with all applicable State and local building and zoning chapters. A registered engineer or architect shall certify that the design of the structure is in conformance with all applicable State and local codes.

- (16) **FARM LABORERS QUARTERS OR GUEST HOUSES.** Subject to the following:
- (A) The location, building and site plans, and plan of operation shall be submitted for review/approval.
 - (B) Minimum lot size 3 acres.
 - (C) Deed restriction. Structure shall not be rented, leased, or used for continuous or permanent habitation. A maximum of 60 days of continuous habitation.
- (17) **FISH OR BAIT PONDS, HATCHERIES.** Subject to the following:
- (A) The location, building and site plans and plan of operations shall be submitted for review/approval.
 - (B) No such use shall be permitted on a lot less than five (5) acres in area.
 - (C) No building other than one used only for residence purposes shall be closer than fifty (50) feet to any lot line.
 - (D) Note: Washington County Shoreland and Floodland Protection Ordinance provisions may also have jurisdiction.
- (18) **FUR FARMS.** Subject to the following:
- (A) The location, building, and site plans and plan of operation shall be submitted for review/approval.
 - (B) No building shall be located closer than one hundred (100) feet to any lot line.
 - (C) Although the ordinance does not prescribe exactly how a plan of operation is to be put together, or particular interest to the Town Board and Plan Commission will be the method by which animal waste will be handled in a safe and healthful manner. No such consideration or approval will be granted on a lot less than five (5) acres in size.
- (19) **HOME INDUSTRIES.** Home industries may be permitted by the Plan Commission in any residential district as a conditional use. A home industry is similar to a home occupation and shall generally be limited by the standards for home occupations. The Plan Commission may, however, permit the conduct of a home industry in an accessory building. The Plan Commission may further permit the assembly and manufacturing of small-scale piece work or the use of non-household appliances and tools when it is deemed not to be disruptive to the

neighborhood.

(A) Home industries shall be required to provide written confirmation that they meet the above requirements.

(20) **LANDFILLS** These provisions are designed to regulate land use at landfill sites in the Town, and to protect the natural resource base of the Town as well as the general public health and safety of Town residents. Sanitary landfills shall be operated in accordance with the provisions of Wis. Adm. Code NR 500 through NR 590.

(A) Structures and lands may be used for any purpose designated on the approved site restoration and reuse plan as provided for herein.

(B) Accessory Uses:

1) Garages for storage and repair of vehicles used in conjunction with the operation of the principal use.

2) Ground-mounted and building-mounted dish and terrestrial antennas.

3) Off-street parking and loading areas provided they are properly screened.

4) Office use auxiliary to the permitted principal use.

(C) Site Requirements:

(1) Lots shall be a minimum of 35 acres in area

(2) Lots shall not be less than 600 feet in width.

(3) No landfill operation shall be located closer than 500 feet to any property line. Landfill operations shall comply with the minimum setback requirements set forth in Wis. Adm. Code NR 504.04(3).

(4) No building or parking area shall be located closer than 50 feet from a side or rear property line.

(5) No landfill operation, building, or parking area shall be located closer than 300 feet from the ordinary high water mark of any navigable river or stream; or 1,000 feet from the ordinary high water mark of a lake, pond, or flowage; or within the 100-year recurrence interval floodplain of any water body.

(6) No building or structure, or parts of a building or structure, shall exceed 35 feet in height.

(D) Operational Plan Requirements. The operational plan shall specify the following:

- (1) A timetable for operation of the landfill including the date on which the landfill operation will begin and the planned date of the completion of the operation.
 - (2) A phasing plan showing the location and timing on all proposed phases.
 - (3) Hours of operation and days of operation for the landfill operation.
 - (4) The types of material or refuse to be disposed of.
 - (5) The means by which noise, dust, debris, and other potential nuisances will be controlled.
 - (6) The means by which the applicant will collect and dispose of leachate to protect watersheds and ground water aquifers.
 - (7) The means by which the applicant will control storm water runoff and erosion to protect watersheds and groundwater aquifers.
 - (8) The location, height, and type of all proposed fences.
 - (9) All machinery and equipment to be used and/or stored during the landfill operation, and the location thereof.
 - (10) A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks or locomotives.
 - (11) The location and type of landscaping to be used to screen the quarrying, extractive, or other operation from adjacent land uses and public rights-of-way.
 - (12) Other information required by the Plan Commission.
- (E) Restoration and Reuse Plan Requirements. A restoration and reuse plan provided by the applicant shall contain:
- (1) Existing topography with contours at 2 foot intervals.
 - (2) Proposed contours after filling or restoration.
 - (3) Depth of the restored topsoil.
 - (4) Plantings and other restoration improvements.
 - (5) Restoration commencement and completion dates.
- (F) Updates of the restoration plan shall be filed annually to show restoration progress. The applicant and/or owner of the sanitary landfill site shall furnish the necessary sureties which will enable the Town to perform the planned restoration of the site in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by a registered professional engineer, and the form and type of such sureties shall be approved by the Town Board.

(21) LEGAL NON-CONFORMING USES. As noted in Legal Nonconforming Uses, Structures and Lots section of this ordinance.

(22) MANURE STORAGE FACILITY.

- (A) No manure or animal waste storage facility or parts thereof may be located, installed, moved, constructed, reconstructed, extended, enlarged, converted, substantially altered or its use changed without an animal waste storage facility permit issued by Washington County.
- (B) A signed, written statement shall be issued by the Washington County Land and Water Conservation Division of the Planning and Parks Department under Chapter 16 authorizing the applicant an animal waste storage facility
- (C) An animal waste storage facility shall include any concrete, wooden, steel, or otherwise fabricated structure, or an excavated or earthen impoundment where a volume of animal waste is stored that is equal to or exceeds the volume of waste produced by animals at that site.
- (D) Installation of an animal waste reception tank, pump, and/or discharge pipe will be considered a waste storage facility for purposes of this ordinance.
- (E) A copy of the County permit application shall be filed with Washington County. Each application for a permit under this chapter shall include an animal waste storage facility plan.

(23) OUTDOOR MUSIC AMPHITHEATER AND MOVIE THEATER.

- (A) The location, building and site plans and plan of operation shall be submitted for review/approval.
- (B) All portions of the theater area to be a minimum of two hundred (200) feet from any lot line.
- (C) A solid type evergreen planting screen in a two row staggered pattern at least forty (40) feet in width and at least six (6) feet high shall be provided along the lot line. The 6 foot planting height can be reduced down to 3 feet minimum with a 3 foot tall berm.
- (D) Additional highway width sufficient to provide for the safe control of

traffic at the theater entrance shall be dedicated and the necessary highway improvements constructed to provide for a divided roadway, with adequate reservoir area in the center strip to shelter cars entering the theater.

(24) PARK AND RECREATION AREAS OF LOW INTENSITY UNDEVELOPED TYPE. Subject to the following:

- (A) The location, building and site plan and plan of operation shall be submitted for review/approval.
- (B) Alterations to the site will be approved only if they enhance or augment the natural characteristics of the site.

(25) PLANNED UNIT DEVELOPMENTS.

It is herein provided that there is flexibility in the regulations governing the development of land due to increased urbanization and the associated greater demands for open space. This provision is intended to encourage planned unit development in directions which will recognize both the changes in design and technology in the building industry and the new demands in the housing market. It is intended that these provisions create imaginative and interesting communities with substantial open area for enjoyment of the residents or the general public. Such use will only be permitted in Residential Districts where the unified planned development of such tract will allow a more desirable utilization of the site and produce a more aesthetically and economical development than would result from the application of normal district regulations. It is intended that uses permitted as Planned Unit Developments shall conform to uses generally permitted in the underlying zoning district. Individual structures shall comply with the specific building area and height requirements as specified in this section, or unless otherwise approved by the Plan Commission and Town Board. It is intended that adequate open spaces be provided in all Planned Unit Developments. Clustered residential development is required when at least 5 lots are being created at one time in the EA and A-1 Districts and is recommended in the R-1 District.

- (A) Planned Unit Developments shall contain a minimum development area requirement as follows:
 - 1) EA Agricultural Preservation District minimum area of 20 acres - 10 acre density, 1 acre minimum lot size
 - 2) A-1 Agricultural Open Space District minimum area of 10 acres - 5 acre density, 1 acre minimum lot size
 - 3) R-1 Residential District minimum area of 2 acres - 1 acre density, 20,000 square foot minimum lot size

- 4) B-1 Business District minimum area of 5 acres minimum parcel size
 - 5) M-1 Manufacturing District minimum area of 20 acres minimum parcel size
 - 6) Mixed-Use minimum area of 10 acres minimum parcel size
- (B) The Plan Commission and Town Board in making its recommendations as to their approval or denial of a conditional use permit for a Planned Unit Development shall give consideration to the following:
- 1) The proposed development is in conformance with the Town's Land Use Plan and Subdivision & Platting Ordinance, and is not contrary to the general welfare or economic balance of the community.
 - 2) That any and all other requirements set by the Plan Commission and Town Board in the conditional use document for the planned unit development is met.
 - 3) The size, quality and architectural design of all buildings in the project are of such a quality, size and aesthetic value to justify the approval of the project.
 - 4) Provisions of facilities of the open space areas being provided are of such a quality, size and aesthetic value to justify the approval of the project.
- (C) Application Procedure.
- 1) Pre-application Conference. Prior to official submission of a petition for approval of a Planned Unit Development, the owner and his agent shall meet with the Town Chairman and designated Town Staff for a pre-application conference to discuss the scope and nature of the proposed developments, review the local regulations and policies applicable to the project, and consider the land use implications of the proposal.
 - 2) Application. A petition for a Planned Unit Development shall be submitted to the Town Clerk by the owner or his agent. Such petition shall be accompanied by a fee in accordance with the Town's established fee schedule and a preliminary development plan. The preliminary development plan shall include the following:
 - a) Data on the total size of the project including the area of open

space, proposed number of residential units, projections of household sizes, marketability of the project and impact of the project on the municipal services.

- b) Documents in the form of a traffic study that verifies that the proposed development will not have an adverse impact on the Town, County or State highways.
- c) Documentation as to the expected impact on the local school district. This documentation shall be forwarded to the local school district for their comments.
- d) All residential planned unit developments shall provide permanent common open space. Open space may be in corporate ownership or in a private homeowners association, unless the open space is dedicated to the Town as park land pursuant to the Municipal Code, with an open space easement to assure that the open space will be permanent. Common open space shall be conveniently accessible to all residential dwellings within a planned unit development, available to all occupants of the dwelling units for whom the use of the space is intended and shall provide a meaningful and useful area for such intended open space. It is the intent of this provision to insure equitable distribution of various land uses to all owners and maintain the maximum of open space. Common open space does not include private lots, street right-of-ways or lands determined unsuitable by the Town Board due to accessibility, common benefits or the intent of the provision. The presentation shall include what amenities are proposed in the common open space and if they are to be phased during completion of the development.
- e) Any other information as may be required by the Town Plan Commission or Town Board.

(D) (Repeal Ord. #2011-02)

(E) Commercial Planned Unit Developments.

- 1) The economic practicality of the proposed planned unit development shall be justified on the basis of purchasing potential, competitive relationship and demonstrated tenant interest.
- 2) The proposed planned unit development shall be served by adequate off-street parking, loading and service facilities.
- 3) The planned unit development shall not create an adverse affect upon general traffic patters or adjoining property values.

- 4) Architecture, landscaping, lighting and general site development shall be compatible with the surrounding neighborhood.
- (F) A Mixed Planned Unit Development.
- 1) The proposed mixture of commercial and residential uses shall produce a unified composite which is compatible both within itself and with the surrounding neighborhood.
 - 2) The mixed uses shall conform to the general requirements applicable to each of them as previously set forth.
 - 3) The maximum allowable dwelling unit density shall become computed using only the residential portion of the total planned unit development. If residential use and nonresidential use occur in the same proposed building, that percentage of commercial use of the building shall be deducted from the building lot and only the remaining areas shall be used in the density.
- (G) Construction Routes. A map of the development showing the access points to be used by construction vehicles during the course of construction and which shall become part of the conditional use agreement between the Town and the developer with such provisions for enforcement as provided in the contract.
- (H) Professional Fees. If the Town incurs consultant, engineering, planning, administrative, or legal fees to prepare or review any aspect of the proposed Planned Unit Development, the Town will notify the petitioner of all fees to be charged to the petitioner. All such charges shall be paid in full before issuance of the conditional use permit.
- (I) Financial Guarantee to Complete Improvements. A letter of credit in a Wisconsin financial institution or cash deposit or other satisfactory financial guarantee approved by the Town Attorney to cover the cost of all improvements in facilities agreed upon in the conditional use permit.
- (J) Additional Requirements. The Plan Commission and the Town Board may add any further additional requirements appropriate to each conditional use as necessary.
- (K) Recording. The conditional use shall be recorded in the office of the Register of Deeds to affect the real estate upon which a conditional use is granted, which includes all homeowners association documents and deed restrictions and provisions for utilities and other services.

- 1) This conditional use shall expire if the project has not been commenced within 12 months of the conditional use grant unless extended by the Town Board.
 - 2) Any violation of this conditional use will be subject to the enforcement procedures contained in this chapter or by revocation of the conditional use after hearing.
- (L) Subsequent Change or Addition. Any subsequent change or addition to an approved conditional use shall first be submitted for approval to the Town Plan Commission and if, in the Commission's opinion, such change or addition is not substantial, it may recommend approval to the Town Board without public hearing. Without limitation to the Plan Commission's right to determine any other change, substantial change in any of the following respects shall be automatically construed to be substantial:
- 1) An increase in the number of dwelling units from that shown in the approved conditional use.
 - 2) A significant change in the size, value or type of structure from that indicated in the approved conditional use.
 - 3) The addition of any principal use is not included in the approved conditional use. This does not include the addition of amenities by homeowners association, although, they must have Plan Commission approval.
 - 5) A change in the basic concept of the site development which would significantly alter the relationship of uses or open space to adjoining property.
 - 6) The division of any land or lands within a Planned Unit Development shall be accomplished pursuant to the land division regulations, and when such division is contemplated a preliminary plat of the land to be divided shall accompany the petition for planned unit development approval.

(26) QUARRYING. Subject to the following:

- (A) Use Restricted: As defined in this Ordinance, quarrying operations shall be permitted only as conditional uses and where so permitted shall be subject to the general regulations applicable to such grant and to specific regulations.
- (B) Permit: No quarrying operation shall take place in any district until a

quarrying permit has been secured from the Town Board. Such permit shall be for an initial period as is deemed appropriate to the specific situation but not to exceed 5 years, and may be renewed thereafter for periods not to exceed 3 years provided application shall be made at least 60 and no more than 120 days before expiration of the original permit. Application after such date shall be treated as an original application.

- (C) Application: Application for a Quarrying Permit shall be made on forms supplied by the Clerk and shall be accompanied by:
- 1) A fee established by the Town Board.
 - 2) A full and adequate description of all phases of the contemplated operation and type of machinery and equipment which will be used to carry on the operation. Where the operation includes washing sand and gravel, the estimated daily quantity of water required, its source and its disposition shall be made a part of this description.
 - 3) A legal description of the proposed site with a map showing its location, private access roads, existing or proposed, and public highways adjacent to the site which will be affected by the operation.
 - 4) A topographic map of the area at a minimum contour interval of 5 feet extending beyond the site to the nearest public street or highway or to a minimum distance of 300 feet on all sides.
 - 7) A reclamation/ restoration plan shall be required.
- (D) Public Hearing: In addition to the normal posting and Class 2 publication, notices shall be sent by regular mail to all owners within ½ mile from the property line of the proposed quarry operation. These notices shall be mailed or delivered at least 10 days prior to date of hearing. Substantial compliance with the notice requirements of this section shall be deemed sufficient.
- (E) Action by Plan Commission and Town Board: The Town Board and Plan Commission shall grant or deny a permit for the proposed quarrying operation. In the case of a use permitted by right the determination shall be based solely upon compliance with the applicable provisions of this Ordinance. In the case of a use permitted by conditional grant, such determination shall be based upon the standards set out in this Ordinance and with particular consideration of the following factors:
- 1) The effect of the proposed operation on existing roads and traffic in terms of adequacy, safety and efficiency.

- 2) The effect of the proposed operation on drainage and water supply.
 - 3) The possibility of soil erosion as a result of the proposed operation.
 - 4) The degree and effect of dust and noise and vibration as a result of the proposed operation.
 - 5) The practical possibility of restoration of the site.
 - 6) The effect of the proposed operation on the natural beauty, character, tax base, land value and land uses in the area.
 - 7) The most suitable land use for the area with particular consideration for future residential use.
- (F) Additional Conditions: Any conditions accessory to the granting of a permit shall be in writing and copies made a part of the permit and a part of the records of the Town.
- (F) Renewals: The procedure as designated in subsections 4, 5, 6 and 7 above shall apply to applications for renewal of a permit. Determination in regard to renewal shall be based particularly on an evaluation of the effect of the continuance of the use with relation to changing conditions in the area. Where renewal is not granted, the reasons for refusal shall be presented to the applicant in writing and made a part of the record of the Town.
- (G) General Requirements:
- 1) No part of the quarrying operation shall be permitted closer than 1,000 feet nor shall any accessory access road, parking area or office building be permitted closer than 500 feet to a district zoned Residential at the time of the grant of permit except with the written consent of the owners of all residentially zoned properties within 1,000 feet, but in no case shall such operation be permitted closer than 200 feet to a Residential District.
 - 2) Setbacks: No part of the quarrying operation other than access roads shall be located closer than 200 feet nor shall any accessory parking area, stock pile, or office building be located closer than 100 feet, to the Base Setback Line along any street or highway.
 - 3) Offsets: No part of the quarrying operation shall be permitted closer than 200 feet, nor shall any accessory access road, parking area, or office building be permitted closer than 50 feet to any property line

except with the written consent of the owner of the adjoining property, or where said line is abutting an Manufacturing District or abutting an existing quarrying operation, but in no case shall such operation be closer than 20 feet to any property line except by agreement between abutting quarrying operations, or be in conflict with the provisions of Section 16.08(5) relating to preservation of Topography.

(H) Operational Requirements:

- 1) Fencing or other suitable barrier shall be erected and maintained around the site or around portions of the site where Town Board determines such fencing or barrier is necessary for the protection of the public, and shall be of a type approved by the Plan Commission.
- 2) All machinery and equipment used in the quarrying operation shall be constructed, maintained and operated in such a manner as to minimize dust, noise and vibration. Access and haul roads on the site shall be maintained in a dust-free condition by surfacing or other treatment.
- 3) Crushing, washing, refining or other processing other than the initial removal of material, may be permitted as an accessory use only as specifically authorized under the terms of the grant of permit or as otherwise provided in an Manufacturing district.
- 4) In stone quarries production or manufacturing of veneer stone, sills, lintels, cut flagstone, hearthstones, paving stone and storing or stock-piling such products on the site shall be considered a permissible part of the operation provided such production does not require the use of crushing or other heavy machinery except as may be otherwise specifically authorized under the terms of the grant of permit or as otherwise provided in an Manufacturing District.
- 5) Manufacture of concrete building blocks or other similar blocks, production or manufacture of lime products, production of ready-mixed concrete and any similar production or manufacturing processes which might be related to the quarrying operation shall not be permitted except as otherwise provided in an Manufacturing District.
- 6) Washing sand and gravel shall be prohibited in any operation where the source of water is of doubtful capacity, the quantity of water required will affect the supply for other uses in the area, disposal of water will result in contamination, pollution, excessive silting or drainage problems.
- 7) Trees, shrubs and other appropriate landscaping shall be provided

where deemed necessary by the Plan Commission to screen the operation from normal view, enhance the general appearance from the public right-of-way and minimize the damaging effect of the operation on the beauty and character of the surrounding countryside. Such planting shall be started as soon as practicable, but no later than 1 year after quarrying operations have begun and shall be done according to the recommendations of the Plan Commission.

- 8) Except in an Manufacturing District, quarrying operations shall not begin before 7:00 a.m. and shall not continue after 6:00 p.m. and no operation shall take place on Sundays or legal holidays. During period of national or unusual emergency, time and hours of operation may be altered at the discretion of the Town Board and through the issuance of a special permit which shall be renewable at 30 day intervals.

(I) Restorative Requirements:

- 1) In order to insure that the area of quarrying operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall prior to the issuance of a permit submit to the Plan Commission and Town Board a plan for such restoration in the form of the following:
 - a) An agreement with the Town whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town.
 - b) A physical restoration plan showing the proposed contours after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished.
 - c) A bond, written by a licensed surety company, a certified check, or other financial guarantee satisfactory to the Town in an amount sufficient in the opinion of the Plan Commission to secure the performance of the restoration agreement.
 - d) Such agreement and financial guarantee shall be in a form approved by the Town Attorney.
- 2) In the event of the applicant's failure to fulfill this agreement, such bond, check or other financial guarantee shall be deemed forfeit for the purpose of enabling the Town to perform the restoration.
- 3) Restoration shall proceed as soon as practicable and at the order and direction of the Town Board and Plan Commission. However

the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required financial guarantee in such case may cover progressive stages of the restoration for periods of not less than 2 years.

- 4) At any stage during the restoration the plan may be modified by mutual agreement between the Town and the owner or the operator.
- 5) Where there is any backfilling, the material used or the method of fill shall not create a health hazard nor be objectionable because of odor, combustibility, or unsightliness. In any case the finished grade of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed building or paving construction, shall be of sufficient depth of earth to support plant growth.
- 6) Within one year after the cessation of the operation, all temporary structures (excepting fences), equipment, stock piles, rubble heaps, or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.
- 7) In any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of 1-1/2 horizontal to 1 vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.

(J) Exceptions:

- 1) Incidental Use: The provisions of this subsection shall not apply to an operation which is incident to another permitted use of the premises provided such operation does not involve the commercial disposal of the material removed.
- 2) Permitted Modification or Waiver: The Plan Commission and Town Board may, consistent with the intent of these regulations, modify or waive any or all of the provisions of this subsection in the following cases provided however that except as allowed under 1 above, the specific grant of conditional use shall be required and shall be properly recorded:
 - a) Operations incident to another permitted or conditional use of the premises where the material removed is sold or otherwise commercially disposed of.

- b) Sod removal provided no such operation shall be permitted which adversely affects the drainage of the area and provided adequate provision is made to prevent erosion.
- c) Topsoil removal, except that no such operation shall be permitted except as incidental to another permitted use of the premises, and provided such operation will not adversely affect the drainage of the area, or exceed 18 inches in depth, and provided adequate provision is made to prevent erosion.
- d) In an Manufacturing District modify the provisions relative to permitted hours of operation.
- e) Where the character of terrain, surrounding development, or other special conditions would justify such modification, permit a reduction in the required setback or offset provided however that in no case shall the setback be less than 100 feet for quarrying operations or 20 feet for any accessory access road, parking area or office building except as may be otherwise provided by this subsection.

(L) Requirements:

- 1) Setback: No refuse disposal shall take place, nor shall structures pertinent thereto be constructed closer than two hundred (200) feet to the base setback line.
- 2) Offset: No refuse disposal shall take place closer than two hundred (200) feet to any property line, nor shall refuse disposal take place closer than five hundred (500) feet to any existing dwelling or to the site of a dwelling for which a building permit has been issued prior to the application date for the conditional use permit; nor closer than five hundred (500) feet to a residential district at the time of the grant permit. No refuse disposal shall take place closer than five hundred (500) feet to a permanent business or Manufacturing structure without the written consent of the owner of that adjacent property, and the written approval of the Washington County Health Department, and the state Department of Natural Resources.
- 3) Additional requirements: Restrictions as to types and sources of refuse, if needed, shall be the responsibility of the Board, under advisement of the Washington County Environmental Department. A planting plan shall be included in the plan of operation.

- 4) Minimum lot size is 40 acres.
- (M) All existing refuse disposal operations shall be registered by the operator within sixty (60) days after the adoption of this ordinance with the Clerk, submitting pertinent data relative to present operation, including the boundaries of the actual operation and ownership. A permit shall be granted to such existing operation subject to compliance with a plan of operation satisfactory to the approving bodies. A plan of restoration shall be submitted to the town by the operator within one (1) year of the adoption of this ordinance, together with a surety bond to insure such restoration. Such operation and restoration plans shall not impose requirements which are economically or engineeringly unreasonable with respect to conditions resulting from operations prior to enactment of this ordinance.
- (27) RAISING OF DOMESTIC LIVESTOCK in A-1 and R-1** (in excess of zoning threshold and less than 500 animals units)(exceeding district units as listed)
 - (A) Domestic animals that exceed the zoning threshold but less than 500 animal units as listing in Table 1, (see sec. 17.07(5)), must receive plan commission and town board approval before receiving a conditional use permit.
- (28) ROADSTANDS.** (in excess of 150 s.f.)
 - (A) Roadside stands for the sale only of products raised on the premises, operated by the resident farmer, and subject to the following:
 - 1) Off-street parking for a minimum of 4 vehicles shall be provided.
 - 2) No stand shall be permitted in a location where it would create a traffic hazard or nuisance; and where permitted, driveways shall be so located as to minimize possible interference with normal flow of highway traffic.
 - 3) No such stand shall be closer than 30 feet to the right-of-way line or closer than 20 feet to any other lot line.
 - 4) Signs advertising produce shall be confined to a single neat display frame and shall not exceed 20 sq. ft. in total area.
 - (B) The location building and site plans, and plan of operation shall be submitted for review/approval.
- (29) SALVAGE YARDS, RECYCLING CENTERS & AUTO WRECKING**

YARDS: The location, building, site, or operations used for the storage or sale of salvageable materials, or for the purpose of salvage, wrecking, dismantling, or demolition of salvageable materials and subject to the following

- (A) The location, site plan, buildings, and plan of operations is submitted for Town review/approval.
- (B) Minimum lot size is 3 acres with a minimum of 200 feet of lot width.
- (C) Such uses are enclosed in fencing which screens the storage of all materials from public view.
- (D) The number of vehicles is limited based upon the size of the parcel and proximity to residential uses.
- (E) No conditions constituting a nuisance are maintained on the property.

(30) SPECIAL EVENTS. The location, building and Site Plans and Plan of Operation shall be submitted for review/approval.

(31) SPECIAL EVENT CAMPING. The location, building and Site Plans and Plan of Operation shall be submitted for review/approval.

(32) SPECIAL EVENT CONCESSIONS. The location, building and Site Plans and Plan of Operation shall be submitted for review/approval.

(33) SPECIAL EVENT PARKING. The location, building and Site Plans and Plan of Operation shall be submitted for review/approval.

(34) TEMPORARY USES. The following temporary uses are conditional uses and may be permitted as specified. However, within an Agricultural Preservation District, temporary uses are only permitted as conditional uses if they are consistent with agricultural uses as defined in §91.01(10), Wis. Stats., and if they fall into one of the use classes listed in §91.75(5), Wis. Stats., and are found to be necessary in light of alternative locations available for such uses.

- (A) Flea markets, carnivals, and outdoor group assemblies of 250 people or more may be permitted in any district, except the R-1 Residential District, for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the public right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

- (B) Circuses and animal shows may be permitted in any district, except the R-1 Residential District, for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, and hours of operation. The Plan Commission may limit or prohibit the display of dangerous animals such as tigers or snakes. No temporary use listed herein shall be conducted within the public right-of-way. Temporary uses permitted under this section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

(35) UTILITY SUBSTATIONS: Subject to the following

- (A) The location, building and site plan and plan of operation shall be submitted for review/approval.
- (B) Such plans shall be approved or disapproved upon consideration of the effects on topography, drainage, water supply, soil conditions, road and traffic, present and future land development and use, and safety conditions.
- (C) All sites must be fenced with a minimum 8 foot height and such fencing must be approved by the Plan Commission and Town Board.
- (D) All buildings on such sites must be designed to compliment the rural/suburban atmosphere of the town.
- (E) Public utilities, water tower, electric power and communication transmission and distribution lines, poles, and other accessories are exempt from the height limitations of this chapter, provided that when a utility proposes a main inter-municipal transmission facility, they shall give notice to the Plan Commission of such intention and of the date of hearing before the Public Service Commission, and before beginning acquisition of a specific route shall file with the Plan Commission mapped description of the route of such transmission line.

17.19 OUTDOOR WOOD BOILERS

- (1) Any person with an outdoor wood boiler installed and operating
 - a. All outdoor wood boilers shall be operated in accordance with the manufacturer's directions, except as otherwise provided herein.
 - b. Setbacks for outdoor wood boilers are 25 feet from the side yard and 25 feet from the rear yard.

17.18 LIVESTOCK FACILITIES (LIVESTOCK SITING)

- c. No industrial waste, rubber, plastic, used motor oil, toxic chemicals, hazardous waste, yard waste, painted or chemically treated wood, processed wood products, household herbage, cardboard, waste paper or animal waste shall be burned in the outdoor wood boiler.
 - d. Outdoor wood boilers shall not be operated in a manner that produces excessive smoke, dust or odors
 - e. Outdoor wood boilers shall meet all applicable state and federal emission standards
- (2) Permits for Wood Boilers. The permit shall be issued by the Building Inspector.
- (3) Any person who shall violate any provision of Section (1) shall be subject to a citation issued daily until the violation is corrected as provided in 25.04 of this code.
- (4) If any existing outdoor wood-fired furnace was installed and operations prior to the effective date of this ordinance and does not comply with the location provisions of section 1b, the furnace may be allowed as a non-conforming installation. The existing outdoor wood-fired furnace may continue to be used provided that it does not cause a nuisance. If the Town of Kewaskum determines that a non-conforming installation is causing a nuisance, the non-conforming installation shall be removed unless the installation or its operation is modified so that it does not create a nuisance.
- (5) Any fuel for a fuel-fired outdoor heating device stored on site shall be cut to useable size and stacked, as applicable, and shall be maintained in a neat and orderly manner. All such fuel shall be stored in a form ready to use in the heating device or screened from public view.

17.22 EXTERIOR LIGHTING – DARK SKY

The provisions of this Chapter are adopted by the Town of Kewaskum pursuant to the authority granted by Sections 60.62, 61.35, and 62.23(7), Wisconsin Statutes. The Town Board of the

Town of Kewaskum, Washington County, Wisconsin does ordain as follows:

- (1) **PURPOSE AND INTENT.** To define practical and effective measures by which excessive and/or careless outdoor light usage can be minimized, while preserving safety, security and the nighttime use and enjoyment of property. These measures will curtail the degradation of the nighttime visual environment by encouraging lighting practices that direct appropriate amounts of light where and when it is needed, increasing the use of energy efficient sources, and decreasing the wastage of light and glare.
- (2) **CONFORMANCE WITH APPLICABLE ORDINANCES.** All outdoor illuminating devices shall be installed in conformance with all other provision of the Town of Kewaskum Code.
- (3) **APPLICABILITY**
 - (A) **NEW USES, BUILDINGS AND MAJOR ADDITIONS OR MODIFICATIONS.** For all proposed new land uses, developments, buildings, and structures that require any Town permit, all outdoor lighting fixtures shall meet the requirements of this Chapter. Whenever any building additions or modifications of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, or parking spaces, either with a single addition or with cumulative additions, occurs subsequent to the effective date of this Chapter, the entire property shall be required to comply with the requirements of this Chapter. Cumulative modification or replacement of outdoor lighting constituting forty (40) percent or more of the permitted lumens for the parcel, no matter the actual amount of lighting already on a non-conforming site, shall constitute a major addition for purposes of this section.
 - (B) **RESIDENTIAL FIXTURES.** Any light fixtures 2000 lumens and over, any outdoor light fixtures above the eave, or any light fixture attached to buildings or poles separate from the residence must comply with the provisions of this Chapter. Outdoor light fixtures that are attached to residential buildings, located below the eave, and less than 2000 lumens are exempt from the provisions of this Chapter. Residential spot or flood lights shall be fully shielded and directed no more than 45 degrees above straight down. The acceptability and shielding restrictions applicable to a particular lamp are decided by its initial lumen output, not wattage; check manufacturer's specifications.
Examples of lamp types of 2000 lumens and less are:
 - a. 100 Watt Standard Incandescent
 - b. 15 Watt Cool White Fluorescent
 - c. 15 Watt Compact Fluorescent
 - d. 18 Watt Low Pressure Sodium
 - (C) **RESUMPTION OF USE AFTER ABANDONMENT.** If a property or use with nonconforming lighting is abandoned as defined below, then all outdoor

lighting shall be reviewed and brought into compliance with this Chapter before the use is resumed.

(D) ROADWAYS. Lighting for public roadways is exempt from the provisions of the Chapter except that:

- a. Any outdoor lighting for newly construction Town roads or private roads shall comply with this Chapter
- b. Any existing outdoor road lighting on Town roads that is repaired or replaced shall comply with this Chapter
- c. The lumen limit and preferred lighting equipment for public roadways shall be established by resolution of the Town Board, and public roadway lighting shall comply with such resolution requirements.

(4) GENERAL OUTDOOR LIGHTING STANDARDS

- (A) All nonexempt outdoor lighting fixtures shall be placed so as to not cause light trespass or light glare.
- (B) All nonexempt outdoor lighting fixtures shall be fully shielded
- (C) All nonexempt outdoor lighting fixtures shall be placed so as to not cause light trespass or light glare.
- (D) All nonexempt outdoor lighting fixtures shall be of a type and placed so as to not allow any light above the horizontal, as measured at the luminaire
- (E) Flood or spot lamps must be aimed no higher than 45 degrees above straight down (halfway between straight down and straight to the side) when the source is visible from any off-site residential property or public roadway
- (F) Any lamp installed on a residential property must be shielded such that the lamp is not directly visible from any other residential property
- (G) Each residential single-family detached home is allowed up to 20,000 total lumens per property. Commercial/Manufacturing/agricultural or business uses shall not exceed 90,000 lumens per property
- (H) Beyond the shielding requirements of this Chapter, all light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across property boundaries. Particularly, any lamp installed on a residential property and visible from any other residential property must be shielded such that it is not directly visible from that property
- (I) Multi-use lighting must conform to the shielding, if any, that apply to the most restrictive included use.

(5) SPECIAL USES.

(A) RECREATIONAL FACILITIES. Reserved for Future Use

(B) OUTDOOR DISPLAY

- a) Lumens Exemption. Lighting for display lots shall be exempt from the lumens per property limits of this Chapter.
- b) Shielding. All display lot lighting shall utilize fully shielded luminaries that are installed in a fashion that maintains the fully shielded characteristics.
- c) Illuminance. The display lot shall be designed to achieve no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

- d) Off Site Spill. The display lot shall limit off-site spill (off the parcel containing the display lot) to a maximum of 5 lux (0.5fc) at any location on any nonresidential property, and .05 lux (0.05fc) at any location on any residential property, as measurable from any orientation of the measuring device.
- e) Certification. Every display lot lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Chapter.
- f) Curfew. Display lot lighting exceeding the lumens per property cap of this Ordinance shall be turned off no later than 11:00pm, or within thirty minutes after closing of the business, whichever is later. Lighting in the display lot after this time shall conform to all applicable restrictions of this Chapter, including the lumens cap in this Chapter.

(C) Service Station Canopies.

- a) Shielding. All luminaries mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
- b) Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 215 lumens per square meter (twenty lumens per square foot). Any luminaries mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full initial lumen output. Other lighting located under a canopy but not mounted on or within the lower surface is also included toward the lumen caps at full initial lumen output.
- c) Certification. Every service station canopy lighting system design and installation shall be certified by a registered engineer as conforming to all applicable restrictions of this Chapter
- d) Off-Site Spill (Reserved for Future Use)

(D) Generally. All lighting not directly associated with the special use areas above shall conform to the lighting standards described in this Chapter, including but not limited to the lamp type and shielding requirements and the lumens limits.

(6) Submission of Plans and Evidence of Compliance with Ordinances, Subdivision Plats

(A) Submission Contents. The applicant for any commercial building permit required by the Town shall submit (as part of the application for permit) evidence that the proposed work will comply with this Chapter. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the Town Code.

- a. Plans indicating the location on the premises of each illuminating device, both proposed and any already existing on the site:

- b. Description of all illuminating devices, fixtures, lamps, supports, reflectors, both proposed and existing. The description may include, but is not limited to catalog cuts and illustrations by manufacturers (including sections where required);
 - c. Photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off of light emissions.
 - (B) Additional Submission. The above required plans, descriptions, and data shall be sufficiently complete to enable the building inspector to readily determine whether compliance with the requirements of this Chapter will be secured. If such plans, descriptions or data cannot enable this ready determination, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.
 - (C) Subdivision Plats. If any subdivision proposes to have installed street or other common or public area outdoor lighting, submission of the information as described herein shall be required for all such lighting.
 - (D) Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building inspector for approval, together with adequate information to assure compliance with this Chapter, which must be received prior to substitution.
 - (E) Plan Review. The plans shall be reviewed by the building inspector. If the building inspector determines that the proposed lighting does not comply with this Chapter, the permit shall not be issued or the plan approved.
 - (F) Certification. For all projects where the total initial output of the proposed lighting equals or exceeds 50,000 lamp lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer, or other professional acceptable to the Town, before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a Certificate of Occupancy shall not be issued for the project.
- (7) Prohibitions
- (A) Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.
 - (B) Searchlights. The operation of searchlights for advertising purposes is prohibited.
 - (C) Outdoor Advertising Off-Site Signs. Illumination of outdoor advertising off-site signs is prohibited.
- (8) Other Exemptions.
- (A) State and Federal Facilities. Compliance with the intent of this Chapter at all State and Federal facilities is encouraged, but not required
 - (B) Emergency Lighting. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this Chapter for as long as the emergency exists.
 - (C) Swimming Pool and Fountain Lighting. Underwater lighting used for the illumination of swimming pools and fountains is exempt from the lamp type and

shielding standards provided herein, though it must conform to all other provisions of this Chapter.

- (D) **Flags, Lighted.** United States, and State of Wisconsin flags are exempt from the provisions of this Chapter. All other outdoor lighted flags, such as, but not limited to, decorative and commercial flags shall conform to the provisions of this Chapter.
- (E) **Holiday Lighting.** Holiday lighting is exempt from the provisions of this Chapter from November 10 to January 30 of the following year.
- (F) **Towers.** Legally required safety lighting for towers shall be exempt from this Chapter.
- (G) **Airfields and Airports.** These facilities, both commercial and noncommercial, shall be exempt from the provisions of this Chapter where lighting is used for air safety reasons. All other lighting shall conform to this Chapter

17.23 PARKING, LOADING, DRIVEWAYS AND ACCESS.

- (1) **TRAFFIC VISIBILITY.** No obstructions, such as structures, parking, or vegetation, shall be permitted in any district between the heights of 2-1/2 feet and 10 feet above the plane through the mean center line grade of the vision triangle (See Illustration No. 3 on page 121). The vision triangle is formed by connecting a line between the points located 75 feet from the intersection of 2 streets, or the intersection of a street and a railway, along the right-of-way line (See Illustration No. 4 on page 121)
- (2) **LOADING REQUIREMENTS.** On every lot on which a business, trade, or Manufacturing use is hereafter established, adequate space with access to a public street or alley shall be provided for the loading and unloading of vehicles off the public right-of-way. At no time shall any part of a truck or van be permitted to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.
- (3) **PARKING REQUIREMENTS.** In all districts and in connection with every use, there shall be provided at the time any use is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

(A) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one-family dwellings, and a minimum of 24 feet at the property line for all other uses.

(B) The minimum dimensions of each parking space shall be 9 feet by 18 feet, except for properly signed spaces provided for use by physically disabled persons.

(C) **Parking Spaces For Use By Physically Disabled Persons.** All open off-street parking areas provided for more than 25 parking spaces, except for parking areas restricted to use by employees only, shall provide properly signed parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the following minimum standards:

- 1) One properly signed physically disabled parking space shall be provided in parking areas containing 26 to 49 spaces.
- 2) Two percent of the total number of spaces shall be properly signed physically disabled parking spaces in parking areas containing 50 to 1,000 spaces.
- 3) In addition to the number of spaces required in subpar. 2. above, 1% of each 1,000 spaces over the first 1,000 spaces shall be provided for properly signed physically disabled parking spaces in parking areas containing more than 1,000 spaces.
- 4) The minimum dimensions for all parking spaces provided for use by physically disabled persons shall be 12 feet by 18 feet.
- 5) Parking spaces provided for use by physically disabled persons shall be located as close as possible to an entrance which allows persons to enter and leave the parking area without assistance.

- 6) All parking spaces provided for use by physically disabled persons shall be marked by a sign which includes the international symbol for barrier-free environments and a statement informing the public that the parking space is reserved for use by physically disabled persons. Such sign shall comply with the requirements of §§346.50, 346.503, and 346.505, Wis. Stats.
- (D) Off-street parking is permitted in all yards of all districts. Location of parking spaces is to be on the same lot as the principal use or not more than 400 feet from the principal use. No parking space or driveway, except in residential districts, shall be closer than 25 feet to a residential lot line or a public right-of-way opposite a residential district.
- (E) Surfacing. All off-street parking areas shall be so graded and drained as to dispose of all surface water.
- (F) Parking Lot Screening. All parking areas, except in agricultural and residential districts, adjoining a residential use or public right-of-way shall be screened from such use by an earth berm, a solid wall, fence, evergreen planting of equivalent visual density or other effective means. Such fence or berm and landscaping together shall be a minimum of 18 inches in height and an average of 3 feet in height at the time of planting. Screening shall be a minimum of 6 feet in height between the parking lot and any other abutting residential property line. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, large equipment, and for screening overhead doors, and truck loading areas and docks. In addition:
 - A) All fencing shall be placed on the property or properties being screened and shall not project over the base setback line, or side or rear property line. Planted fences shall be placed back of the afore-referenced lines at places where natural growth will not extend to or be maintained at these lines.
- (G) Parking Area Screening in Agricultural and Residential Districts. The Plan Commission may require that visual or noise buffers (i.e. screening) be placed between parking areas and adjoining land uses, zoning districts and roads within Agricultural and Residential districts when it deems such screening necessary to preserve the rural character and natural beauty of the Town.

Such screening shall be accomplished by a fence, wall, berm, landscaping, or some combination thereof, constituting an opaque characteristic which obscures from horizontal view, the parking area from adjoining land uses and the road. Such screen shall comply with the Parking Lot Screening requirements identified in §(F) of this code.

Where plant materials are used for screening, they shall be of suitable size and density to accomplish the screening objective within three years from the time of planting.

- 1) Review of Screening Plans. As part of the overall review of proposed use, the Plan Commission and/or Zoning Administrator shall review

and approve plans for screening within Agricultural and Residential districts. Approval of the plans shall be based upon, but not limited to, the following criteria:

- a) The proposed screening is visually compatible with the proposed and existing uses
- b) The proposed screening is sufficient in height, depth, and opaqueness to serve in the capacity for which it is intended.
- c) The screening, once installed or constructed, shall be maintained in a manner consistent with the intent of the screening.

ILLUSTRATION NO. 3

VISION CLEARANCE TRIANGLE
(CROSS-SECTIONAL VIEW)

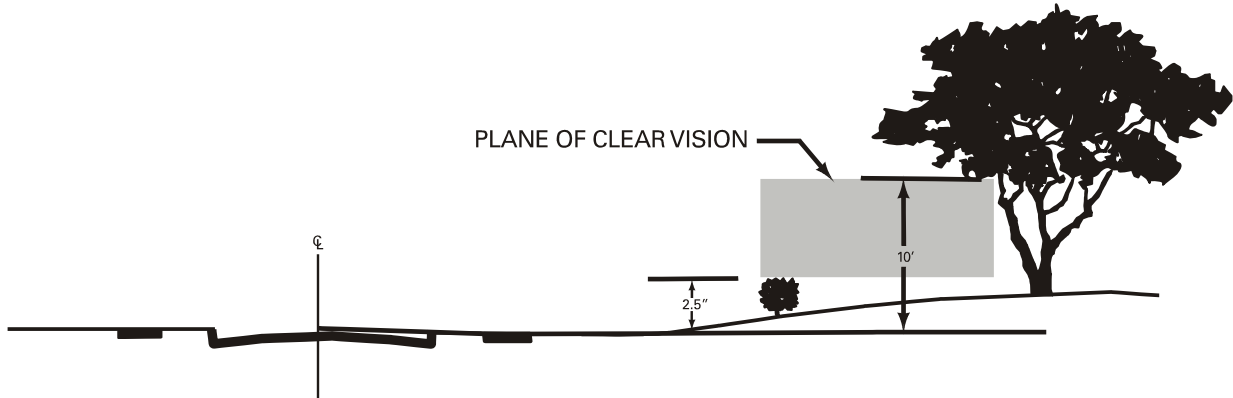
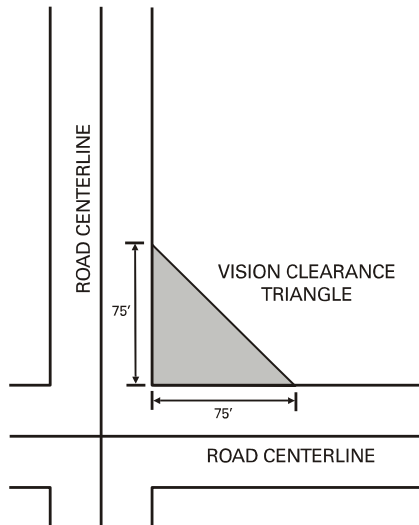


ILLUSTRATION NO. 4

VISION CLEARANCE TRIANGLE
(PLAN VIEW)

TWO ROADS INTERSECTING



- 2) Variances in base setback screening height or landscaping, and screening placement as determined by ingress and egress will be consistent with safe sight distance for passing traffic and be compatible with adjoining property screening and landscaping.
- (G) Curbs or barriers shall be installed at least 4 feet from a property line so as to prevent parked vehicles from extending over any lot line.
- (H) Minimum Number Of Parking Spaces Required. In the case of structures or uses not specified herein, the number of spaces specified as the general standard for the use class or the number of spaces specified for similar use shall apply. In developments involving the establishment or addition of 2 or more uses on one lot or parcel, the cumulative number of spaces required for each use shall determine the total number of spaces required.
- 1) Residential Uses.
 - a) Single-Family Dwellings. Two spaces per dwelling unit.
 - b) Housing For the Elderly. One space per dwelling unit.
 - 2) Retail Sales and Customer Service Uses, and Places of Entertainment.
 - a) General Standard For the Above Uses. One space per 150 square feet of gross floor area of customer sales and service, plus one space per employee.
 - b) Motels and Hotels. One space per room or suite, plus one space per every 2 employees for the work shift with the largest number of employees, plus one space per 3 persons, based on maximum capacity, for each public meeting room and/or banquet room.
 - c) Restaurants. One space per 100 square feet of gross dining area, plus one space per employee for the work shift with the largest number of employees.
 - d) General Merchandise Repair Services. One space per 300 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
 - e) Personal Services. One space per 200 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
 - f) Taverns, Dance Halls, Night Clubs and Lounges. One space per 50 square feet of gross floor area, plus one space per employee for the work shift with the largest number of employees.
 - g) Motor Vehicle Repair, Maintenance, and Service Stations. Three spaces per indoor service bay plus one space per

employee for the work shift with the largest number of employees.

3) Offices.

- a) Medical, Dental and Similar Professional Health Service Offices. Five patron spaces per doctor, plus one space per employee for the work shift with the largest number of employees.
- b) Government, Professional and Business Offices. One space per 250 square feet of gross floor area.

4) Commercial/Recreational Uses.

- a) General Standard. One space per 4 patrons based on the maximum capacity of the facility, plus one space per employee for the work shift with the largest number of employees.
- b) Golf Courses. Ninety spaces per 9 holes, plus one space per employee for the work shift with the largest number of employees.

5) Manufacturing and Related Uses.

- a) Manufacturing, Processing, and Fabrication Operations. One space per employee for the work shift with the largest number of employees.
- b) Wholesale Business. One space per employee for the work shift with the largest number of employees, plus one space per 2,500 square feet of gross floor area.
- c) Warehousing. One space per employee for the work shift with the largest number of employees, plus one space per 5,000 square feet of gross floor area.
- d) Mini-warehousing. One space per 10 storage cubicles, plus one space per employee for the work shift with the largest number of employees.
- e) Extractive and Related Operations. One space per employee for the work shift with the largest number of employees.

6) Institutional and Related Uses.

- a) Churches. One space per 3 seats based on the maximum capacity of the facility.
- b) Nursing Homes. One space per 3 patient beds plus one space per employee for the work shift with the largest number of

employees.

c) Schools.

1. Elementary, Middle and High Schools. One space for each teacher and staff member plus one space for each 10 students 16 years of age or older.
2. Children's Nursery Schools and Day Care Centers. One space per employee for the work shift with the greatest number of employees plus one space per 6 students at the highest class attendance period.

(4) RESTRICTIONS ON PARKING OF EQUIPMENT. Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers shall be restricted as follows:

- (A) Parking in Residential, Institutional, Park, and Conservancy Districts. No truck tractor, semi-trailer, commercial or construction vehicle, machinery, equipment or truck with dual rear axles shall be stored on lots in Residential, Park, or Conservancy districts. Agricultural vehicles and machinery stored on an operating farm in any of the aforementioned districts are exempt from this restriction.
- (B) Parking in Agricultural, Business, and Manufacturing Districts. Vehicles and machinery used in conjunction with a business or industry may be stored inside or outside on the premises. When stored outside they shall not block a public right-of-way or obscure clear vision on roadways, and shall be stored in a neat and orderly manner behind buildings when possible, and/or be screened from public view.
- (C) Storage of Junked Vehicles. No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or permitted to remain in the open upon private property in the Town within 30 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless:
 - 1) The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
 - 2) The vehicle is in use on the premises as a lawful, unlicensed use; or
 - 3) Due to individual hardship, a variance has been granted by the Zoning Board of Zoning Appeals to store such vehicle. The Zoning Board of Zoning Appeals shall not grant such variances for a period of more than one year.
- (D) The accumulation or storage of equipment, such as tractors, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, wood, brick, concrete block, or other unsightly debris which may tend to depreciate property values in the area or create a nuisance or hazard shall not be permitted on any lot or parcel of land within the Town, except within a permitted salvage yard operated under a conditional use permit, and subject to the following screening requirement

- (E) Such fence, berms and/or landscaping together shall be at the appropriate height to provide full and complete screening of all outside storage areas at the time of planting. Screening shall be a minimum of 6 feet in height between the outside storage area and any other abutting residential property line. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, large equipment, and for screening overhead doors, and truck loading areas and docks.
- (5) **PARKING OF RECREATIONAL VEHICLES.** No mobile home, motor home, travel trailer, recreational vehicle, boat or off-road vehicle shall be parked regularly on properties in an agricultural or residential district except as provided herein:
- (A) One boat and its trailer, off-road vehicles on one trailer, travel trailer, or other recreational vehicle may be stored in the rear yard.
 - (B) Additional recreational vehicles may be stored within the lot within a fully enclosed structure.
 - (C) The Plan Commission may, by conditional use permit, permit the outdoor storage of more than one recreational vehicle when it determines that the lot is large enough to accommodate such additional vehicles; when such recreational vehicles are appropriately screened from view by neighboring properties; and when the Plan Commission shall find that the recreational vehicle storage will not adversely affect the use and enjoyment of neighboring properties. Storage of recreational vehicles shall be limited to recreational vehicles owned and used by the property owner or resident. Conditional use permits to store recreation vehicles shall be reviewed pursuant to sec. 17.28(6) of this chapter.
- (6) **HIGHWAY ACCESS.** No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission from the highway agency that has access control jurisdiction. In addition, direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
- (A) Driveways in the vicinity of freeways, interstate highways, and their interchanges or turning lanes shall be located a minimum of 200 feet from the most remote end of the exit or entrance ramp.
 - (B) Driveways on arterial streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Plan Commission shall determine the driveway location. Said setback shall be measured from the intersection of the right-of-way on the 2 streets.
 - (C) Driveways on collector or local streets shall be located a minimum of 75 feet from a street intersection. Said setback shall be measured from the intersection from the right-of-way on the 2 streets.
 - (D) Residential driveways on corner lots shall be located on the least heavily traveled street, where practicable.

- (E) Access barriers, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
 - (F) Temporary access to the above rights-of-way may be granted by the Town Board after review and recommendation by the Plan Commission and the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required.
- (7) EXCEPTIONS. Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of Section 4.00 of this chapter because exceptional or undue hardship would result, the Plan Commission may grant an exception from any requirement to the extent deemed just and proper. No exception to the provision of this chapter shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
- (A) Exceptional Circumstances. There are exceptional, extra-ordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of sec. 17.16 of this chapter would result in severe hardship. Such hardships shall not apply generally to other properties, or be such a recurrent nature as to suggest that the chapter should be changed.
 - (B) Preservation of Property Rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties of the same use.
 - (C) Absence of Detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

17.24 SIGNS.

- (1) **PURPOSE AND INTENT.** The intent of this section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Town as a whole.
- (2) **COMPLIANCE.** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this section.
- (3) **SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT.** The following signs are permitted in all zoning districts without a permit, subject to the following regulations:
 - (A) Real estate signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
 - (B) Name, and warning signs not to exceed 2 square feet located on the premises.
 - (C) Home occupation and professional home office signs not to exceed 2 square feet in area.
 - (D) Election campaign signs, provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the "election campaign period," as defined in sec. 17.02 of this chapter, and shall be removed within 7 days following the election.
 - (E) Rummage sale and garage sale signs, provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
 - (F) Bulletin boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises.
 - (G) Memorial signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (H) Official signs, such as traffic control, parking restrictions, information, and notices.

- (I) Farm identification signs showing the name of the owner or corporate affiliation or memberships not to exceed 16 square feet in area.
- (4) SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT. The following signs are permitted in any residential district and are subject to the following regulations:
- (A) Permanent real estate signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
 - (B) Temporary development signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 48 square feet in area and shall meet all the yard requirements of the district in which it is located. The Plan Commission shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.
- (5) SIGNS PERMITTED IN ALL AGRICULTURAL DISTRICTS WITH A PERMIT. The following signs may be permitted in all Agricultural Districts and are subject to the following regulations:
- (A) Wall signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises, or displaying the owner's name shall not exceed 200 square feet.
 - (B) Ground signs advertising farm products produced on and/or sold on the premises shall not exceed 15 feet in height above the ground surface, shall meet all yard requirements for the district in which they are located, and shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises.
 - (C) Directional signs indicating the name of a business or other establishment, and the direction and distance to the establishment. No directional sign shall be placed within the public right-of-way or within the vision clearance triangle of any intersecting streets. No directional sign shall exceed 12 square feet in area.
- (6) SIGNS PERMITTED IN BUSINESS AND MANUFACTURING DISTRICTS WITH A PERMIT. Signs are permitted in all business and manufacturing districts subject to the following restrictions:
- (A) Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface; shall not exceed 200 square feet in area for any one premises, and shall not extend above the roof line of the building.

- (B) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend more than 3 feet into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean center line street grade; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- (C) Ground signs shall not exceed 20 feet in height above the mean center line street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 100 square feet on one side nor 200 square feet on all sides for any one premises.
- (D) Marquee, awning, or canopy signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding 2 square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- (E) Roof signs are prohibited within the Town.
- (F) Window signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings.
- (G) Combinations of any of the above signs shall meet all the requirements of the individual sign. The total number of signs on any premises shall be limited as follows:

Floor Area (Square Feet)	Maximum Number of Signs Permitted
0 - 5,000	2
5,001 - 20,000	3
20,001 - 50,000	4
More than 50,000	5

Window signs shall not be subject to the limitation on number of signs.

- (7) **SIGNS PERMITTED IN INSTITUTIONAL AND PARK DISTRICTS WITH A PERMIT.** The following signs are permitted in the Institutional and Park Districts and are subject to the following regulations:
 - (A) Private institutional and park name signs when approved by the Plan Commission.
 - (B) Public institutional and park names signs when approved by the Plan Commission.

- (8) **PORTABLE SIGNS.** The Zoning Administrator may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 30 days in any 365 day period. The permit required in sub. (13) below shall be required for portable signs.
- (9) **FACING.** No sign except those permitted in subs. (3) and (4) above shall be permitted to face a residence within 100 feet of such residence.
- (10) **LIGHTING AND COLOR.** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility upon public ways. Signs may be illuminated but non-flashing. Signs shall not be revolving or animated; however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Plan Commission approval.
- (11) **CONSTRUCTION AND MAINTENANCE STANDARDS.**
- (A) **Wind Pressure and Dead Load Requirements.** All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area; and shall be constructed to receive dead loads as required in the Building Code.
- (B) **Protection of the Public.** The temporary occupancy of a sidewalk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- (C) **Maintenance.** The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- (D) **Supporting members or braces** of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Zoning

Administrator determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Zoning Administrator. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.

- (E) No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.
- (12) EXISTING SIGNS. Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the size or location does not conform to this chapter and shall be subject to the nonconforming use provisions of sec. 17.28(1) and (2) of this chapter.
- (13) SIGN PERMIT. Application for a sign permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:
- (A) Name, address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
 - (B) Name of person, firm, corporation, or association erecting the sign.
 - (C) Written consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
 - (D) A scale drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
 - (E) A scale drawing indicating the location and position of such sign in relation to nearby buildings or structures.
 - (F) Copies of any other permit required and issued for said sign, including electrical permit.
 - (G) Additional information as may be required by the Zoning Administrator or Plan Commission.
 - (H) Sign permit applications shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the

applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within 6 months of the date of issuance.

- (I) Bond. Every applicant for a sign permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the Plan Commission upon recommendation of the Zoning Administrator, but not to exceed \$25,000. The form of the cash bond or other surety shall be approved by the Town Attorney, indemnifying the Town against all loss, cost of damages, or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State and conforming to the requirements of this section may be permitted by the Town Attorney in lieu of a bond.
- (14) MEASURING SIGNS. In calculating the area of a sign to determine whether it meets the requirements of this chapter, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing 2 or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign.

17.25 ACCESSORY USES AND STRUCTURES

(1) ACCESSORY USE REGULATIONS. Accessory uses are permitted in any district as may be specified in the appropriate district regulations or herein. An accessory use building permit shall be required where specifically noted in this section. Accessory uses are permitted only after their principal structure is present or under construction. The use and/or location requirements stipulated elsewhere in this chapter may be modified for accessory uses as follows:

(A) Accessory Buildings or Structures Permitted in the Side Yard and Rear Yard. The following accessory buildings and structures may be permitted in the side yard and rear yard only, unless otherwise specified:

1) Residential accessory buildings or structures, such as garages, garden or utility sheds, playhouses, gazebos, or other similar structure, may be permitted upon issuance of a building permit. Residential accessory buildings shall be located at least 10 feet from the principle structure, shall be placed on a pad of gravel, concrete, asphalt, wood, or metal; shall be located not closer than 10 feet to a lot line; and shall not exceed 15 feet in height. Any residential accessory building for motor vehicles shall be placed on a floor or pad of concrete or gravel.

a) Residential accessory structures in the A-1 Agricultural/Open Space District and R-1 Residential District, where the residence is the principal use, on parcels less than 3 acres in size shall not exceed a total of 900 square feet in total area or 15 feet in height, unless otherwise specified as a conditional use.

b) Residential accessory structures in the A-1 Agricultural/Open Space District and R-1 Residential District, where the residence is the principal use, on parcels greater than 3 acres in size shall not exceed a total of 1,500 square feet in total area or 20 feet in height, unless otherwise specified as a conditional use.

c) Residential accessory structures in the A-1 Agricultural/Open Space District and R-1 Residential District, 120 square feet in total area or less, nor greater than 15 feet in height or less, may be permitted up to 5 feet from a side or rear lot line. A zoning permit is required for structures of 120 square feet in area, but

no building permit is required.

- d) Increase Permitted: Subject to Plan Commission approval, the the maximum height of an accessory structure may be increased to exceed the district height limitation by not more than ten (10) feet, provided all required setbacks are increased by two (2) feet for each one (1) foot of height above the district maximum for the accessory building, and provided the accessory building does not exceed the height of the principle structure. The Plan Commission can require screening and/or landscaping to break up the view from adjacent properties or from the street right-of-way.
 - e) Accessory structures with a maximum of 10 feet side wall may exceed the height limitations of this chapter to permit architectural simulation of the principal residence, subject to Plan Commission review.
 - f) An accessory building located in a street yard may be permitted as a conditional use.
- 2) Agricultural buildings on an active farming operation may be placed anywhere on site subject to the district setback restrictions. However, the required front and side-yard setbacks shall be increased to match the height of any agricultural structures, such as barns, silos, and agricultural wind-mills, shall not exceed the distance from the nearest lot line.
 - 3) Patios, constructed at or below yard grade, may be erected, without a building permit, adjacent to the principal structure, and shall be located not closer than 5 feet to a lot line.
 - 3) Decks located adjacent to a principal structure shall be located not closer to a lot line than the required side yard and rear yard requirements for the district in which they are located and shall require the issuance of a building permit. Freestanding decks or decks surrounding private swimming pools separated from the principal structure shall be located at least 10 feet from the principal structure and shall be regulated in the same manner as an accessory garage, tool shed, or gazebo.
 - 4) Accessory pet kennels in any residential district provided that the kennel is located not closer than 10 feet from a lot line; that the kennel is placed on a pad of gravel, concrete or asphalt; that the kennel is enclosed by a fence not less than 4 feet nor more than 8 feet in height; and that no pet kennel shall exceed 300 square feet in area. Kennels that exceed these limits will require a building permit.
 - 5) One accessory compost bin, not to exceed 6 feet in height.
 - 6) Private outdoor swimming pools, upon the issuance of a building permit, provided that:

- a) All private swimming pools shall be surrounded by a permanent fence not less than 4 feet nor more than 8 feet in height designed to prevent unguarded entry to the pool. The Building Inspector may exempt hot tubs and above-ground swimming pools that have a minimum side wall of at least 4 feet above ground.
 - b) Access to private swimming pools shall be controlled to prevent unguarded entry into a pool. Access to in-ground pools shall be controlled by a self-closing and self-latching gate and all such gates shall be kept securely closed and locked at all times when the owner is not present at the pool. For an above-ground pool, a tip-up ladder may be provided in lieu of the gate.
 - c) Swimming pools shall not be constructed directly under or over electric transmission lines or within 15 feet of such lines. All electrical connections to a swimming pool shall be properly grounded so that no electrical current can be discharged into any part of the swimming pool or surrounding fence.
 - d) No water drained from swimming pools shall be discharged onto adjacent properties without written consent of the owner, or into a municipal sewerage system, or directly into a navigable body of water.
 - e) Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.
 - f) Heating units, pumps, and filter equipment shall be adequately housed and muffled in such a manner as not to create a nuisance. Such equipment shall be located not closer than 10 feet to a lot line.
 - g) There shall be an unobstructed areaway around all pools of at least 3 feet in width.
 - h) No private swimming pool shall be located closer than 10 feet to a lot line. No areaway surrounding a private swimming pool shall be located closer than 5 feet to a lot line.
 - i) No lighting installed around swimming pools shall throw any rays onto adjacent properties.
- 7) Private tennis courts and private volley ball courts accessory to a residential use may be placed in the side yard or rear yard in any residential district provided that the use is located not closer than 5 feet to any rear or side lot line; and provided that no lighting installed around a private recreation facility shall throw rays onto adjacent property. The Plan Commission may permit the construction of a fence around the court when it is determined that such a fence is needed for safety purposes or to prevent the court from being a nuisance to neighbors.

(B) Accessory Uses Permitted in Any Yard. The following accessory uses and

structures may be placed in any yard without a building permit provided that such use does not interfere with the vision clearance triangle as set forth in sec. 17.23(1) of this chapter; shall not be located closer than 5 feet to a side or rear lot line and shall not exceed 15 feet in height (except for flag poles):

- 1) Basketball hoops.
 - 2) Bird houses and baths.
 - 3) Flag poles, which shall not exceed the height limitation for the district in which they are located.
 - 4) Fountains.
 - 5) Lawn furniture.
 - 6) Religious statues.
 - 7) Wishing wells.
- (C) Rummage sales may be conducted in any district provided that the rummage sale does not exceed 4 consecutive days in length and is not conducted more often than 3 times per year. Rummage sales do not require the issuance of a building permit. Rummage sale signs shall be limited as provided in sec. 17.24(3)(e) of this chapter.
- (D) Fences are a permitted accessory use in any district and shall comply with the following requirements:
- 1) Agricultural fences and conservancy fences are permitted up to the lot line and shall not exceed 4 feet in height in the street yard or 6 feet in height in the side yard or rear yard. All agricultural and conservancy fences erected in a street yard shall be "open fences," as defined in sec. 17.02(42) of this chapter. Barbed wire and electric fences are permitted in the EA and A-1 Agricultural Districts, and the C-1 Conservancy District
 - 2) Residential fences are permitted up to the lot line in the side and rear yards of residential districts, but shall not exceed a height of 6 feet, and shall not extend into the street yard. Residential fences may be "solid fences," as defined in sec. 17.02(45) of this chapter. Residential fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.
 - 3) Ornamental fences, as defined in sec. 17.03 of this chapter, are permitted in the street yard in any district, but shall not be erected in a public right-of-way and shall not exceed a height of 4 feet. Ornamental fences shall comply with the traffic visibility requirements set forth in sec. 17.23(1) of this chapter. Ornamental fences shall be constructed in such a manner that the "finished" side shall face the

neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.

3) Security fences or screening fences may be permitted upon the issuance of a conditional use permit in the EA and A-1 Agricultural Districts, and the R-1 Single-Family Residential District. Security fences in all other districts shall be subject to site plan review requirements as set forth in sec. 17.04 of this chapter. Security fences shall not exceed 10 feet in height except that the Plan Commission may permit higher security fencing for exotic animals. Security fences shall be "open fences," as defined in sec. 17.02(42) of this chapter, when located in the street yard. Security fences may include up to 4 strands of barbed wire on the top of the fence provided that the barbed wire is at least 8 feet above grade with the vertical supports for the barbed wire slanting inward away from the property line. Security and screening fences shall comply with the traffic visibility requirements set forth in sec 17.23(1) of this chapter. Security fences shall be constructed in such a manner that the "finished" side shall face the neighboring property. Fence posts shall be on the side of the fence facing the permit applicant's property.

(E) Antennas. The Town recognizes that the development of various antennas, including earth station dish antennas, and their increased use poses questions of regulation not often addressed in local zoning chapters. In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public so as to protect the health and safety of all citizens, as well as the aesthetic values embodied in this chapter. To this end, the following regulations are adopted. Antennas are permitted as accessory uses in any district except an Exclusive Agricultural Preservation District where they may be allowed only as conditional uses. Accessory use antennas are subject to the following regulations:

- 1) Terrestrial antennas and earth station dish antennas may be located in the side yard or rear yard, or on the roof of the principal structure in all agricultural, residential, business, manufacturing, institutional, or park districts.
- 2) All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided by Height Modifications in sec. 17.28(1) of this chapter.
- 3) Ground-mounted earth station dish antennas shall not exceed 15 feet in height.
- 4) All terrestrial antennas shall be located not less than one foot from a lot line for each 3 feet of height above the surrounding grade
- 5) All earth station dish antennas shall be located not less than 5 feet from a side or rear lot line.
- 6) All antennas, including earth station dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less

than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.

- 7) All antennas, including earth station dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- 8) Not more than one terrestrial and one earth station dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
- 9) Earth station dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
- 10) No form of advertising or identification may be displayed on the dish or framework of any antenna other than the customary manufacturer's identification plates.
- 11) All antennas, and the construction supports and installation thereof, shall conform to applicable Building Code and Electrical Code regulations and requirements. Appropriate permits shall be issued by the Zoning Administrator. Prior to the issuance of a permit for a building-mounted earth station dish antenna, the applicant shall submit a plan or document prepared by a registered professional engineer who certifies that the proposed dish antenna installation is structurally sound to accommodate wind load, snow load, and dead load.
- 12) Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed 2 days at any one location.
- 13) The Zoning Administrator shall review and approve plans, including ground elevation, for location of all earth station dish antennas prior to the issuance of a permit.
- 14) In the event the property owner of a parcel of land located in any district determines and documents that the placement of an antenna in a side yard or rear yard would prevent its use for its intended purpose, the property owner may apply to the Board of Zoning Appeals for a variance to allow for the installation of the antenna in a street yard location. The procedure for issuing the variance shall follow the procedure set forth in sec. 17.34 of this chapter.
- 15) Pursuant to §60.61(3c), Wis. Stats., the above-referenced accessory use regulations do not apply to earth station dish antenna with a diameter of 2 feet or less unless one of the following applies:

- a) The regulation has a reasonable and clearly defined aesthetic or public health or safety objective.
- b) The regulation does not impose an unreasonable limitation on, or prevent, the reception of satellite-delivered signals.
- c) The regulation does not impose costs on the user that exceed 10% of the purchase price and installation fee of the antenna and associated costs.

17.28 NONCONFORMING USES AND STRUCTURES. (1) **EXISTING NONCONFORMING USES.** The lawful nonconforming use of land or water, whether conducted in a conforming or nonconforming structure, or on a conforming or nonconforming lot which existed at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter; however:

- (A) Only that portion of the land or water in actual use may be so continued and the use may not be extended, enlarged substituted or moved; and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- (B) Discontinuance. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter.

(2) **CHANGES AND SUBSTITUTIONS.** Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Zoning Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Zoning Appeals.

(3) **CONFORMING STRUCTURES ON NONCONFORMING LOTS.** The use of a structure existing at the time of the adoption or amendment of this chapter may be continued although the lot area or lot width does not conform to the requirements this chapter.

- (A) Additions and enlargements to the structures are permitted and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.
- (B) Existing structures on nonconforming lots which are damaged or destroyed by fire, explosion, flood, or other calamity may be reconstructed and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.
- (C) Existing substandard structures may be moved and shall conform with the

established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter.

- (4) NONCONFORMING STRUCTURES ON A CONFORMING OR NONCONFORMING LOT. The use of a structure existing at the time of the adoption of this chapter may be continued although the structure's size or location does not conform with the established building setback line along streets, or the yard, height, parking, loading, and/or access provisions of this chapter.
 - (A) Additions and enlargements to existing nonconforming structures are permitted and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter insofar as is practicable. Existing buildings and their additions shall not be permitted to encroach further upon established yard and height requirements than the existing encroachment.
 - (B) Existing nonconforming structures which are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, before March 2, 2006, to the extent of more than 50 percent of the current assessed value, may be reconstructed and, insofar as is practicable, shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this chapter. Existing nonconforming structures which are damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation on or after March 2, 2006, may be restored to the size, location, and use that they had immediately before the damage or destruction occurred, except that the size of the structure can be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.
 - (C) Existing nonconforming structures may be moved and, insofar as is practical shall conform with the established building setback lines and the yard, height, parking, loading, and access provisions of this chapter.
- (5) VACANT NONCONFORMING LOTS. The Zoning Administrator may issue a building permit for development of a lot which does not contain sufficient area to conform to the dimensional requirements of this chapter which may be used as a building site provided that the use is permitted in the zoning district in which it is located, provided that the lot is of record in the County Register of Deeds Office prior to the effective date of this chapter; and provided that the lot is in separate ownership from abutting lands. Nonconforming lots served by public sanitary sewer shall be at least 50 feet wide and 7,200 square feet in area. Nonconforming lots served by onsite sewage disposal systems shall be at least 100 feet wide and 30,000 square feet in area. Lots with smaller lot width or lot area dimensions shall not be developed unless a variance is granted by the Board of Zoning Appeals. Vacant nonconforming lots granted permits under this section shall be required to meet the setback and other yard requirements of this chapter.

17.29 ADMINISTRATION. (1) **PLAN COMMISSION.** The Plan Commission shall have the duties of making reports and recommendations related to the planning and development of the Town to public officials, agencies, public utility companies, civic, educational, professional and other organizations, and citizens. The Plan Commission may employ staff and shall oversee the operation of the office of the Zoning Administrator. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its function and promote municipal planning.

- (2) **PUBLIC INFORMATION.** To the fullest extent possible, the Plan Commission and its staff shall make available to the public all reports and documents concerning the Town Land Use Plan and any component thereof. In addition:
 - (A) All available information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed.
 - (B) Where useful, marks on bridges or buildings or other markers may be set to show the depth of inundation during the 100-year recurrence interval floodplain at appropriate locations within the floodplain.
 - (C) Where useful, wetland boundaries may be staked in the field and said boundaries may be identified on a plat of survey.
 - (D) Information regarding the location of floodlands and wetlands shall be provided to realtors, lenders, and the general public. All legal descriptions of property containing floodlands or wetlands should include information designating the floodland or wetland areas when property is transferred.
 - (E) The Plan Commission may set fees necessary to recover the costs of providing information to the public.
- (3) **ZONING ADMINISTRATOR DESIGNATED.** There shall be a Town Zoning Administrator who shall perform as the administrative and enforcement officer for the provisions of this chapter. The duty of the Administrator shall be to interpret and administer this chapter and to issue, after on-site inspection, all permits required by this chapter. The Administrator, or his agent, shall further:
 - (A) Maintain records of all permits issued, inspections made, work approved, and other official actions.

- (B) Inspect all structures, lands, and waters as often as necessary to assure compliance with this chapter.
 - (C) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this chapter to the owner, resident, agent, or occupant of the premises.
 - (D) Prosecute chapter violations.
 - (E) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this chapter. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with §66.0119, Wis. Stats.
 - (F) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
 - (G) Request Assistance and cooperation from the Sheriff's Department and Town Attorney as deemed necessary.
 - (H) Attend meetings of the Plan Commission and the Board of Zoning Appeals.
- (4) **BUILDING PERMIT REQUIRED.** No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a building permit from the Building Inspector, as required by chapter 14 of this Code.
- (5) **CERTIFICATE OF COMPLIANCE REQUIRED.**
- (A) No vacant land shall be occupied or used; no building or premises shall be erected, altered, or moved, or create change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a certificate of compliance shall have been issued by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this chapter. Such certificate shall be applied for at the time of occupancy of any land and/or building.
 - (B) No building located in a business or Manufacturing district and used for business or Manufacturing purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this chapter and chs. 14, 15 and 16 of this Code, and the Uniform Dwelling Code, Electrical Code, Fire Prevention Code of the State. Such certificate for the occupation of a previously existing building by a new tenant or use shall be applied for at the time of any remodeling of the

building or prior to the occupancy for the new use or by the new owner. Application for a certificate of compliance shall be made in the same manner as for a building permit pursuant to sub. (4) above.

- (6) **PERMIT FEES.** All persons performing work which by this chapter requires the issuance of a permit shall pay a fee for such permit to the Town Treasurer to help defray the cost of administration, investigation, advertising, and processing of permits and variances. The permits for which a fee is required are the building permit, occupancy permit, conditional use permit, sign permit, and land disturbing permit. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board from time to time as deemed appropriate and shall be on file in the Town Fee Schedule in the office of the Town Clerk
- (7) **VIOLATIONS.** It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this chapter. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In case of any violation, the Town Board, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this chapter.
- (8) **REMEDIAL ACTION.** Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, the Zoning Administrator, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.
- (9) **PENALTIES.** Any person that fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$50 nor more than \$200 and costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense, except that in order for the defendant to be charged with a second offense it shall be a separate and distinct violation as opposed to a continuing daily violation on the same provision.
- (10) **OTHER PERMITS.** It is the responsibility of the permit applicant to secure all other necessary permits required by any State, Federal, or County agency. This includes, but is not limited to, a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Act, a water use permit pursuant to Ch. 30, Wis. Stats., or a water quality impact review pursuant to Wis. Adm. Code NR 103.
- (11) **SITE PLAN AND ARCHITECTURAL REVIEW.** For the purpose of promoting compatible development, stability of property values, and to prevent impairment

or depreciation of property values, no person shall commence any use or erect any structure, without first obtaining the approval of the Zoning Administrator or Plan Commission of detailed site and architectural plans as set forth in section 17.04. The Zoning Administrator shall review the site plans, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, drainage, sewerage and water systems, and utilization of landscaping and open space as deemed appropriate for all development in the EA Agricultural Preservation District, the A-1 Agricultural/Open Space District, and the R-1 Single-Family Residential District. The Plan Commission shall review and approve the site plans, plans for existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, loading and unloading, highway access, traffic generation and circulation, drainage, sewerage and water systems, and utilization of landscaping and open space and the proposed operation for development in all districts except the EA Agricultural Preservation District, the A-1 Agricultural/Open Space District, and the R-1 Single-Family Residential District.

- (12) **PAYMENT OF TAXES.** (Cr. Ord. # 2012-02) Prior to the review of any request for a rezone or conditional use permit under Chapter 17 of the Town Code the owner must demonstrate to the satisfaction of the Town Board that any property taxes, special assessments, special charges, or other claims owned to the Town of Kewaskum and, if applicable, Washington County have been paid in full

- (13) **SUSPENSION AND REVOCATION OF CONDITIONAL USE PERMITS.** (Cr. Ord. # 2012-12) Except as otherwise specifically provided, any conditional use permit granted under Chapter 17 of the Town Code may be suspended or revoked by the Town Board for cause after giving the licensee or permittee an opportunity to be heard, as provided by law, if the licensee or permittee is determined to be delinquent in payment of any property taxes, special assessments, special charges, or other claims owned to the Town and , if applicable, Washington County

17.30 PERFORMANCE STANDARDS. (1) **COMPLIANCE.** This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, shall comply with the following performance standards.

- (2) **AIR POLLUTION.** No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding State or Federal air pollution standards.
- (3) **FIRE AND EXPLOSIVE HAZARDS.** All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.
- (4) **GLARE AND HEAT.** No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.
- (5) **WATER QUALITY PROTECTION.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum

standards set forth in Wis. Adm. Code NR 102.

- (6) NOISE. No activity shall produce a sound level outside its district boundary that exceeds the following sound level measured by a sound level meter and associated octave level filter in the following districts:

Octave Band Frequency (cycles per second)	Sound Level in Decibels Manufacturing District	Sound Level in Decibels All Other Districts
0 to 75	79	72
75 to 150	74	67
150 to 300	66	59
300 to 600	59	52
600 to 1200	53	46
1200 to 2400	47	40
2400 to 4800	41	34
above 4800	39	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

- (7) ODORS. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Wis. Adm. Code NR 404.
- (8) RADIOACTIVITY AND ELECTRICAL DISTURBANCES. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- (9) VIBRATION. No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (cycles per second)	Displacement (inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

- (10) LIGHTING. See 17.22 of this Chapter

- (11) EXEMPTIONS. Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards as set forth in sub. (6) above. Noise and odor attendant to ordinary farm operations in the EA Exclusive Agricultural District and the A-1 Agricultural District are exempt from the sound level standards as set forth in sub. (6) above, and the odor levels as set forth in sub. (7) above.

17.33 BOARD OF ZONING APPEALS. (1) ESTABLISHMENT. There is established a Zoning Board of Zoning Appeals for the Town for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning chapter.

- (2) MEMBERSHIP. The Board of Zoning Appeals shall consist of 5 members appointed by the Town Board Chairperson and confirmed by the Town Board.
 - (A) Terms shall be for staggered 3 year periods.
 - (B) Chairperson shall be designated by the Town Board Chairperson.
 - (C) An alternate member may be appointed by the Town Board Chairperson for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.
 - (D) Secretary shall be the Town Clerk.
 - (E) Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
 - (F) Official oaths shall be taken by all members in accordance with §19.01, Wis. Stats., within 10 days of receiving notice of their appointment.
 - (G) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (3) ORGANIZATION. The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.
 - (A) Meetings shall be held at the call of the Chairperson and shall be open to the public.
 - (B) Minutes of the proceedings and a record of all actions shall be kept by the zoning secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
 - (C) The presence of three (3) members shall constitute a quorum.

The concurring vote of a majority of the Board present shall be necessary to correct an error; grant a variance; make an interpretation; and permit a substituted use.

- (4) POWERS. The Board of Zoning Appeals shall have the following powers:
 - (A) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, Building Inspector or any administrative or elected official.
 - (B) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this chapter shall be observed and the public safety, welfare, and justice secured.
 - (C) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the Zoning Districts after the Plan Commission has made a review and recommendation.
 - (D) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (E) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
 - (F) Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
 - (G) Oaths. The Chairperson may administer oaths and compel the attendance of witnesses.
- (5) APPEALS AND APPLICATIONS. Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the zoning secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the zoning secretary. Such appeals and applications shall include the following:
 - (A) Name and address of the appellant or applicant and all abutting and opposite property owners of the record.
 - (B) Plat of survey prepared by a registered land surveyor, or a location sketch drawn to scale, showing all of the information required under chapter 18, and chapter 14 if building permits are required.

- (C) Additional information required by the Plan Commission, Town Engineer, Board of Zoning Appeals, or Zoning Administrator.
- (6) HEARINGS. The Board of Zoning Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in sec. 17.26 of this chapter. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.
- (7) FINDINGS. No variance to the provisions of this chapter shall be granted by the Board unless it finds upon a preponderance of evidence presented that all the following facts and conditions exist and so indicates in the minutes of its proceedings.
- (A) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
 - (B) Exceptional Circumstances. There shall be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot, structure, use, or intended use that does not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent a nature as to suggest that this chapter should be changed.
 - (C) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
 - (D) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 - (E) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
- (8) DECISION. The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.
- (A) Conditions may be placed upon any zoning permit ordered or authorized by this Board.
 - (B) Variances, substitutions, or use permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

- (9) **REVIEW BY COURT OF RECORD.** Any person aggrieved by any decision of the Board of Zoning Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Zoning Appeals.

17.34 CHANGES AND AMENDMENTS. (1) **AUTHORITY.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission. Any future comprehensive chapter revisions to the EA Exclusive Agricultural Preservation District shall be certified by the Wisconsin Land and Water Conservation Board (LWCB) in order for landowners in the Agricultural Preservation District to qualify for tax credits.

- (2) **INITIATION.** A change or amendment may be initiated by the Town Board, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- (3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, describe the premises to be rezoned, or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:
 - (A) Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 500 feet of the area proposed to be rezoned.
 - (B) Owner's names and addresses of all properties lying within 500 feet of the area proposed to be rezoned.
 - (C) Additional information required by the Plan Commission or Town Board.
- (4) **RECOMMENDATIONS.** The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. In addition:
 - (A) The Plan Commission shall recommend changes which remove areas from the EA Agricultural Preservation District only after a consideration of findings with respect to the following:

- 1) The land is not feasible for continued practical agricultural use.
 - 2) Adequate public facilities can be provided to serve the proposed change which will not unreasonably burden the Town.
 - 3) The land is suitable for the proposed change.
 - 4) The proposed change will not cause unreasonable air or water pollution, soil erosion or adversely affect irreplaceable natural resources.
 - 5) The proposed change would not conflict with existing agricultural uses in the area.
 - 6) The proposed use is needed in the area and alternative locations are of some scarcity.
 - 7) The proposed use minimizes the amount of the converted agricultural lands.
- (B) The Plan Commission shall recommend changes which add areas to the EA Agricultural Preservation District only after a consideration of findings with respect to the following:
- 1) The land is physically suitable for long term agriculture use.
 - 2) Alternate land uses would not be desirable due to public service burden, potential conflict with adjacent existing land uses, or lack of need for alternate land uses on the subject parcel.
 - 3) The addition would be compatible with the spirit and the intent of this district and general neighborhood.
- (C) The Town Clerk shall notify the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the EA Agricultural Preservation District.
- (D) The Plan Commission shall recommend changes which remove areas from the C-1 Lowland Conservancy Overlay District only after making finding that the rezoning will not result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season stream flow, the discharge of ground water from the wetland to another area, or the flow of ground water through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.
- (5) HEARINGS. The Town Board shall hold a public hearing upon each recommendation, and shall give notice as specified in sec. 17.35 of this chapter.

- (6) TOWN BOARD ACTION. Following such hearing and after careful consideration of the Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.
- (7) PROTEST. In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by a unanimous vote of the Town Board.

17.35 PUBLIC HEARINGS. Notice of any public hearing which the Town Board, Plan Commission, or Board of Zoning Appeals is required to hold under the terms of this chapter shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for 2 consecutive weeks and the hearing shall not be held until at least 7 days following the last publication. The Town Board shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any lands included in the petition and the owners of all lands lying within 500 feet of any included in the petition. Failure to give notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.