

*Town of Pittsfield, WI
Thursday, February 23, 2023*

Chapter 275. Zoning

[Adopted by the Town Board of the Town of Pittsfield 5-13-1997 as Ch. 6 of the 1997 Code; as amended through August 2008. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. **36**.

Land development — See Ch. **140**.

Nonmetallic mining — See Ch. **154**.

Article I. Title, Authority and Adoption

§ 275-1. Title.

This chapter shall be known, cited and referred to as the "Town of Pittsfield Zoning Ordinance, Brown County, Wisconsin."

§ 275-2. Authority.

The Town Board of the Town of Pittsfield has the specific authority, powers, and duties pursuant to §§ 60.61, 60.62, 61.35, 62.23, and 66.0413(2), Wis. Stats., pursuant to the specific statutory sections noted in this chapter, and by its adoption of village powers under § 60.10, Wis. Stats., to zone certain areas in the Town of Pittsfield and to regulate, prohibit and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Pittsfield and to regulate and control certain uses, activities, businesses and operations in the Town of Pittsfield.

§ 275-3. Adoption.

The Town Board of the Town of Pittsfield has, by adoption of this chapter, confirmed the specific sections of this chapter and has established, by these sections and this chapter, the specific areas and the regulations and controlling of certain uses, activities, businesses, and operations in the Town of Pittsfield.

Article II. Intent, Purpose and Severability

§ 275-4. Intent.

This chapter is intended to promote the orderly development of the community in accordance with the Official Town Comprehensive Plan or any of the component parts thereof.

§ 275-5. Purpose.

The Zoning Ordinance of the Town of Pittsfield, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote and to protect the public health, safety, comfort, convenience, and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearance and scenic values of the Town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to foster a more rational pattern of relationship among agricultural, residential, business, commercial, and manufacturing uses for the mutual benefit of all.

§ 275-6. Severability.

- A. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- B. If any application of this chapter to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

Article III. Terminology

§ 275-7. Word usage.

- A. For the purpose of this chapter, words used in the present tense shall include the future, words used in the singular shall include the plural number, and the plural the singular.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The word "lot" shall include the words "piece," "parcel" and "plat"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."
- E. All measured distances shall be to the nearest integral foot. If a fraction is 1/2 foot or less, the next integral foot below shall be taken.
- F. Any words not herein defined shall be as defined in other respective state, county, and Town codes.

§ 275-8. Definitions.

Certain words and terms in this chapter are to be interpreted as defined herein.

ACCESSORY BUILDING OR USE

[1]

- A. All portions of chapter except § 275-26, AG-FP Agricultural Farmland Preservation District:
 - (1) Constructed or located on the same zoning lot as the principal building or use served, except as may be specifically provided elsewhere in this chapter;
 - (2) Clearly incidental to, subordinate in purpose to, and serves the principal use; and
 - (3) Either in the same ownership as the principal use or is clearly operated and maintained solely for the comfort, convenience, necessity, or benefit of the occupants, employees, customers, or visitors of or to the principal use.

- B. Definition applicable only to § **275-26**, AG-FP Agricultural Farmland Preservation District. "Accessory use" means any of the following land uses on a farm:^[2]
- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - (2) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - (3) A farm residence.
- C. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
- (1) It is conducted on a farm by an owner or operator of that farm.
 - (2) It requires no buildings, structures, or improvements other than those described in Subsection **A(1)** or **(3)**.
 - (3) It employs no more than four full-time employees annually.
 - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

ADVERTISING DEVICE

Any advertising sign, billboard, statuary, or poster panel which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed, but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand name of a product or commodity with which the business is specifically identified and which is sold on the premises.

AGRICULTURAL USE

Any of the following activities conducted for the purpose of producing an income or livelihood:

- A. Crop or forage production.
- B. Keeping livestock.
- C. Beekeeping.
- D. Nursery, sod, or Christmas tree production.
- E. Floriculture.
- F. Aquaculture.
- G. Fur farming.
- H. Forest management.
- I. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

AGRICULTURE

The science and practice of the cultivation of the soil.

AGRICULTURE-RELATED USE

A facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

- A. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the Agricultural Farmland Preservation District.

- B. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Agricultural Farmland Preservation District.
- C. Slaughtering livestock, including livestock from farms in the Agricultural Farmland Preservation District.
- D. Marketing livestock to or from farms, including farms in the Agricultural Farmland Preservation District.
- E. Processing agricultural by-products or wastes received directly from farms, including farms in the Agricultural Farmland Preservation District.

AIRPORT

Any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

ALLEY

A public or private right-of-way primarily designed to serve as secondary access to abutting properties.

ARTIFICIAL LAKE

A man-made body of water utilized for recreational or conservational purposes.

AUTO WRECKING YARD

Any premises on which more than one automotive vehicle, not in running or operating condition, is stored in the open.

BASEMENT

That portion of any structure located partly underground and having more than 1/2 of its height below the finished lot grade.

BED-AND-BREAKFAST ESTABLISHMENT

Any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.^[3]

BEEKEEPING

An organized hive of bees.

BLOCK

A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways or municipal boundary lines.

BOARDINGHOUSE (LODGING HOUSE)

A building or premises, other than a hotel, containing lodging rooms accommodating, for compensation, four or more persons not of the keeper's family. Lodging may be provided with or without meals.

BUILDING

Any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.^[4]

BUILDING, ATTACHED

One which is joined to another building at one or more sides by a party wall or walls.^[5]

BUILDING, DETACHED

One which is entirely surrounded by open space on the same lot.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof, to the declivity of a mansard roof and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.

BUILDING SETBACK LINE

A line located a stated distance from and parallel with a lot line or street right-of-way, including the nearest point to which a lot line or center line of a right-of-way that a building may be erected.^[6]

BUILDING, TEMPORARY

Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed. Manufactured homes used as residences shall not be classified as temporary buildings. They are further defined in "manufactured home."

CAMPGROUND

A tract or parcel of land on which space is provided for camping. Includes day and overnight camping.

CANOPY (MARQUEE)

A roof-like structure projecting from a wall and supported in whole or in part by vertical supports from the ground and erected primarily to provide shelter from the weather.

CAPACITY IN PERSONS OF AN ESTABLISHMENT OR USE

The maximum number of persons that can avail themselves of the services (or goods) of such establishment at any one time, with reasonable safety and comfort, as determined by the Building Code^[7] or as may be determined by the Zoning Administrator.

CLINIC, MEDICAL OR DENTAL

An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.

CLUB

An association of persons for some common purpose, but not including groups organized primarily to render a service, which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.

COMMERCIAL FEEDLOT

An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot, or slaughterhouse.

COMMON OWNERSHIP

For purposes of § 275-26, AG-FP Agricultural Farmland Preservation District, means ownership by the same person or persons. "Common ownership" includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, limited liability company (LLC), partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.^[8]

COMMUNITY-BASED RESIDENTIAL FACILITY

A place where three 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 to persons residing in the

facility as a primary function of the facility and licensed by the Department of Health Services under § 50.01, Wis. Stats.

CONTIGUOUS

Adjacent to or sharing a common boundary. Contiguous land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not contiguous if they meet only at a single point.^[9]

DAY-CARE CENTER, GROUP

A licensed establishment for the care and supervision of nine or more children under seven years old for more than four and less than 24 hours a day for more than 10 days a month.

DAY-CARE HOME, FAMILY

A licensed establishment for the care and supervision of one to eight children under seven years old for more than four and less than 24 hours a day for more than 10 days a month.

DRIVE-IN BUSINESS

An establishment with street access, which provides no interior seating or service; or an establishment which allows for interior seating or service, but the majority of its business is conducted in the following manner:

- A. By means of a service window;
- B. In-car service; and
- C. Restaurant or confectionery with carry-out counter.

DWELLING

A building, or portion thereof, excluding a manufactured home, hotel, motel, boardinghouses, and trailers, designed or used exclusively for residential occupancy.

DWELLING, MULTIFAMILY

A building, or portion thereof, containing three or more dwelling units.^[10]

DWELLING, SINGLE-FAMILY

A building designed for and occupied exclusively by one family.^[11]

DWELLING, TWO-FAMILY

A building designed for and occupied exclusively by two families.^[12]

DWELLING UNIT

One or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each dwelling unit.

EARTHEN BERM

A vegetated, elongated earthen mound used as a landscape barrier.^[13]

ESTABLISHMENT BUSINESS

A place of business carrying out operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot.

FAMILY

^[14]

- A. One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit who are not related by blood, adoption or marriage do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:
- (1) The group shares the entire dwelling unit.
 - (2) The group lives and cooks together as a single housekeeping unit.
 - (3) The group shares expenses for food, rent, utilities or other household expenses.
 - (4) The group is permanent and stable and not transient or temporary in nature.
 - (5) Any other factor reasonably related to whether the group is the functional equivalent of a family.
- B. This definition is not intended to prohibit group homes or community living arrangements that are determined to be protected by the Federal Fair Housing Law, provided that such facilities are licensed and permitted under the authority of the State Department of Health Services or the State Department of Children and Families or other state department or agency.

FARM

All land under common ownership that is primarily devoted to agricultural use if any of the following apply:^[15]

- A. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
- B. A majority of the land area is in agricultural use.

FARM POND

A body of water utilized for the farm operation.

FARM RESIDENCE

Any of the following structures that is located on a farm:^[16]

- A. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - (1) An owner or operator of the farm.
 - (2) A parent or child of an owner or operator of the farm.
 - (3) An individual who earns more than 50 percent of his or her gross income from the farm.
- B. A migrant labor camp that is certified under Wis. Stats. § 103.92.

FENCE

A barrier made of wood, iron, stone, or other inorganic material.

FLOOR AREA

(For determining off-street parking and loading requirements.) The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space, such as counters, racks or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, "floor area," for the purposes of measurement for off-street parking spaces, shall not include floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area

devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FRONTAGE

The length of all the property fronting on a street between two side lot property lines as measured along the setback line, or measured at the building setback line if the proposed lot is located on the outer radius of a curved street or a turnaround.

FRONTAGE ZONING

The length of all the property of such zoning lot fronting on a street, measured in one continuous length.

FUR FARM

An agricultural operation where the major income is derived from the selling or sale of fur-bearing animals and/or pelts.

GARAGE, PRIVATE

An accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business or service for profit is carried on.

GARAGE, PUBLIC AND STORAGE

Any building or premises, other than a private garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

GROSS FARM REVENUE

Gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the landowner.

GROSS FLOOR AREA

The sum of the gross horizontal areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the center line of party walls separating two buildings.

GROUP HOME

Community living arrangements for the care and maintenance of five to eight children under 18 years of age, which are licensed child welfare agencies, as set forth in § 48.60, Wis. Stats.

HARD-SURFACED

A driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.

HEALTH AND MEDICAL INSTITUTIONS

Institutions or organizations which provide specialized in-patient or outpatient medical and dental care.

HEDGE

A dense row of shrubs, etc., forming a boundary, fence, or barrier.

HOME OCCUPATION

Any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling, there is no commodity sold upon the premises, no person is employed other than a member of the immediate family residing on the premises, and no mechanical or electrical

equipment is used, except such as is permissible for purely domestic or household purposes. A professional person may use his residence for infrequent consultation, emergency treatment, or performance of religious rites but not the general practice of his profession.

HOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with or without cooking facilities in any individual room or apartment.

INDUSTRIAL PARK

A special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

JUNK (OR SALVAGE) YARD

An area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk or salvage yard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

KENNEL

Any establishment where dogs are kept.^[17]

LANDSCAPING MATERIALS

Materials used to make a plot of ground more attractive and/or stable. These materials may include, but are not limited to, trees, grasses, ground cover, vines, flowers, earthen berms, earth stabilization materials, rocks and stones, and wood chips.

LIVESTOCK

Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

LOT

A parcel of land having a width and depth sufficient to provide the space necessary for one principal building and its accessory building, together with the open spaces required by this chapter, and abutting on a public street.

LOT AREA, GROSS

The area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river and/or public right-of-way.

LOT, CORNER

A lot located at the intersection of two streets, the interior angle of such intersection not exceeding 135°.

LOT, DEPTH OF

The mean horizontal distance between the front lot line and the rear lot line of a lot measured within the lot boundaries.

LOT GRADE

The average of the finished lot elevation upon completion of construction and landscaping between the street right-of-way line and a perpendicular point on the front yard setback line.

LOT, INTERIOR

A lot other than a corner or reversed corner lot.

LOT LINE, FRONT

That boundary of a lot which is along an existing or dedicated public street or, where no public street exists, along a public way.

LOT LINE, REAR

That boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line.

LOT LINE, SIDE

Any boundary of a lot which is not a front lot line or a rear lot line.

LOT OF RECORD

A lot which is part of a subdivision, the plat of which has been recorded in the Office of the Register of Deeds of Brown County, or a parcel of land, the deed to which was recorded in the Office of said Register of Deeds prior to the adoption of this chapter, and certified survey maps approved and recorded in the Office of the Register of Deeds of Brown County.

LOT, REVERSED CORNER

A corner lot, the street side lot line of which is substantially a continuation of the front lot line of the first lot to its rear.

LOT, THROUGH

A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH

The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of lot depth immediately in back of the front yard setback line.

MANUFACTURED HOME

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used for long-term residential use when connected to required utilities.

MANUFACTURED HOME COMMUNITY

A contiguous parcel of land containing two or more manufactured homes.

MOTEL

Establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests, and where there is no permanent occupancy of any unit, except by the owner, his agent or his employees.

MOTOR VEHICLE

A self-propelled device used or intended to be used for the transportation of freight or passengers upon a street or highway.

NONCONFORMING BUILDING

A building lawfully erected at the time of the enactment of this chapter which does not conform to the height, setback, yard, parking or other bulk requirements of this chapter or any amendment thereto governing the zoning district in which such building is located.^[18]

NONCONFORMING USE

Any use of land, buildings, or structures, lawful at the time of the enactment of this chapter, which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

OPEN SPACE PARCEL

A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

PARKING SPACE

Graded and surfaced area of not less than 200 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley, exclusive of passageways, driveways, or other means of circulation or access.

PARTY WALL

A wall constructed between two attached units or rooms, which may or may not be separately owned.

PERSON

An individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.

PLANNED UNIT DEVELOPMENT

A tract of land which contains or will contain two or more principal buildings, developed under single ownership or control, the development of which is unique and intended to permit diversification and variation in the relationship of uses and structures and open space for developments conceived and implemented as comprehensive and unified projects.

PLAT or PLATTED LAND

Land division created by the recording of a subdivision plat or certified survey map as per the requirements of the Brown County Subdivision and Platting Regulations.

POND

A body of standing water (less than two acres), smaller than a lake, often artificially formed.

PRIME FARMLAND

All of the following:

- A. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
- B. Land, other than land described in Subsection **A**, which is identified as prime farmland in the county's certified farmland preservation plan.

PRIOR NONCONFORMING USE

A land use that does not comply with § 275-26, AG-FP Agricultural Farmland Preservation District, but which lawfully existed prior to the application of this chapter.^[19]

PROFESSIONAL OFFICE (except health care)

The office of a member of recognized profession, including the offices of ministers, architects, professional engineers, lawyers, and such other similar professional occupations, including the office of a charitable organization and including also an insurance or financial institution which conducts its activities principally by mail.

PROFESSIONAL OFFICE, HEALTH CARE

The office of a member of a recognized health care professional licensed by Ch. 441 or Chs. 446 to 449, Wis. Stats.

PROTECTED FARMLAND

Land that is any of the following:

- A. Located in a Agricultural Farmland Preservation District certified under Ch. 91, Wis. Stats.
- B. Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.
- C. Covered by an agricultural conservation easement under § 93.73, Wis. Stats.
- D. Otherwise legally protected from nonagricultural development.

RECREATIONAL VEHICLE

A vehicle primarily used for leisure activities, including but not limited to trailers, boats with or without trailers, all-terrain vehicles and snowmobiles. For the purpose of this chapter, "recreational vehicle" does not include four-wheel-drive cars or trucks and motorcycles.

RETAIL

Sale of commodities and services directly to customers when such commodities and services are used or consumed by the customer and not purchased primarily for purpose of resale.

RIGHT-OF-WAY

- A. A strip of land occupied or intended to be occupied for a special use. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.
- B. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lot or parcels adjoining such right-of-way and not included within the dimension or areas of such lots or parcels.

ROADSIDE STAND

A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. Such roadside stand shall be not more than 300 square feet in ground area and limited to 10 feet maximum height.

SATELLITE DISH ANTENNA

A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TVROs, and satellite or microwave antennas.

SETBACK AREA

The minimum horizontal area between the front, side and/or rear line of the building or use, including porches, and the lot lines or street right-of-way lines.

SETBACK, CORNER SIDE YARD

The minimum horizontal distance between the side line of the building or use that runs perpendicular to a fronting street and the side right-of-way line perpendicular to the fronting street.

SETBACK, FRONT YARD

The minimum horizontal distance between the front line of the building or use and the street right-of-way line.

SETBACK LINES

Lines established adjacent to lot lines or street right-of-way lines for the purpose of defining limits within which any or certain buildings, structures, or uses may not be constructed, maintained or carried on, except as shown herein.

SETBACK, REAR YARD

The minimum horizontal distance between the back line of the building or use and the rear lot line.

SETBACK, SIDE YARD

The minimum horizontal distance between the side line of the building or use and the side lot lines, unless the side line of the building or use is parallel to a street, whereas it shall be a corner side yard setback.

SIGN

A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, "sign" shall not include any display of official court or public office notices, nor shall it include the flag, emblem, or insignia of a nation, political unit, school, or religious group. "Sign" shall not include a sign located completely within an enclosed building, unless the content shall so indicate.

SIGN, ADVERTISING

A sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.

SIGN, BUSINESS

A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered, upon the premises where such sign is located or to which it is affixed.

STOCK FARM

An agricultural operation, usually nondairy in nature, where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.

STORY

That part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises.

STREET

A public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways to buildings.

STRUCTURAL ALTERATION

Any change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

STRUCTURE

Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

TOWN

The Town of Pittsfield.

TOWN BOARD

The governing body of the Town of Pittsfield.

TOWN ZONING ADMINISTRATOR

The Administrator appointed by the Town Board to administer and enforce the provisions of this chapter.

USE, CONDITIONAL

A use, either public or private, which, because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration in each case of the impact of such use upon neighboring land, and of the public need for the particular use of the particular location, such conditional use may not be granted, subject to the terms of this chapter.

USE, PERMITTED

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

USE, PRINCIPAL

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be permitted, conditional or nonconforming.

VARIANCE

A departure from the terms of this chapter as applied to a specific building, structure, or parcel of land which the Zoning Board of Appeals may permit when the Board finds that a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, owing to circumstances unique to the individual property on which the variance is sought, or a literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety and welfare. In no case shall a variance be granted to permit any use not permitted in a particular zone.

YARD

An open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.

YARD, CORNER SIDE

A side yard which adjoins a public street.

YARD, FRONT

A yard extending along the full length of the front lot line between the side lot lines.

YARD, INTERIOR SIDE

A side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, REAR

A yard extending along the full length of the rear lot line between the side lot lines.

ZONING DISTRICT

Divisions of the Town, each area being accurately defined to boundaries and locations on the Official Zoning Map and in this chapter, for which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.

ZONING LOT

An area within a single tract of land under single ownership having a specific zoning district. A zoning lot may, therefore, not coincide with the lot of record and may be located on a parcel of land with two or more zoning districts.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[2] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[4] *Editor's Note: The original definition of "building, accessory," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[5] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[6] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[7] *Editor's Note: See Ch. 36, Building Construction.*

[8] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[9] *Editor's Note: The original definition of "corner side," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[10] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[11] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[12] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- [13] *Editor's Note: The original definition of "establishment," which immediately followed this definition, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [14] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [15] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [16] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [17] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [18] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- [19] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Article IV. General Provisions

§ 275-9. Jurisdiction.

The jurisdiction of this chapter shall include all lands and waters within the Town of Pittsfield.

§ 275-10. Existing requirements.

Restrictions or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Pittsfield, or are established by federal, state, and county laws, and which are greater than those set forth herein shall take precedence over those herein. Otherwise, the provisions of this chapter shall apply.

§ 275-11. Building and uses.

- A. Buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved and existing land shall be used only for purposes as specified in this chapter. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. Not more than one addressed principal residential building shall be located on a lot of record or a zoning lot, except in the case of planned unit residential developments or multifamily uses.

- C. Permitted uses, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone districts. Additional uses shall be allowed upon written recommendation by the Planning Commission and approval by the Town Board. Additional uses, however, cannot be allowed in the AG-FP District, unless farm related.

[Amended 11-10-2015 by Ord. No. 2015-1]

- D. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area lying between the main residential structure and the required rear yard setback in all the residential zones. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main building shall be applied to the accessory building. The use of semitrailers, freight containers, or other types of similar storage containers as an accessory structure is prohibited in the R-1, R-1S and R-2 Districts.^[2]

[Amended 8-12-2020]

[2] *Editor's Note: Original Sec. 6.004C.5, regarding discontinuation of a nonconforming use, and 6, damage of a nonconforming use by fire, which immediately followed this subsection, were repealed 11-10-2015 by Ord. No. 2015-1.*

- E. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this chapter. If the lot area is less than that required for the zoning district in which it is located and the lot was a lot of record at the time of the passage of this chapter, such lot may be built upon, if it meets the other district requirements and other requirements of Brown County.

- F. Where the Town Zoning Administrator has issued a building permit pursuant to the provisions of this chapter, such permit shall become null and void unless work thereon is substantially underway within one year of the date of the issuance of such permit.
- G. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this chapter, and provided that construction is begun within one year of such effective date and diligently pursued to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued and further may, upon completion, be occupied under a occupancy permit by the use for which originally designed and subject thereafter to the provisions of Article **XI**.^[3]
[3] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- H. Radio and television transmitting and receiving antennas, as well as dish antennas, shall be allowed within the lot area not required for the building setback area in all zones and on the roof of a building in all business and industrial zones. In § **275-26**, AG-FP Agricultural Farmland Preservation District, the use must comply with Wis. Stats. § 91.46(4).^[4]
[4] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 275-12. Area regulation.

- A. Lot size shall comply with the required regulations of the established district.
- B. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

§ 275-13. Height regulation.

- A. Except as otherwise provided in this chapter, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this chapter.
- B. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 60 feet, provided the front, side, and rear yards required in the district in which such building is to be located are each increased at least one foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- C. Residences may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by one foot for each foot by which such building exceeds the height limit of the district in which it is located.

§ 275-14. Front, side and rear yard regulations.

- A. No front yard in any residential district shall be used for open storage of boats, vehicles, or any other equipment, except for vehicular parking on driveways.
- B. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as part of a yard or any other open space required for another building.

- C. Building on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard, provided that the setback requirements on both streets are complied with, and further provided that no accessory building shall extend within the setback line on either street.

§ 275-15. Fences, walls and hedges.

- A. A fence, wall, hedge, or shrubbery may be erected, placed, maintained or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six feet above the ground level. No fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three feet. In a required rear yard, the height of fences, walls, or hedges shall be limited to eight feet, unless the rear lot line abuts a side lot line on neighboring property, in which case, the height limitation shall be six feet. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any nonresidentially zoned property to a height exceeding eight feet.
- B. In the Agricultural and AG-FP Districts, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the ground within 15 feet of any street right-of-way or street right-of-way projected.
- C. In the Business and Light Industrial Districts, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the ground within 15 feet of any street right-of-way or street right-of-way projected.
- D. Fencing not in the required setback area may not exceed eight feet in any zone.

§ 275-16. Swimming pools, spas and hot tubs.

- A. No construction or installation of a swimming pool, spa or hot tub shall begin unless a permit therefor has been obtained. The application for such permit shall be accompanied by a site plan showing the size, location, and description of the property. The cost of permit is per the Town's Fee Schedule.^[1]

[1] *Editor's Note: The Fee Schedule is on file in the Town offices.*

- B. Permanent aboveground or in-ground pools, spas or hot tubs shall have minimum side yard and rear yard setback of 15 feet from respective property lines. In determining this setback for aboveground pools with permanent fencing or decks, any deck, walkway, or similar structure shall be considered part of the pool, spa or hot tub.
- C. All pools, spas and hot tubs shall be encompassed by fencing as provided under this section. In lieu of the fencing specified, such swimming pool shall be protected and enclosed, when not under the supervision of a responsible adult, by means of a heavy-duty power safety cover, meeting the most recent specifications approved by the American Society for Testing and Materials (ASTM) for swimming pool covers under the fixed designation standard ASTM F-1346-91. The safety pool cover shall provide a continuous connection between the cover and adjacent pool to prohibit access to the pool when the cover is completely drawn over the pool. The cover controls shall be operated by a locking device and key located 56 inches above the ground, and so positioned that the operator can clearly see the pool when opening and closing the cover. Spas and hot tubs do not need fence protection as long as their covers can be fastened and locked when unattended.
- D. All fences under this section shall be constructed in such a manner as to comply with the following requirements:
 - (1) The fence must be able to withstand 200 pounds of force in any direction.
 - (2) The fence shall be so constructed and designed so as to prevent penetration of an object greater than four inches in diameter.

- (3) All such fences shall be constructed with a locking door or gate which complies with all other height and structural requirements in this section. Pedestrian gates shall be self-closing and self-latching. Other gates shall be locked.
- E. Permanent in-ground pools shall be encompassed by a freestanding fence not less than 48 inches nor more than 96 inches from the ground level. Such fence shall be no less than three feet from the pool at its nearest point. The fence shall comply with Subsection **D** above. A house, wall, storage building, or pool wall shall be considered part of the fence for this chapter.
- F. Aboveground pools with nonclimbable sides and self-contained fencing will be allowed without separate fencing, provided that the pool and fence reach the minimum forty-eight-inch standard and the steps or ladder is either removable without the use of tools or is designed to be secured in an inaccessible position with a lock or latch. Aboveground pools without self-contained fencing shall comply with one or any combination of options listed below and comply with Subsection **D** of this section:
- (1) A fence in compliance with Subsection **D** in this section.
 - (2) A fence no closer than three feet to the pool, provided that such fence is at least 36 inches above the top edge of the pool and not less than 48 inches nor more than 96 inches from ground level.
 - (3) A fence attached to a deck or walkway, provided that such fence is at least 36 inches above the surface of the deck or walkway and complies with Subsection **F(2)** above.
- G. All wiring must conform with the National Electric Code and the Electrical Code of the State of Wisconsin.^[2]
- [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- H. Portable pools over one foot in depth must be drained, or covered in such a manner as to provide public safety after each day's use.
- I. No person shall operate a public swimming pool on any lot without Town Board approval. The operation of a public swimming pool on any lot is declared to be a public nuisance. A public swimming pool is any swimming pool operated by the owner or lessee thereof for financial gain, no matter how incidental the financial gain is to the overall operation.
- J. No residential swimming pool, hot tub or spa shall be so located, designed, operated, or maintained as to interfere unduly with the enjoyment of the property rights by owners of property adjoining the swimming pool or located in the neighborhood.
- K. Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises.
- L. No person shall make, continue or cause to be made or continued at any residential swimming pool any loud, unnecessary or unusual noise or any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace, or safety of others. In the operation of a residential swimming pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the persons who are in the residential swimming pool premises, shall be prohibited.
- M. Every person using an outdoor residential swimming pool shall wear a bathing suit or other suitable garment to protect his/her person from indecent exposure.
- N. Filtration systems shall be maintained in proper working order. The swimming pool, hot tub or spa shall be kept clean and in a sanitary condition at all times.

§ 275-17. Private driveways.

Each residential lot shall have a private driveway extending to that lot's active minimum public road frontage from said residence. Said driveway to be contained entirely on the same residential lot.^[1]

[1] *Editor's Note: Original Sec. 6.004J, Sanitary sewer, which immediately followed this section, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Article V. Establishment of Zones

§ 275-18. Zone district.

For the purpose of this chapter, the Town of Pittsfield, Brown County, Wisconsin, is hereby divided into the following zoning districts:

R-1	Primary Residential
R-1S	Residential District, Sanitary Sewered
R-2	Estate Residential
R-3	Multifamily
A-1	Agriculture
AG-FP	Agricultural Farmland Preservation District
B-1	Business
I-L	Light Industrial
C	Conservancy/Floodplain

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-19. Zoning Map.

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map:

- A. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
- B. Conservancy districts shall follow soil unit delineations identified on the U.S. Department of Agriculture Natural Resources Conservation Service Soil Maps for the Town of Pittsfield, as determined by the Town Zoning Administrator.
- C. Where a district boundary line is indicated on the Zoning Map as being approximately parallel or at right angles to one of the above lines, the two lines shall be construed to be parallel or at right angles to one another.
- D. Where the district boundaries are not otherwise indicated and where the property may hereafter be subdivided into lots and blocks, the district boundaries shall be construed to be 200 feet, measured perpendicular to and being parallel to the right-of-way line of such road or street as it may abut.
- E. Where a district boundary line divides a lot in single ownership on the effective date of this chapter, the Zoning Board of Appeals, after due hearing, may extend the regulation for either portion of such lot.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- F. Where a dimension appears adjacent to a district boundary line, with no explanatory note, such dimension shall be construed to be the length of such district boundary line, measured to the right-

of-way line of the street or highway, alley or railroad, if such district boundary line intersects a street or highway, alley, or railroad.

- G. Where the above rules do not apply, the location of the district boundary lines shown on the Zoning Map shall be determined by use of the scale shown on such map.

§ 275-20. Exempted uses.

The following uses are exempted by this chapter and permitted in any zone district: poles, wires, cable facilities, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone, public highway rights-of-way and improvement projects, and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communications Commission and Federal Aviation Administration rules and regulations, and other authorities having jurisdiction.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-21. R-1 Primary Residential District.

The following regulations shall apply in R-1 Districts (1 1/2 acres):

A. Permitted uses.

- (1) Single-family dwellings.
- (2) Parks and playgrounds.

B. Permitted accessory uses.

- (1) Private garages, carports, and driveways.
- (2) Private swimming pools.
- (3) One private stable when such stable is located not less than 50 feet from all property lines. Two acres will be required per horse.
- (4) Tool houses, sheds and other similar buildings used for the storage of common supplies.
- (5) Satellite dish antennas less than 12 feet in diameter.
- (6) Transmission lines, substations, telephone and telegraph lines and public utility installments, except cable television installations.
- (7) Ponds (with permit).
- (8) Private kennels.

C. Conditional uses.

- (1) Cemeteries.
- (2) Bed-and-breakfast establishments.
- (3) Cable television installation.
- (4) Public, parochial and private elementary, junior high and senior high schools.
- (5) Colleges and universities.
- (6) Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.
- (7) Athletic fields.

- (8) Dams, flowage areas and water reservoirs.
- (9) General agriculture, except that no farms shall involve greater than 500 animal units, nor shall farms be operated for the disposal of garbage, rubbish, offal, or sewage. This shall not prohibit the use or disposal of cannery by-products or other similar vegetable matter.
- (10) Apiculture, floriculture, forestry, grazing, greenhouses, horticulture, nurseries, orchards, paddocks, pasturage, and truck farming.
- (11) Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
- (12) Home occupations.
- (13) Artificial lakes.
- (14) Quarries and sand and gravel pits.
- (15) Recreational sites, golf courses, tennis courts, and grounds of recreational clubs, nonprofit.
- (16) Communication and/or antenna towers. The application for a permit for a communication and/or antenna tower shall be processed in accordance with the requirements of § 66.0404, Wis. Stats.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (17) Two-family dwelling.
- (18) Any situation that would require a commercial kennel license.
- (19) Beekeeping.

D. Lot requirements.

- (1) Area: 65,340 square feet minimum (1 1/2 acres).
- (2) Public road frontage: 175 feet minimum.

E. Height regulations.

- (1) Residential dwellings: 35 feet maximum.
- (2) Farm structures: 60 feet maximum.

F. Building setbacks.

- (1) Principal structure.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 40 feet minimum.
 - (c) Rear yard: 75 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
- (2) Accessory building.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 15 feet minimum.
 - (c) Rear yard: 15 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.

- (3) Setbacks on existing lots of record as of January 1, 2006, without buildings shall be determined by the Town Board.
 - (4) Setbacks of existing lots of record as of January 1, 2006, with existing or prior buildings shall be not less than the setbacks of existing or prior buildings and shall be approved by the Town Board.
- G. Building size. Minimum size of a residential dwelling shall be 1,400 square feet.
- H. Accessory buildings. Accessory buildings shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard setback or corner side yard setbacks for the R-1 District.^[2]
- [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- I. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking Requirements.
- J. Signs. Signs shall be regulated as set forth in Article VII, Signs.

§ 275-22. R-1S Residential District, Sanitary Sewered.

The following regulations shall apply in R-1S Districts:

- A. Permitted uses.
- (1) Single-family dwellings.
 - (2) Parks and playgrounds.
- B. Permitted accessory uses.
- (1) Private garages, carports, and driveways.
 - (2) Private swimming pools.
 - (3) Tool houses, sheds and other similar buildings used for the storage of common supplies.
 - (4) Satellite dish antennas less than 12 feet in diameter.
 - (5) Transmission lines, substations, telephone and telegraph lines and public utility installments, except cable television installations.
 - (6) Ponds (with permit).
 - (7) Private kennels.
- C. Conditional uses.
- (1) Cemeteries.
 - (2) Bed-and-breakfast establishments.
 - (3) Cable television installation.
 - (4) Public, parochial and private elementary, junior high and senior high schools.
 - (5) Colleges and universities.
 - (6) Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, rectories, mosques, parsonages, and parish houses.
 - (7) Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.

- (8) Home occupations.
- (9) Artificial lakes.
- (10) Recreational sites, golf courses, tennis courts, and grounds of recreational clubs, nonprofit.
- (11) Communication and/or antenna towers. The application for a permit for a communication and/or antenna tower shall be processed in accordance with the requirements of § 66.0404, Wis. Stats.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (12) Multifamily dwellings.
- (13) Athletic fields.
- (14) Dams, flowage areas and water reservoirs.
- (15) Any situation that would require a commercial kennel license.
- (16) Beekeeping.

D. Lot requirements.
[Amended 2-9-2021]

- (1) Area:
 - (a) 21,780 square feet minimum (1/2 acre). For lots directly attaching to the sanitary sewer infrastructure of the Town of Pittsfield Sanitary District 1 that in place prior to February 1, 2021.
 - (b) 18,000 square feet minimum (0.4132 acre). For lots not directly attaching to the existing sanitary sewer infrastructure of the Town of Pittsfield Sanitary District 1 that in place prior to February 1, 2021.
 - (c) 12,000 square feet minimum (0.275 acre). For lots not directly attaching to the existing sanitary sewer infrastructure of the Town of Pittsfield Sanitary District 1 that in place prior to February 1, 2021 and that connect to municipal water.
- (2) Public road frontage. Measured at the right-of-way line, except where said lot is located on outer radius of a curved street such as a cul-de-sac, the lot width may be measured at the building setback line.
 - (a) 120 feet minimum without municipal water.
 - (b) 90 feet minimum with municipal water.

E. Building setbacks.

- (1) Principal structure.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 20 feet minimum.
 - (c) Rear yard: 25 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
- (2) Accessory buildings.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 10 feet minimum.
 - (c) Rear yard: 10 feet minimum.

- (d) Corner side: 40 feet minimum from right-of-way.
 - (3) Setbacks on existing lots of record as of January 1, 1999, without buildings shall be determined by the Town Board.
 - (4) Setbacks on existing lots of record as of January 1, 1999, with existing or prior buildings shall be not less than the setbacks of the existing or prior buildings and shall be approved by the Town Board.
- F. Building size. Minimum size of a residential dwelling shall be 1,400 square feet.
- G. Accessory buildings. Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard setback or corner side yard setbacks for the R-1S District.
- H. Parking. Parking shall conform to the requirements as set forth in Article **VIII**, Off-Street Parking Requirements.
- I. Signs. Signs shall be regulated as set forth in Article **VII**, Signs.

§ 275-23. R-2 Estate Residential District.

The following regulations shall apply in R-2 Districts (two acres):

- A. Permitted uses.
- (1) Single-family dwellings.
 - (2) Parks and playgrounds.
- B. Permitted accessory uses.
- (1) Private garages, carports, and driveways.
 - (2) Private swimming pools.
 - (3) One private stable when such stable is located not less than 50 feet from all property lines. Two acres will be required per horse.
 - (4) Tool houses, sheds and other similar buildings used for the storage of common supplies.
 - (5) Transmission lines, substations, telephone and telegraph lines and public utility installments, except cable television installations.
 - (6) Ponds (with permit).
 - (7) Private kennels.
- C. Conditional uses.
- (1) Cemeteries.
 - (2) Bed-and-breakfast establishments.
 - (3) Cable television installation.
 - (4) Public, parochial and private elementary, junior high and senior high schools.
 - (5) Colleges and universities.
 - (6) Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.

- (7) Fire stations, police stations, post offices, and other municipal facilities necessary for Town operation.
- (8) Home occupations.
- (9) Artificial lakes.
- (10) Quarries, sand and gravel pits.
- (11) Recreational sites, golf courses, tennis courts, and grounds of recreational clubs, nonprofit.
- (12) Communication and/or antenna towers. The application for a permit for a communication and/or antenna tower shall be processed in accordance with the requirements of § 66.0404, Wis. Stats.^[1]
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- (13) Athletic fields.
- (14) Dams, flowage areas and water reservoirs.
- (15) General agriculture, except that no farms shall involve more than 500 animal units, nor shall farms be operated for the disposal of garbage, rubbish, offal, or sewage. This shall not prohibit the use or disposal of cannery by-products or other similar vegetable matter.
- (16) Apiculture, floriculture, forestry, grazing, greenhouses, horticulture, nurseries, orchards, paddocks, pasturage, and truck farming.
- (17) Two-family dwelling.
- (18) Any situation that would require a commercial kennel license.
- (19) Beekeeping.

D. Lot requirements.

- (1) Area: 87,120 square feet minimum (two acres).
- (2) Public road frontage: 200 feet minimum.

E. Height regulations.

- (1) Residential dwellings: 35 feet maximum.
- (2) Farm structures: 60 feet maximum.

F. Building setbacks.

- (1) Principal structure.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 50 feet minimum.
 - (c) Rear yard: 75 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
- (2) Accessory building.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 15 feet minimum.
 - (c) Rear yard: 15 feet minimum.

- (d) Corner side: 40 feet minimum from right-of-way.
- (3) Setbacks on existing lots of record as of January 1, 2006, without buildings shall be determined by the Town Board.
- (4) Setbacks on existing lots of record as of January 1, 2006, with existing or prior buildings shall not be less than the setbacks of the existing or prior buildings and shall be approved by the Town Board.
- G. Building size. Minimum size of residential dwelling shall be 1,400 square feet for a single-family dwelling.
- H. Accessory building. Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard or corner side yard setbacks for the R-2 District.
- I. Parking. Parking shall conform to the requirements as set forth in Article **VIII**, Off-Street Parking Requirements.
- J. Signs. Signs shall be regulated as set forth in Article **VII**, Signs.
- K. Other requirements. Other structures or buildings allowed within the R-2 District shall meet the requirements of the district and remaining articles of this chapter, as determined by the Town Board.

§ 275-24. R-3 Multifamily Residential Districts.

The following permitted uses are only allowed in areas served by public sanitary sewer service.

A. Permitted uses.

- (1) Single-family dwellings.
- (2) Apartment houses.
- (3) Two-family dwellings.
- (4) Community living arrangements having a capacity for six or fewer persons being served by the program, licensed and operated under the authority of the Department of Health Services in accordance with § 62.23(7)(i), Wis. Stats.
- (5) Parks and playgrounds.

B. Permitted accessory uses.

- (1) Private garages, carports, and driveways.
- (2) Private swimming pools.
- (3) Tool houses, sheds, and other similar buildings used for the storage of common supplies.
- (4) Transmission lines, substations, telephone and telegraph lines and public utility installations, railroad right-of-way and passenger depots, not including switching, storage freight yards or siding, and cable television installations.
- (5) Ponds (with permit).

C. Conditional uses.

- (1) Artificial lakes.
- (2) Bed-and-breakfast establishments.
- (3) Cemeteries.

- (4) Colleges and universities.
 - (5) Public, parochial and private elementary, junior high and senior high schools.
 - (6) Quarries, sand and gravel pits.
 - (7) Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.
 - (8) Satellite dish antennas less than 12 feet in diameter.
 - (9) Cable television installations.
 - (10) Day-care centers.
 - (11) Nursery schools.
 - (12) Nursing homes.
 - (13) Manufactured homes and manufactured home communities.^[1]
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
 - (14) Communication and/or antenna towers. The application for a permit for a communication and/or antenna tower shall be processed in accordance with the requirements of § 66.0404, Wis. Stats.^[2]
[2] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
 - (15) Athletic fields.
 - (16) Dams, flowage areas and water reservoirs.
 - (17) Private kennels.
 - (18) Beekeeping.
- D. Lot requirements.
- (1) Area. Minimum 18,000 square feet, and has no less than 125 feet of frontage on at least one street.
- E. Height regulations.
- (1) No one- or two-family residence or its accessory buildings or structures shall exceed 35 feet or two stories in height.
 - (2) All other buildings or structures permitted in this district shall not exceed 35 feet or two stories in height.
- F. Building setbacks.
- (1) Principal structure.
 - (a) Front yard: 40 feet from right-of-way.
 - (b) Side yard: 25 feet minimum.
 - (c) Rear yard: 25 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
 - (2) Accessory building.
 - (a) Front yard: 40 feet from right-of-way.
 - (b) Side yard: 25 feet minimum.

- (c) Rear yard: 15 feet minimum.
- (d) Corner side: 40 feet minimum from right-of-way.
- G. Building size. Minimum size of residential dwelling shall be 1,400 square feet for a single-family dwelling and 850 square feet per unit for a two-family dwelling.
- H. Accessory buildings.
 - (1) Accessory uses shall conform to district requirements and other applicable requirements in this chapter.
 - (2) The accessory buildings shall not occupy more than 30% of the rear yard.
- I. Parking. Parking shall conform to the requirements as set forth in Article **VIII**, Off-Street Parking Requirements.
- J. Signs. Signs shall be regulated as set forth in Article **VII**, Signs.
- K. Other requirements.
 - (1) Other structures or buildings allowed within the R-3 District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Board.
 - (2) When attached dwelling units are created, matters of mutual concern to the adjacent property owners, due to construction, catastrophe, and maintenance, shall be guarded against by private covenants and deed restrictions, and the approving authorities shall not be held responsible for the same.
 - (3) The Town of Pittsfield does not allow registered commercial projects.

§ 275-25. A-1 Agriculture District.

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this chapter shall be permitted in A-1 Districts. The Pittsfield Town Board has adopted Chapter 26, Animal Waste Management, of the Brown County Code of Ordinances, and any subsequent changes, into this Code.

- A. Permitted uses.
 - (1) Single-family dwellings.
 - (2) Parks and playgrounds.
 - (3) Commercial feedlots and stock farm.
 - (4) Agricultural warehouses.
 - (5) Farm ponds.
 - (6) Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.
 - (7) Agriculture, dairying, floriculture, forestry, general farming, grazing, non-retail greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves, with the exception that no farming operation may involve more than 500 animal units (animal units being defined in Chapter ATCP 51 of the Wisconsin Administrative Code), nor shall any lands be operated for the disposal of garbage, rubbish, offal, or sewage. This shall not prohibit the use or disposal of cannery by-products or other similar vegetable matter.

(8) Beekeeping.

B. Permitted accessory uses.

(1) Additional accessory structures, necessary for the continuance of the farming operation.

(2) Private garages, carports and driveways.

(3) One private stable, when such stable is located not less than 50 feet from all property lines.
Two acres per horse.

(4) Ponds (with permit).

(5) Private kennels.

C. Conditional uses.

(1) Airfields, airports, and heliports.

(2) Artificial lakes.

(3) Bed-and-breakfast establishments.

(4) Cable television installations.

(5) Cemeteries.

(6) Colleges and universities.

(7) Public, parochial and private elementary, junior high and senior high schools.

(8) Quarries, sand and gravel pits.

(9) Religious institutions in the form of convents, seminaries, monasteries, churches, chapels, temples, synagogues, mosques, rectories, parsonages, and parish houses.

(10) Satellite dish antennas less than 12 feet in diameter.

(11) Stockyards and fur farms.

(12) Two-family dwellings.

(13) Home occupations.

(14) Manufactured homes and manufactured home communities.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(15) Communication and/or antenna towers. The application for a permit for a communication and/or antenna tower shall be processed in accordance with the requirements of § 66.0404, Wis. Stats.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(16) Commercial or cooperative veal or hog farms.

(17) Athletic fields.

(18) Dams, flowage areas, and water reservoirs.

(19) Any situation that would require a commercial kennel license.

D. Lot requirements.

(1) Area: four acres minimum.

(2) Public road frontage: 300 feet minimum.

- E. Height regulations.
 - (1) Residential dwellings: 35 feet maximum, except as provided by § **275-13**, Height regulation.
 - (2) Farm structures: 60 feet maximum, except as provided by § **275-13**, Height regulation.
- F. Building setbacks.
 - (1) Principal structures.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 50 feet minimum.
 - (c) Rear yard: 75 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
 - (2) Accessory building.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 15 feet minimum.
 - (c) Rear yard: 15 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
 - (3) Setbacks on existing lots of record as of January 1, 2006, without buildings shall be determined by the Town Board.
 - (4) Setbacks on existing lots of record as of January 1, 2006, with existing or prior buildings shall be not less than the setbacks of the existing or prior buildings and shall be approved by the Town Board.
- G. Building size. Minimum size of residential dwelling shall be 1,400 square feet for a single-family dwelling and 850 square feet per unit for a two-family dwelling.
- H. Accessory buildings. Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard or corner side yard setbacks for the A-1 District.
- I. Parking. Parking shall conform to the requirements as set forth in Article **VIII**, Off-Street Parking Requirements.
- J. Signs. Signs shall be regulated as set forth in Article **VII**, Signs.
- K. Other requirements. Other structures or buildings allowed within the A-1 District shall meet the requirements of the district and remaining articles of this article as determined by the Town Board.

§ 275-26. AG-FP Agricultural Farmland Preservation District.

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this chapter shall be permitted in all AG-FP Districts. The Pittsfield Town Board has adopted Chapter 26, Animal Waste Management, of the Brown County Code of Ordinances, and any subsequent changes, into this Code. The following shall apply in AG-FP Districts:

- A. Land use in Agricultural Farmland Preservation District; general. Only the following land uses are allowed in a Agricultural Farmland Preservation District:
 - (1) Uses allowed under Subsections **B** and **C** without a conditional use permit.

- (2) Uses allowed under Subsection **D** with a conditional use permit.
- (3) Prior nonconforming uses, subject to § 60.61(5), Wis. Stats.

B. Permitted uses.

(1) Commercial feedlots and stock farms.^[1]

[1] *Editor's Note: Original Sec. 6.010.B.1, Agriculture, dairying, floriculture, forestry, grazing, greenhouses, etc., which immediately preceded this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(2) Farm ponds.

(3) Single-family farm residence.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(4) Agricultural uses as defined in § 275-8.^[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(5) Undeveloped natural resource and open space areas.

(6) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.

C. Permitted accessory uses.^[4]

(1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:

- (a) A facility to store or process raw agricultural commodities, all of which are produced on the farm.
- (b) A facility used to keep livestock on the farm.
- (c) A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
- (d) Roadside stands, provided the structure does not cover more than 300 square feet in ground area and does not exceed 10 feet in height.
- (e) Riding stables and/or boarding facilities.
- (f) Farmstead food-processing facilities.
- (g) Farmstead retail outlets.
- (h) On-farm fuel or agrichemical storage facilities.

(2) (Reserved)

[Amended 1-12-2021]

(3) Private kennels as defined by the Town Code and consistent with § 275-8 "Accessory Use" (C).
[Amended 1-12-2021]

(4) An activity or business operation that is an integral part of or incidental to an agricultural use.

(5) Normal private residential appurtenances such as a garage, carport, satellite dish antenna (not to exceed 12 feet in diameter), shed, pool, deck, or patio.

[4] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

D. Conditional uses.^[5]

(1) General.

- (a) The Town Board may issue a conditional use permit for a proposed land use identified in this Subsection **D** if the proposed land use meets applicable conditions under this section. The Town Board shall follow the procedures described in § **275-77**, Conditional uses.
- (b) Before issuing a conditional use permit under Subsection **D(1)(a)**, the Town Board shall determine in writing that the proposed use meets applicable conditions under this section. The Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this chapter.

(2) Certain agricultural and agriculture-related conditional uses.

- (a) The Town Board may issue a conditional use permit for the certain agricultural and agriculture-related uses under Subsection **D(2)(b)** if all of the following apply:
 - [1] The use supports agricultural uses in the Agricultural Farmland Preservation District in direct and significant ways and is more suited to a Agricultural Farmland Preservation District than to an industrial or commercial zoning district.
 - [2] The use and its location in the Agricultural Farmland Preservation District are consistent with the purposes of the Agricultural Farmland Preservation District.
 - [3] The use and its location in the Agricultural Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - [4] The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
 - [5] The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - [6] Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (b) Certain agriculture-related conditional uses include:
 - [1] A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
 - [2] A dairy plant that processes or handles milk from farms.
 - [3] A meat slaughter establishment.
 - [4] A food processing plant that processes raw agricultural commodities received from farms.
 - [5] A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms or supplies animal feed directly to farms.
 - [6] An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
 - [7] A sawmill or other facility that processes wood or other forest products received directly from farms.
 - [8] A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.

- [9] A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
 - [10] A facility that is primarily engaged in providing agronomic or veterinary services to farms.
 - [11] Agricultural warehouses which do not conflict with agricultural uses and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.
- (c) Other conditional uses.
- [1] Airfields, airports, and heliports that meet Wis. Stats. § 91.46(5).
 - [2] Artificial lakes.
 - [3] Bed-and-breakfast establishments in compliance with Wis. Stats. § 91.01(1).
 - [4] Cemeteries that meet Wis. Stats. § 91.46(5).
 - [5] Nonmetallic mining (quarries, sand and gravel pits) that meet the requirements of Wis. Stats. § 91.46(6).
 - [6] A second single-family farm residence or a duplex that qualifies as for farm use as defined in § **275-31**.
 - [7] A commercial kennel license that meets the requirements of Wis. Stats. § 91.01(1).
- (3) Compatible infrastructure.
- (a) The Town Board may issue a conditional use permit for a proposed use under Subsection **D(3)(b)** if all of the following apply:
 - [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - [3] The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - [4] The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
 - [5] Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
 - (b) The Town Board may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under Subsection **D(3)(a)**:
 - [1] Transportation uses, including rail facilities, and agricultural aeronautic facilities.
 - [2] Communication uses, including cell towers, antennas and broadcast towers.
- (4) Government and nonprofit community uses.
- (a) The Zoning Administrator may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Zoning Administrator determines that all of the following apply:
 - [1] The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

- [2] The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- [3] The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- [4] The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- [5] Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(b) Government and nonprofit community conditional uses include:

- [1] Fire stations, police stations, post offices, and other government administration buildings.
- [2] Schools, colleges, and universities.
- [3] Religious institutions, including cemeteries and mausoleums.
- [4] Public parks and recreation areas.
- [5] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

E. Parcel requirements.

- (1) Area: 35 acres minimum parcel size for a single-family dwelling.
- (2) Public road frontage: 300 feet minimum.
 - (a) Exception: Farm operator, parents, children, and workers of the farm operator may locate a single-family dwelling on a separate lot containing a minimum of two acres and 300 feet of lot frontage. A worker shall earn a substantial part of his/her livelihood from the operator's farm.
- (3) Those residential lots of record as of February 1986 shall not be considered nonconforming.

F. Height regulations.

- (1) Residential dwellings: 35 feet maximum, except as provided by § 275-13, Height regulation.
- (2) Farm structures: 60 feet maximum, except as provided by § 275-13, Height regulation.

G. Building setbacks.

- (1) Principal structure.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 50 feet minimum.
 - (c) Rear yard: 75 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
- (2) Accessory building.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 15 feet minimum.
 - (c) Rear yard: 15 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.

- H. Building size. Minimum size of a residential dwelling shall be 1,400 square feet, with at least 850 square feet per unit for a two-family dwelling.
- I. Accessory buildings. Accessory uses shall conform to district requirements. In addition, no accessory building shall be allowed within the front yard or corner side yard setbacks for the AG-FP District.
- J. Parking. Parking shall conform to the requirements as set forth in Article **VIII**, Off-Street Parking Requirements.
- K. Signs. Signs shall be regulated as set forth in Article **VII**, Signs.
- L. Other requirements.

(1) All future residential dwellings connected with the farming operation shall be located on a separate lot containing a minimum of four acres and 300 feet of lot frontage.^[6]

[6] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(2) Existing nonconforming residences located in the Agricultural Farmland Preservation District at the time of passage of this chapter may be continued in residential use and may be exempted from any limitations imposed or authorized under § 59.69(10), Wis. Stats., or § **275-66A, B, C** and **D** of Article **XI**, Nonconforming Uses.

(3) Farm dwellings and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of four acres and 300 feet of lot frontage if the structures existed prior to January 1, 2014.^[7]

[7] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

(4) Other structures or buildings allowed within the AG-FP District shall meet the requirements of the district and remaining articles of this chapter as determined by the Town Board.^[8]

[8] *Editor's Note: Original Sec. 6.010.M, Compatible infrastructure, and N, Government and nonprofit community uses, which immediately followed this subsection, were repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

M. Rezoning land out of a Agricultural Farmland Preservation District.^[9]

(1) Except as provided in Subsection **M(2)**, the Town Board may not rezone land out of a Agricultural Farmland Preservation District unless the Town Board finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:

- (a) The rezoned land is better suited for a use not allowed in the Agricultural Farmland Preservation District.
- (b) The rezoning is consistent with any Comprehensive Plan, adopted by the Town Board, which is in effect at the time of the rezoning.
- (c) The rezoning is substantially consistent with the County Certified Farmland Preservation Plan.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

Note: By March 1 of each year, the zoning authority must submit a report (including a map of the affected parcels) to the Department of Agriculture, Trade and Consumer Protection and Brown County of the total acres rezoned during the preceding year.

(2) Subsection **M(1)** does not apply to any of the following:

- (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.

- (b) A rezoning that makes the Agricultural Farmland Preservation District on the Zoning Map more consistent with the Brown County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.^[10]

[10] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[9] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-27. B-1 Business District.

The Business District is intended to serve the retail service needs of nearby residential areas with a wide range of products and services for both daily and occasional shopping. The following regulations shall apply in the B-1 Districts:

A. Permitted uses.^[1]

Antique shops
 Art and school supply stores
 Art shops or galleries, but not including auction rooms
 Automobile accessory stores
 Automotive service stations
 Bakeries, retail
 Banks and financial institutions
 Barbershops
 Beauty parlors
 Bicycle sales, rental, and repair stores
 Blueprinting and photo-stating
 Boat showrooms and sales
 Book and stationery stores
 Business machine sales and service
 Camera and photographic supply stores
 Candy and ice cream stores
 Carpet, rug, and drapery stores, retail sales only
 Catering establishments
 Child day-care centers
 China and glassware stores
 Clinics: doctor and dentist offices
 Clothing and costume rental stores
 Clubs and lodges, nonprofit and fraternal
 Coin and stamp stores
 Computer and data processing services
 Custom dressmaking
 Department stores
 Dry-cleaning establishments, not engaged in wholesale processing
 Dry goods stores
 Eating and drinking places, including drive-ins and establishments primarily engaged in carry-out service
 Electrical and household appliance stores, including radio and television sales

Electrical sales
Electrical showrooms and shops
Electronics shops
Employment agencies
Florist shops
Food stores, grocery stores, meat markets, bakeries, and delicatessens, retail sales only
Frozen food stores, including locker rental in conjunction therewith
Furniture store, including upholstery when conducted as part of the retail operations and secondary to the principal use
Furrier shops, including the incidental storage and conditioning of furs
Garden supply, tool and seed stores
Gift shops
Hardware stores
Hobby shops for retail of items to be assembled or used away from the premises
Household appliances, office equipment, and other small machine sales and service
Interior decorating shops, including upholstery and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use
Insurance agencies
Jewelry stores, including watch and clock repair
Launderettes
Leather goods and luggage stores
Libraries
Liquor stores, packaged goods
Locksmith shops
Mail-order houses
Meeting halls
Millinery shops
Miscellaneous repair services
Miscellaneous shopping goods stores
Monument shops
Motor vehicle and automotive parts and supplies
Musical instrument sales and repair
Newspaper distribution agencies for home delivery and retail trade
Nursing and personal care facilities
Office machine sales and servicing
Offices, business, professional, and governmental
Office supply stores
Optician sales, retail
Orthopedic and medical appliance stores
Paint and wallpaper stores
Pet shops
Phonograph record and sheet music stores
Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises
Picture framing, when conducted for retail trade on the premises only

Plumbing showrooms and shops
 Post offices
 Publishing and printing
 Radio and television sales, servicing and repair shops
 Radio and television stations and studios
 Real estate offices
 Recording studios
 Restaurants, including the serving of alcoholic beverages
 Security brokers
 Sewing machine sales and service, household appliances, only
 Shoe, clothing, and hat repair stores
 Shoe stores
 Sporting goods stores
 Studios, photography, dance, design, and artist-illustrator
 Tailor shops
 Taxidermists
 Telegraph offices
 Telephone booths and coin telephones
 Ticket agencies, amusement
 Tobacco shops
 Tool and dye shops
 Tool rental shops
 Toy shops
 Travel bureaus and transportation ticket offices
 Used merchandise stores
 Video sales and rental
 Wearing apparel shops and accessories
 Wood cabinetmaking

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

B. Permitted accessory uses.

- (1) Uses incidental to and on the same zoning lot as the principal use.
- (2) Off-street loading areas.
- (3) Off-street parking.
- (4) Satellite dish antennas.

C. Conditional uses.^[2]

Adult-oriented establishments (as regulated by Ch. 4)
 Agricultural implement dealers
 Amusement establishments, archery ranges, shooting galleries, game rooms, swimming pools, skating rinks, and other similar amusement facilities
 Animal hospital, veterinary services, and kennels
 Auction rooms
 Bowling alleys

- Building material product sales
- Business schools
- Car wash
- Commercial parking lots, open and other than accessory
- Communications and/or antenna towers (The application for a permit for a communication and/or antenna tower shall be processed in accordance with the requirements of § 66.0404, Wis. Stats.)
- Construction offices
- Contractor offices
- Drugstores and pharmacies
- Dry-cleaning establishments, employing more than four persons
- Dwelling units and rooming units above the ground level
- Express office and delivery stations
- Greenhouses, commercial
- Hotels, motels
- Manufactured home sales
- Museums, auditoriums and arenas
- Motor vehicle sales
- Nurseries, lawn and garden supply stores
- Parking garages or structures, other than accessory for the storage of private passenger automobiles only
- Recreational and utility trailer dealers
- Residential care group homes
- Schools, commercial, and trade
- Shopping centers
- Stables
- Stadiums, auditoriums, and arenas
- Taverns
- Theaters
- Undertaking establishments and funeral parlors
- Variety stores
- Warehousing, noncommercial or nonindustrial
- Wholesale establishments
- Other retail uses similar in character and the manufacture or treatment of products clearly incidental to the conduct of a retail business on the premises when approved by the Town Board
- One single-family residence located on same parcel as business, and whose occupants shall be associated with said business

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

D. Lot requirements.

	Unsewered	Sanitary Sewered
Area	65,340 square feet minimum (1 1/2 acres)	21,780 square feet minimum (1/2 acre)
Public road frontage	175 feet minimum	120 feet minimum

E. Height requirements. All structures 35 feet maximum, except as provided by § 275-13, Height regulation.

F. Building setbacks.

(1) Principal structures.

- (a) Front yard: 40 feet minimum from right-of-way.
- (b) Side yard: 40 feet minimum.
- (c) Rear yard: 25 feet minimum.
- (d) Corner side: 40 feet minimum from right-of-way.

(2) Sewered buildings.

- (a) Front yard: 40 feet minimum from right-of-way.
- (b) Side yard: 15 feet minimum.
- (c) Rear yard: 15 feet minimum.
- (d) Corner side: 40 feet minimum from right-of-way.

(3) Accessory buildings.

- (a) Front yard: 40 feet minimum from right-of-way.
- (b) Side yard: 15 feet minimum.
- (c) Rear yard: 15 feet minimum.
- (d) Corner side: 40 feet minimum from right-of-way.

(4) Setbacks of existing lots of record as of January 1, 2006, without buildings shall be determined by the Town Board.

(5) Setbacks on existing lots of record as of January 1, 2006, with existing or prior buildings shall be not less than the setbacks of the existing or prior buildings and shall be approved by the Town Board.

G. Building size. Dwelling units shall be a minimum of 1,400 square feet per family unit.

H. Accessory buildings. All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements.

I. Parking. Parking shall conform to the requirements as set forth in Article **VIII**, Off-Street Parking Requirements.

J. Signs. Signs shall be regulated as set forth in Article **VII**, Signs.

K. Other requirements.

(1) Additional structures and buildings allowed in the B-1 District shall meet the requirements of this district and the other articles of this chapter, as determined by the Town Board.

(2) The Town of Pittsfield does not allow registered commercial projects.

§ 275-28. I-L Light Industrial District.

The following regulations shall apply in the I-L District:

A. Permitted uses.

Automotive body repairs, upholstery, and cleaning establishments

Automotive service stations and garages
 Bottling company
 Brick and structural clay products manufacturing
 Building materials sales and storage
 Cabinet shop
 Commercial bakeries
 Contractors, architects, and engineer offices, shops, and yards
 Cosmetic production
 Dairy processing plants for cheese and milk
 Electronic and scientific precision equipment
 Feed and seed sales
 Food processing establishments
 Freight yards, terminals, and trans-shipment depots (motor trucks)
 Fuel and ice sales
 Glass products production and sales
 Hardware, plumbing, and heating equipment trade
 Light machinery production: appliances, business machines
 Lodges and offices of labor organizations
 Machine shops
 Manufacturing and bottling of nonalcoholic beverages
 Miscellaneous textile goods and products manufactured
 Municipal facilities
 Parking lots
 Printing and publishing establishments
 Public utility and service uses
 Toy and sporting goods equipment manufactured
 Upholstering shop
 Warehousing, storage, and distribution facilities

B. Permitted accessory uses.

- (1) Satellite dish antennas.
- (2) Uses incidental to and on the same zoning lot as the principal use.

C. Conditional uses.^[1]

Air, motor, railroad, and water freight terminals
 Asphalt products manufacture
 Auto wrecking yards
 Communications and/or antenna towers (The application for a permit for a communication and/or antenna tower shall be processed in accordance with the requirements of § 66.0404, Wis. Stats.)
 Heavy machinery production
 Paint products manufactured
 Paper products manufacturing
 Parks and recreational sites
 Petroleum products, storage, processing, and sales

Planned industrial unit development
 Plastic manufacturing
 Recycling dropoff centers
 Sewage treatment plants
 Sign manufacture
 Stadiums, auditoriums, and arenas, open or enclosed
 Stone products manufactured
 Variety stores
 [Amended 2-9-2021]
 Woodworking and wood products
 Other manufacturing, processing, or storage uses as determined acceptable by the Town Planning Commission and the Town Board

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

D. Lot requirements per use.

- (1) With public sewer.
 - (a) Area: 40,000 square feet minimum.
 - (b) Zoning lot frontage: 200 feet minimum.
- (2) Without public sewer.
 - (a) Area: two acres minimum.
 - (b) Zoning lot frontage: 200 feet minimum.

E. Height regulation.

- (1) Residential dwelling: 35 feet maximum, except as provided by § 275-13, Height regulation.
- (2) All other structures: 60 feet maximum, except as provided by § 273-13, Height regulation.

F. Building setbacks.

- (1) Principal structure.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 40 feet minimum.
 - (c) Rear yard: 25 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.
- (2) Accessory building.
 - (a) Front yard: 40 feet minimum from right-of-way.
 - (b) Side yard: 15 feet minimum.
 - (c) Rear yard: 15 feet minimum.
 - (d) Corner side: 40 feet minimum from right-of-way.

G. Accessory buildings. All accessory buildings hereinafter constructed in the I-L District shall meet the district requirements and those identified in § 275-11, Building and uses.

H. Parking. Parking shall conform to the requirements as set forth in Article VIII, Off-Street Parking Requirements.

- I. Signs. Signs shall be regulated as set forth in Article **VII**, Signs.
- J. Other requirements.
 - (1) Additional structures and buildings allowed in the I-L District shall meet the requirements of this district and the other articles of this chapter, as determined by the Town Board.
 - (2) The Town of Pittsfield does not allow registered commercial projects.

§ 275-29. Conservancy/Floodplain District.

A. The following regulation shall apply in the Conservancy/Floodplain District:

- (1) The Conservancy/Floodplain District shall consist of those areas determined to be adequate to provide for the natural drainage of expected stormwaters, to protect the general health, safety, and welfare of the residents in the vicinity of such drainageways and to improve the aesthetic qualities of such areas.
- (2) The boundaries of such conservancy/floodplain areas have been determined primarily through soil limitations as identified from the Natural Resources Conservation Service's Soil Survey of Brown County, Wisconsin, dated June 1974.
- (3) These drainage and surface water areas exhibiting very severe limitations along with appropriate additional acreage to provide continuous and functional drainage corridors are identified on the Zoning Map titled "Zoning District Map for the Town of Pittsfield, Brown County, Wisconsin."^[1]

[1] *Editor's Note: The Zoning Map is on file in the Town offices.*

B. Prohibited uses.

- (1) No commercial, industrial, residential, or agricultural structure or building shall be permitted in this district unless lawfully established on the effective date of this chapter.
 - (2) There shall be no filling or dumping of any kind or removal of soil necessary to maintain a stabilized stream bank unless written approval of the Town Board has first been obtained.^[2]
- [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (3) No alteration of the watercourse shall be allowed without prior written approval of the Town Board along with all other necessary local, state, and federal permits and approvals.

C. Permitted uses.

- (1) Parking lots, which do not conflict with conservancy or agriculture use.
- (2) Canals and drainage ditches.
- (3) Docks, piers, and boat landings.
- (4) Bridges, provided they meet all necessary design requirements to safely handle surface drainage.
- (5) Harvesting and raising of domestic and wild crops.
- (6) Public facilities such as dams, power plants, underground pipelines, subject to Ch. 30, Wis. Stats.
- (7) Other uses determined compatible and in the public interest by the Pittsfield Town Board, and which do not conflict with conservancy or agriculture uses.

D. Conditional uses.

- (1) Accessory buildings that would be determined compatible with Article II of this chapter. In no case shall said building elevation be below the established flood elevation as determined by the Wisconsin Department of Natural Resources or other appropriate agency.
- (2) Park, recreation, conservation and open space uses such as community parks, golf courses, driving ranges and associated improvements, if public (governmental) facilities or uses.

E. Interpretation of boundaries.

- (1) Upon request, location of meandering conservancy/floodplain boundaries shall be done by a person or agency authorized by the Town Board and shall be based on scaling of distances from the Town Zoning Map along with other appropriate data and field observation.
- (2) Where applicable, the crest of the drainage ravine shall be considered the boundary.

Article VI. Manufactured Home Communities

§ 275-30. General provisions.

This article shall regulate the parking, location, and maintaining of all manufactured homes and manufactured home communities within the Town of Pittsfield.

- A. Manufactured homes and manufactured home communities shall be allowed as conditional uses in the R-3 Multifamily Residential District.^[1]
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).
- B. Manufactured homes and parks shall be prohibited in all other zoning districts within the Town of Pittsfield.
- C. No manufactured home community space shall be rented or leased for a period of less than 30 days.

§ 275-31. Definitions.

The following definitions are in addition to Article III to further clarify and explain word usage in conjunction with this article on manufactured home communities. Manufactured homes, manufactured home communities, and accessory use of a building shall apply, as defined in Article III.

DEPENDENT UNIT

A manufactured home lacking a bath or shower and toilet facilities.

INDEPENDENT UNIT

A manufactured home that contains a kitchen, toilet facilities, bath or shower, and fully equipped for living purposes.

PERSON

Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee of other agent, heir or assign.

SPACE

A plot of land, whether leased, sold, rented, or transferred, which is intended for location of one manufactured home only.

UNIT

One manufactured home.

§ 275-32. Location outside of manufactured home community.

- A. No person shall park or occupy a manufactured home outside of an approved manufactured home community, except as provided for in § 275-33 of this article.
- B. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour, subject to any other and further prohibition imposed by the traffic and parking regulation or ordinance for that street, alley, or highway.

§ 275-33. Permit for location outside of manufactured home community.

(Permits issued under this section are nontransferable and will expire under change of occupancy.)

- A. Upon a showing of a hardship and/or immediate necessity for use, the Town Zoning Administrator may issue special written permits allowing the location of a manufactured home outside of a manufactured home community for a period not to exceed 90 days for any one premises in any twelve-month period. The permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the permit is issued. Not more than one manufactured home shall be granted a permit to locate on any one premises outside a manufactured home community. Any violation of this subsection shall comply with the penalty as set forth in Article XII, Administration and Enforcement, of this chapter.
- B. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee as provided in the Town Fee Schedule^[1] and shall state the names and permanent addresses of the occupants of the manufactured home, the license number of the manufactured home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether any occupant is employed in state, the exact location of premises, and the owner's and/or occupant's sanitary facilities, and the permission of the occupant of the dwelling house for their use, and a statement that all wastes from manufactured home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within 200 feet of the proposed location of the manufactured home, and a statement of permission from the owner for their use.^[2]
 - [1] *Editor's Note: The Fee Schedule is on file in the Town offices.*
 - [2] *Editor's Note: The Fee Schedule is on file in the Town offices.*
- C. Manufactured homes and dwellings in conjunction with an operating farm in conformance with § 275-25 may be allowed as a conditional use to be used solely by resident owner or laborer actively engaged in the farming operation and must also apply for permit.
- D. All occupied manufactured homes not located in a manufactured home community shall be subject to the remaining regulations of this chapter.

§ 275-34. Manufactured home community license.

- A. No person shall establish, operate, or maintain, or permit to be established, operated, or maintained, upon any property owned, leased, rented, or controlled by him/her a manufactured home community within the Town of Pittsfield without first securing a license from the Town Board. The license shall expire one year after issuance and must be renewed annually.
- B. An annual fee as provided in the Town Fee Schedule^[1] shall be charged for the manufactured home community license or the renewal thereof.^[2]
 - [1] *Editor's Note: The Fee Schedule is on file in the Town offices.*

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- C. The application for a license or renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him/her to construct or maintain the manufactured home community and make the application) and such legal description of the premises upon which the manufactured home community is or will be located as will readily identify and definitely locate the premises.
- D. The applicant shall further comply with manufactured home regulations as set forth in the Wisconsin Statutes.

§ 275-35. Manufactured home community plan.

- A. Prior to the issuing of any license or permit for a manufacture home park, the developer shall submit three copies of a manufactured home community plan to the Town Planning Commission of Pittsfield. The plan shall be approved, in writing, by the Town Board prior to the start of construction or development of the park.
- B. Each manufactured home community plan submitted to the Town Planning Commission shall require the following information:
 - (1) Exact area and extent of the proposed park, accompanied by a legal description or certified survey map. Plans shall be drawn at a scale of one inch to 200 feet minimum.
 - (2) All roadways, driveways, and ingress and egress points, and parking bays.
 - (3) Complete layout of storm, sanitary and water systems for the park.
 - (4) Plan for electrical distribution and lighting facilities.
 - (5) Method and plan of garbage removal.
 - (6) Plans for providing adequate fire protection for the park.
- C. All manufactured home communities shall further comply with the sanitation and health regulations as set forth by the State Department of Health Services.
- D. Electrical service to manufactured home spaces shall conform to the regulation as set forth in the Wisconsin State Electrical Code.
- E. An adequate supply of pure water, furnished through a pipe distribution system with supply faucets, shall be furnished for drinking and domestic purposes.
- F. All manufactured homes shall be independent units.

§ 275-36. Driveways, roadways and parking.

- A. All drives, parking areas, and walkways shall be hard surfaced.
- B. Within the manufactured home communities, a minimum roadway width of 30 feet shall be established.
- C. The manufactured home community shall have direct access to a state highway, county highway, or Town road. There shall be sufficient points of ingress and egress to provide proper traffic movement, as determined by the Town Board.
- D. There shall be one hard-surfaced off-street automobile parking space for each manufactured home unit. Minimum dimension of the parking space shall be 10 feet by 20 feet in size.

§ 275-37. Site and yard requirements.

The following regulations shall apply to all manufactured home spaces that are sold, rented, leased, or transferred in an approved manufactured home community:

- A. The minimum size of a manufactured home community shall be 10 acres in sewered areas.
- B. Space size.
 - (1) Unsewered locations (hardship sites only), each manufactured home space:
 - (a) Area: 1 1/2 acres minimum.
 - (b) Width: 100 feet minimum.
 - (2) Sewered locations, each manufactured home space:
 - (a) Area: 5,000 square feet minimum.
 - (b) Width: 50 feet minimum.
- C. A concrete or bituminous pad shall be constructed on each manufactured home space. The minimum size of this pad shall be 10 feet wide by 15 feet in length.
- D. The minimum thickness of the surfacing shall be four inches. The pad shall enclose all utility connections for the manufactured home.
- E. Each manufactured home space shall provide a front yard setback of 10 feet and a rear yard setback of 20 feet. Side yards shall have a minimum setback of five feet each.
- F. The yard setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its accessory buildings, except for the following conditions:
 - (1) Structures for utility outlets and garages serving more than one manufactured home space may be located within the side or rear yard setback of a common lot line.
 - (2) The hitch used for pulling the manufactured home may protrude into the front yard setback.

§ 275-38. Parking fee and assessment.

The Town Board of Pittsfield shall have the authority to impose a parking fee on manufactured homes within an approved manufactured home community or outside of an approved park, as provided for in Wisconsin Statutes. The parking fee shall be based on the following regulations:

- A. There is hereby imposed on each owner or operator of a manufactured home community licensed hereunder a parking permit fee on each occupied manufactured home unit which shall have been parked in such manufacture home park. The parking fee shall also apply to manufactured home units located outside of an approved manufactured home community. The amount of the parking fee shall be determined by the Town Board of Pittsfield and the local Town Assessor in accordance with § 66.0435, Wis. Stats., and as amended. No manufactured home space shall be rented for a period of less than 30 days.
- B. The local Assessor shall determine the total fair market value of each occupied manufactured home, minus the tax-exempt household furnishings, and then equalized to the general level of assessment on other real and personal property in the Town of Pittsfield.
- C. The value of each occupied manufactured home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property.

- D. Total annual parking permit fee shall be divided by 12 to determine monthly fee.
- E. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.
- F. Said parking fee shall be collected by the owner or operator of the manufactured home community and paid to the local taxing authority on or before the 10th day of the month following the period for which such parking permit is due.
- G. No fee shall be imposed on a manufactured home from another state, unless said unit has been placed within the Town of Pittsfield for a sixty-day period.
- H. The Town of Pittsfield may retain 10% of the parking fee for administration costs.
- I. The Town of Pittsfield shall pay to the school district in which park is located, within 20 days after the end of each period, such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax levy for school purposes bears to the total tax levy for all purposes in the municipality.

§ 275-39. Management.

- A. In every manufactured home community, there shall be located the office of the attendant or person in charge of said park. A copy of the park license and of this article shall be kept in said office.
- B. It is hereby made the duty of the attendant or person in charge, together with the licensee to:
 - (1) Keep a register of all occupants, to be open at all times to inspection by state, federal, and local officials, which shall show for all occupants of the manufactured home community the following:
 - (a) Names and addresses.
 - (b) Number and ages of all children.
 - (c) Number of public elementary school children.
 - (d) Number of public secondary school children.
 - (e) State of legal residence.
 - (f) Dates of entrance and departure.
 - (g) License numbers of all manufactured homes and towing or other vehicles.
 - (h) State issuing such license.
 - (i) Purpose of stay in park.
 - (j) Place of last location and length of stay.
 - (k) Place of employment of each occupant.
 - (2) Maintain the park in a clean, orderly, and sanitary condition at all times.
 - (3) Ensure that the provisions of this chapter are complied with and enforced and report promptly to the proper authorities any violations of this chapter or any other violations of law which may come to his/her attention.
 - (4) Report to the County Health Officer all cases of person or animals affected or suspected of being affected with any communicable diseases.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (5) Maintain in convenient places, approved by the Tri-County Fire Inspector, hand fire extinguishers in the ratio of one for each eight manufactured home spaces.
- (6) Collect the monthly parking permit fee provided for in § **275-38** of this article. A book shall be kept showing the names of persons paying said service charges and the amount paid.
- (7) Submit with the total monthly parking permit fee payment to the Town Treasurer a monthly report showing the names of persons paying said fees and the amount paid, if less than for a full month. The report shall also indicate departure time for current tenants and arrival time for new tenants, including departure time if occurring the same month.
- (8) Adhere to any other conditions as stated in the conditional use permit granted by the Town of Pittsfield.

§ 275-40. Violations and penalties.

Violation of this article shall result in a penalty imposed upon the violator as regulated in Article **XII**, Administration and Enforcement, § **275-79**, Violations and penalties.

Article VII. Signs

§ 275-41. Applicability.

The following regulations shall apply to all signs hereinafter erected or established within the Town of Pittsfield. This article shall apply to all billboards, boards, fences or structures of any kind used for advertisement purposes, or upon which any advertisement is shown, painted or displayed, etc.

§ 275-42. Political signs exempt; permit required for other signs.

A. Political signs shall be exempt from the provisions of this chapter except as outlined below:

- (1) A political sign shall be described as any sign that represents a candidate or issue that is subject to a vote of the citizenry.
- (2) Political signs shall not be located on:
 - (a) Any property without the permission of the property owner or renter.
 - (b) Any public right-of-way per § 86.19, Wis. Stats.
 - (c) Any Town or Town Sanitary District owned land.
 - (d) Any county-owned park land per § 8.19 of the Brown County Code.
 - (e) Any property during polling hours per § 12.03(2), Wis. Stats.
- (3) No political sign shall be posted more than 60 days prior to the election that is the focus of the sign.
- (4) No political sign shall be posted outside of an election campaign period. Failure to remove the sign after warning shall cause the property owner to be subject to penalties as outlined in § **275-79** of this chapter.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- (5) The Zoning Administrator shall notify sign owners of improperly placed signs. Except as noted in Subsection **A(4)**, the sign owner shall have 48 hours to remove the sign. If not moved, the Zoning Administrator or his designee shall collect improperly posted signs and store them at a

location convenient for the sign owner to collect them. If collected signs are not picked up by the sign owner within 15 days after the election that is the focus of the sign, they shall be considered abandoned property and will be disposed of.

- B. No nonpolitical sign shall hereafter be erected, located, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Town Board, except signs in § 275-43, which are exempt from the provisions of this chapter.

§ 275-43. Signs exempt from permits.

All signs are prohibited in the R-1, R-1S, and R-2 Residential, and AG-FP Districts, except for the following:

- A. Agricultural signs pertaining to the products of the agricultural premises not to exceed 32 square feet in area for any one farm. Height of this respective sign shall not exceed eight feet. Two such signs shall be permitted per farm. The sign shall be limited to the name of the premises, the producer, and product being sold or produced.
- B. Real estate signs which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No sign shall exceed eight square feet in area. Corner lots in the R-1 Zone shall be permitted two signs.
- C. Name, occupation, and warning signs not to exceed two square feet located on the premises. Corner lots shall be permitted two such signs.
- D. Bulletin boards or similar devices for churches and religious institutions shall not exceed 32 square feet in area located on the premises. Height of said sign shall not exceed eight feet. Religious signs may be erected off the immediate premises.
- E. 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 building.
- F. Official signs such as traffic control, parking restrictions, information and notices.
- G. Temporary signs or banners when authorized by the Town Board of Pittsfield.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-44. R-3 Multifamily Residential District.

In this district, all types of signs shall be of a nonflashing or nonilluminated type.

- A. All signs shall be confined to the immediate property being solely advertised or displayed. Religious signs are exempt.
- B. No sign shall project higher than one story or eight feet above the finished ground level, whichever is lower.
- C. Nonresidential building use in a residential district shall have no sign larger than 12 square feet in area and displaying only the name and address of the building.
- D. No sign shall project beyond the property line into the public way.
- E. Signs shall be set back 10 feet from any lot line in an interior lot.
- F. Signs erected on corner lots shall conform to the required yard setbacks.

§ 275-45. Business District.

All signs hereafter established within the business zone districts shall conform to the following regulations and those regulations set forth in § 84.30, Wis. Stats., and Wisconsin Administrative Code Chapter Trans 201.

- A. All signs advertising or displaying business places shall be constructed on said business premises only. Business signs constructed off the premises shall be permitted only upon written approval by the Town of Pittsfield Board.
- B. Illuminated signs shall be permitted only in the Business District.
- C. Roof signs shall not exceed five feet in height above the peak of the roof. The sign shall further comply with the height and yard requirements of the district. No roof sign shall exceed 100 square feet of area on all sides combined for any one premises.
- D. Window signs shall be placed only on the inside of business buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.
- E. Wall signs placed against the exterior of a building shall not extend more than six inches outside of a building wall surface, shall not exceed 50 square feet in area for any one premises, and shall not exceed 15 feet in height above the average ground level.
- F. Ground signs shall not exceed 15 feet in height above the average ground level, shall meet all yard requirements for the district and shall not exceed 200 square feet in area on all sides combined for any one premises.
- G. Property signs fastened to, suspended from, or supported by a structure on a premises developed for business shall not exceed 100 square feet in area for all sides combined on any one premises; shall not extend more than 10 feet into any required yard; shall not exceed a height of 10 feet above the average ground level; and shall not be less than 10 feet above any pedestrian way, nor less than 15 feet above a driveway.
- H. One pedestal-type sign, a ground sign generally supported by one or more metal posts and not exceeding a height of 10 feet, shall be permitted per use in the Business District. Such signs shall not exceed a total area of 20 square feet on a side.
- I. One pylon-type sign, a special type of ground sign supported by tall mast-like members or pyramidal tower supports and not exceeding a height of 25 feet, shall be permitted per use in the Business District. Such sign shall not exceed a total area of 100 square feet on a side.
- J. On any one lot, there shall be allowed either a pedestal sign or pylon sign. Both types of signs on a single lot shall be prohibited.
- K. No sign shall be permitted within 50 feet of any residence.
- L. No sign shall be closer than 75 feet to the intersection of the right-of-way lines of any intersection road.
- M. No sign shall extend into the public way.
- N. Signs located within corner lots shall conform to yard setbacks.
- O. No flashing signs shall be allowed.
- P. There shall be a minimum spacing of 1,000 feet between off-premises signs.
- Q. No advertising signs or devices shall be altered or reconstructed unless the alteration or reconstruction shall be in compliance with the provisions of this chapter.
- R. Any on-premises sign with design features that do not comply with the regulations of this section may be constructed after review by the Planning Commission and subsequently the Town Board. All written requests for review shall be delivered to the Town Clerk 20 days in advance of the next

regular meeting. The request shall contain 10 copies that show an artistic rendering of the sign, design features, and location sketch on the site plan.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- S. On-premises signs should not be placed at locations that would restrict vision for vehicles leaving the property.

§ 275-46. Industrial and Agriculture Districts.

All signs hereafter established within the Industrial and Agriculture Districts shall conform to the following regulations set forth:

- A. All types of flashing signs shall be prohibited.
- B. Illuminated signs shall be permitted within the district.
- C. Pylon-type signs and pedestal-type signs shall be permitted with the conditions set forth in § 275-45, Business District.
- D. Wall, roof, window and ground signs shall also comply with the required regulations as set forth in § 275-45, Business District.
- E. Signs shall further comply with the regulations as set forth in the Business District.

Article VIII. Off-Street and On-Street Parking Requirements

[Amended 5-10-2022]

§ 275-47. Applicability.

The following regulations shall apply to all zoning districts within the Town of Pittsfield.

§ 275-48. Off-street parking requirements.

- A. Review and approval.
 - (1) All parking spaces required to serve buildings or uses erected or established after the effective date of this chapter shall conform to the requirements herein.
 - (2) Where a building permit has been issued prior to the effective date of this chapter, and if construction is begun within six months of such effective date and diligently pursued to completion, parking and loading facilities in the amounts required for the issuance of a building permit may be provided in lieu of any different amounts required by this chapter.
 - (3) Off-street parking, as required in this chapter, shall not be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this chapter shall apply only to the enlarged portion of the building or use.
 - (4) When the intensity of use of any building, structure, or premises shall be increased, then parking spaces and loading facilities as required herein shall be provided for such increase in intensity of use and for at least 50% of any existing deficiency in parking or loading facilities.
 - (5) Any application for parking lot approval shall include a scaled and a fully dimensional site plan showing off-street parking lots and/or loading facilities in compliance with this chapter.

- (6) Except for residential uses, the design of parking lots or areas shall be subject to the approval of the Town Board in accordance with standards herein required.

B. Driveways for single- and two-family residential uses.

- (1) Number of driveways. Single-family uses shall have one driveway per lot unless otherwise regulated in this chapter. Two-family uses are permitted two driveways per lot unless otherwise regulated in this chapter.
- (2) Setback. Five feet minimum from the side property lines.
- (3) Width. See Figure 1.
 - (a) Minimum. Eight Feet.
 - (b) Maximum.
 - [1] At the curb line or road edge. The lesser of 24 feet or the width of the garage, including the taper.
 - [2] At the right-of-way line. The lesser of 18 feet or the width of the garage.
 - [3] Where no garage exists. Twelve feet and situation to not create parking in the required front yard.
 - [4] The driveway shall be tapered when the width at the garage exceeds the maximum width allowed at the right-of-way line. See Figure 2.

Figure 1: Driveway Location and Width

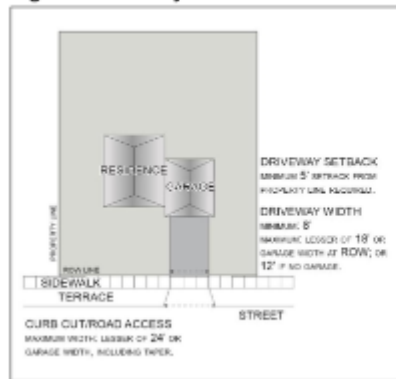
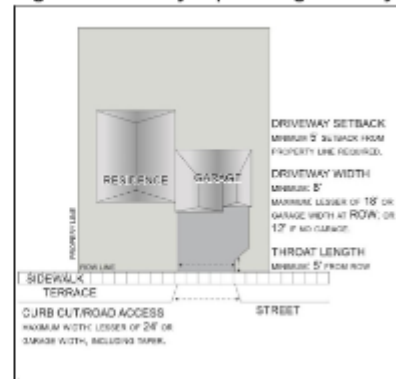


Figure 2: Driveway Taper at Right-of-Way



- [5] Driveways for two-family residences with adjacent garages are limited to the twenty-four-foot maximum width at the property line. Each individual driveway may be separated by a lawn area extending from the street edge or curb line to the garage/parking space. See Figure 3.

Figure 3: Driveways for Two-Family Residences.

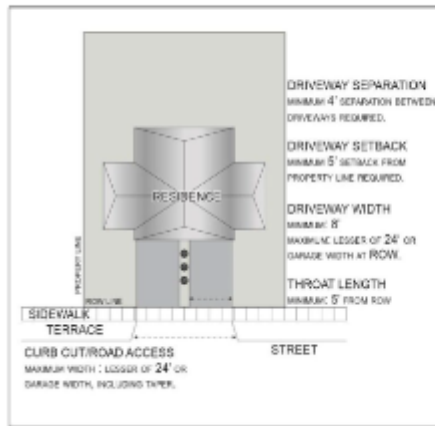
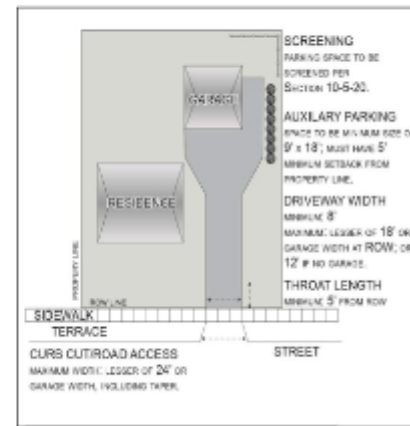


Figure 4: Uncovered Parking Space.



- (4) Curb openings. The maximum driveway curb opening shall be determined by adding five feet to the approved driveway width.
 - (5) Throat length. The minimum driveway throat length shall be five feet extending from the right-of-way line to the beginning of the taper.
 - (6) Parking locations.
 - (a) Parking spaces may be provided either within a garage or as uncovered spaces on a paved surface as outlined in this section.
 - (b) One uncovered parking space is permitted alongside a garage when it is not located between the building and the street or the rear property lines and is a minimum of five feet from that property line and located on a hard or permeable paver surface.
 - (c) Parking on driveways may not encroach into the public right-of-way.
 - (d) Impervious surface associated with rear yard parking shall be no greater than 20% of the total rear yard area.
 - (7) Limitations on parking in residential driveways. Driveways shall be solely for parking of passenger vehicles, which shall be regulated as follows:
 - (a) All vehicles shall be in condition for safe and legal performance on public rights-of-way and shall be registered, displaying current license plates.
 - (b) Vehicles or equipment shall not be used as living quarters in residential areas.
- C. Parking lots with more than 10 parking spaces.
- (1) Striping and marking. Parking lots shall have striped parking spaces and clearly marked aisles.
 - (2) Space size. Parking spaces shall be a minimum of 200 square feet with a ten-foot width and a twenty-foot depth.
 - (3) Aisles shall be a minimum of 24 feet for two-way traffic and 12 feet for one-way traffic.
 - (4) Location of parking lots.
 - (a) Commercial or industrial uses: any yard.
 - (b) Other uses: any yard except the front yard.
 - (c) Parking lots shall generally be located on the property of the use it serves or intends to serve, unless the lot adheres to the shared parking provisions in § 275-48H.

- (5) Setbacks.
 - (a) Street fronting property line: 10 feet minimum from property line.
 - (b) Nonstreet fronting property line: five feet minimum from property line.
- (6) Accessibility. Parking spaces reserved for physically disabled persons shall be a minimum of 12 feet wide and shall be located as close as possible to a building entrance. All other applicable regulations contained in Wisconsin Statutes § 346.503 shall be observed.
- (7) Emergency access. Lanes shall be provided per the most recent International Fire Code (IFC) and in accordance with the Tri-County Fire Department.
- (8) Traffic circulation and traffic control. Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements and shall be depicted on the site plan.
- (9) Pedestrian access and circulation.
 - (a) Walkways shall provide continuous pedestrian access through parking lots from street sidewalks to building entrances.
 - (b) One pedestrian access walkway is required per street frontage.
 - (c) Walkways shall have an acceptable dust-free surface of a minimum of five feet in width and shall be graded separate from the parking lot or otherwise delineated with pavement markers, planters, or alternative paving materials.
 - (d) Where the primary pedestrian access to the site crossed drive aisles or internal roadways, the pedestrian crossing shall be emphasized, and pedestrian access and safety shall be prioritized.
- (10) Signage. All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article VII of this chapter.
- (11) Phasing. Required off-street parking areas may be constructed in phases with a phasing plan to be approved by the Zoning Administrator.
 - (a) Areas required for parking, but not immediately improved with a hard surface, shall be reserved for future parking.
 - (b) Undeveloped future parking areas shall be seeded with grass mix, acceptable to the Zoning Administrator, until said area is fully developed into a parking surface.

D. Lighting of parking lots.

- (1) Lighting used to illuminate off-street parking areas shall be at a 90° angle to shade the light from adjacent properties and streets.
- (2) Adequate screening shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from automobile headlights.
- (3) Driveways and parking lots serving commercial uses shall be adequately illuminated from the hours of sunset to sunrise when the use is in operation.

E. Landscaping of parking lots.

- (1) Interior parking lot and parking lot islands shall meet the following landscaping requirements:
 - (a) One square foot of interior parking lot landscaping is required per 20 square feet of parking lot pavement.

- (b) Parking lot islands are required every 20 parking spaces minimum and shall meet the following requirements:
 - [1] Two hundred fifty square feet minimum.
 - [2] Minimum of two trees in each.
 - [3] Include additional landscaping and natural ground cover (not rocks or stones).
 - [4] Minimum widths:
 - [a] With a pedestrian pathway: 11 feet wide; pathway shall be a minimum of five feet wide with three feet of landscaping on each side.
 - [b] Without a pedestrian pathway: seven feet wide.
- (c) The Planning Commission may provide a waiver if the parking lot landscaping alternatively meets the intent of this section.
- (2) Perimeter of parking lots shall meet the following landscaping requirements:
 - (a) One square foot of perimeter parking lot landscaping is required per 20 feet of parking lot pavement.
 - (b) Landscaping shall be planted surrounding parking lots as a consistent mixture of landscaping types and natural ground cover (rocks and stones are not permitted).
- F. Snow storage in parking lots.
 - (1) Snow storage plan required. In conjunction with the approval of a BSO plan for off-street parking areas, a snow storage and/or removal plan shall be submitted for review and approval.
 - (2) Stored on site.
 - (a) A maximum of 10% of the total required off-street parking spaces may be used as the snow storage area.
 - (b) The required snow storage area may be paved or unpaved and shall be adequately drained to accommodate snowmelt. Snowmelt shall not drain on abutting properties.
 - (c) Required setbacks, yards, and buffer areas may be used to accommodate the required snow storage area.
 - (d) Landscaped areas with shrubs and/or trees shall not be used as snow storage areas.
 - (3) Physically removed from the site. The snow storage plan shall specify the location of the proposed snow repository site and a permission letter shall be provided from the repository site's property owner approving the plan.
- G. Surfaces of parking lots with over 10 spaces and driveways.
 - (1) Hard surface. Driveways and parking lots shall have a dust-free surface and graded in accordance with Subsection **G(3)**, Table: surfacing standards for driveways and parking areas.
 - (2) Permeable pavers may be used when installed to recognized industry standards that achieve the same or better structural integrity as other specified materials.
 - (3) Table: surfacing standards for driveways and parking lots.

	Asphalt		Concrete	
	Surface (inches)	Base (inches)	Surface (inches)	Base (inches)
Driveways, one- and two-family	2	4	4	4

	Asphalt		Concrete	
	Surface (inches)	Base (inches)	Surface (inches)	Base (inches)
Parking lots, commercial and multifamily	3	8	6	4
Loading areas and drives, commercial	4	8	7	4
Loading areas and drives, industrial	4	10	7	4

H. Shared parking lots and driveways.

- (1) Shared parking lots. Parking lots may be permitted on other properties than that of its intended use if approved by the Planning Commission and the Town Board and when an agreement allowing the parking lot, or a shared parking lot is submitted signed by both property owners.
 - (a) The owner of the land on which the parking lot shall be located shall be bound by covenants filed on record in the Office of the Register of Deeds of Brown County.
 - (b) These covenants shall require the other, or their assigns, to maintain the required number of parking spaces for the duration of the use.
 - (c) The recorded document shall be provided to the Town of Pittsfield.
- (2) Shared driveways. Driveways may be shared when it adheres to the following:
 - (a) The purpose of shared driveways is to manage the number of driveway curb openings to decrease stop-and-go traffic and to maintain roadway and driveway safety.
 - (b) A shared driveway shall intersect with a public street.
 - (c) The deeds for any properties that utilize a shared driveway shall include all appropriate easements to pass; to install utilities as necessary; to grade, drain, and maintain; and to provide easements where required by the Town. A driveway maintenance requirement shall be stipulated in the deeds of all properties.

§ 275-49. Off-street parking schedule.

- A. Square footage (SF) shall be measured in gross square feet in all cases.
- B. When determination of the number of off-street parking spaces required by this chapter results in a requirement of a fractional space, any fraction more than 1/2 shall be counted as one parking space.
- C. The parking requirements may be modified by the Planning Commission and/or the Town Board dependent on location and other site specifics.
- D. Parking Schedule Table.

Uses	Minimum Parking
Houses and dwelling units, including apartments	1 space per house or dwelling unit
Dormitories and group homes	0.5 spaces per bed
Retail	1 space per 200 square feet
Restaurants and bars	1 space per 200 square feet
Offices	1 space per 200 square feet

Uses	Minimum Parking
Services (i.e., salon, barber, accounting, etc.)	1 space per 200 square feet
Event venues	1 space per 500 square feet - Parking space requirements may be modified by Approving Authority dependent on location.
Recreation, indoor	1 space per 300 square feet - Parking space requirements may be modified by Approving Authority dependent on location.
Recreation, outdoor	To be determined by Approving Authority
Religious institutions	1 space per 500 square feet + parking space requirements for additional uses, i.e. childcare center, event venue
Hospitals	0.5 spaces per hospital bed
Retirement communities	0.5 spaces per dwelling unit
Nursing homes	1 space per 1.25 patient rooms
Childcare centers	1 space per 300 square feet
Public lodging	1.1 space per guest room
Firearm and archery ranges	1 space per 1,000 square feet
Funeral homes	1 space per 300 square feet
Gas stations	1 space per 300 square feet of retail space + 1 per gas pump at the pump
Kennels	1 space per 300 square feet
Vehicle repair	3 spaces per vehicle bay
Vehicle sales	1 space per 1,000 square feet of indoor showroom + 1 per 10 outdoor display spaces
Car washes	10 spaces
Manufacturing	TBD by Approving Authority
Transportation and logistics	TBD by Approving Authority
Warehousing	TBD by Approving Authority
Self-Storage facilities	0.25 spaces per storage unit
Recycling centers	5 spaces
K-12 schools	TBD by Approving Authority
Institutions of higher education	TBD by Approving Authority
Marinas, harbors, launching ramps	TBD by Approving Authority

§ 275-50. Off-street loading facilities.

- A. Requirement. Loading and unloading facilities shall be provided for all commercial and industrial uses that require the receipt or distribution of materials and merchandise by vehicles.
- B. Applicability. These off-street loading requirements shall also apply when a commercial or industrial establishment is expanded. Within a shopping center, the requirements set forth in the table below shall apply to each establishment or business tenant space rather than to the shopping center as a whole.
- C. Table: minimum off-street loading/unloading spaces.

Floor Area of Establishment (square feet)	Required Number	Minimum Size (feet)	Minimum Vertical Clearance (feet)
0 to 10,000	1	10 x 25	12
10,001 to 25,000	2	10 x 40	12
25,001 to 40,000	3	10 x 50	15
40,001 to 100,000	4	10 x 60	15
Over 100,000	5	10 x 60	15

- D. Location of required loading/unloading spaces.
- (1) Shall be located on the same lot as the use served.
 - (2) Shall not be located in a side yard setback.
 - (3) Shall not directly face a street.
 - (4) Shall be located to provide direct access to a street or alley so as to not hinder the circulation of vehicles and pedestrians on a sidewalk, street, alley, or within a parking lot.
- E. Drainage. All loading spaces shall have a stormwater drainage system connected to a public storm sewer if available. No surface runoff shall be allowed to flow across any property line.
- F. Screening. All loading spaces shall be screened from the view of abutting lots to a height of at least six feet by a solid fence and/or evergreen vegetation.
- G. Loading spaces do not count as parking spaces. Spaces required and allocated for off-street loading shall not be allocated or used to satisfy the space requirements for off-street parking.
- H. Surfacing. All loading spaces shall be provided with surface improvements as required for parking areas.
- I. Service and repair. Repairing or servicing of motor vehicles shall not be permitted in an off-street loading space.

§ 275-50.1. On-street parking.

- A. Parking prohibited in specified places.
- (1) No person shall stop or leave standing any vehicle, whether attended or unattended, and whether temporarily or otherwise, in any of the following places:
 - (a) Within 200 feet of the Mountain-Bay Trail;
 - (b) On a crosswalk or within 15 feet of the crosswalk perimeter;
 - (c) On a sidewalk.
 - (d) On the roadway side of any parked vehicle (double parking).
 - (e) On any portion of a public street when parking or standing is prohibited by official signs indicating the prohibition of any parking or standing.
 - (f) Within 10 feet of a fire hydrant.
 - (g) Within four feet of the entrance to an alley or a private road or roadway.
 - (h) Within a school bus parking only zone.

Article IX. Artificial Lakes

§ 275-51. Applicability.

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Pittsfield.

§ 275-52. Location.

Artificial lakes shall be allowed as conditional uses in the R-1, R-1S, R-2, R-3 and A-1 Zones. It shall also be allowed as a conditional use in the AG-FP District if public and incidental to the farm operation or if used as a farm pond for agricultural activity.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-53. Permit.

- A. The property owner, developer, or his/her assigned agent shall make application for an excavation permit to the Town Board prior to construction.
- B. The Town Planning Commission shall review and approve the site plan before recommending the Town Board issue an excavation permit.

§ 275-54. Site plans.

The site plan shall show the following:

- A. A map drawn at a minimum scale of one inch to 200 feet showing the proposed lake size and the adjoining property within 500 feet of the site.
- B. Layout of proposed residential lots and other buildings, if applicable.
- C. The type of sanitary facilities to be installed if residential development is to take place.
- D. Source of water supply for residential dwellings and water level maintenance in the lake.
- E. Surface drainage sources and topography.
- F. Proposed roadways.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-55. Lake size.

- A. Any artificially constructed lake two acres or larger in area shall adhere to the conditions of this chapter.
- B. The center portion of the lake shall be excavated deep enough to maintain a water depth of 10 feet.

§ 275-56. Other requirements.

- A. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin Statutes and the Department of Natural Resources.

- B. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Natural Resources Conservation Service and the Department of Natural Resources.
- C. The groundwater table in the surrounding area and adjacent to the lake shall be protected.
- D. State permits shall be required if high capacity wells are drilled on the site.
- E. The Department of Natural Resources requirements shall be met to ensure proper safety of swimmers.^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- F. The perimeter of the lake shall be landscaped and seeded within six months after completion of the excavation.
- G. A performance bond shall be filed with the Town Board prior to the construction. Amount of bond per acre shall be specified by the Town Board of Pittsfield.

Article X. Earth Excavation

§ 275-57. General.

- A. Hereinafter, all excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earth materials shall come under jurisdiction of this chapter. The operation of sand pits, gravel pits, and rock quarries shall come under jurisdiction of the Brown County Nonmetallic Mining Ordinance.
- B. All existing sites of excavation shall comply with this chapter prior to any expansion or alteration of the existing site.

§ 275-58. Exemptions.

The following uses shall be exempt from the provisions of this chapter:

- A. Excavation and removal of less than 100 cubic yards over a period of one year from any single tract of land recorded in the Brown County Register of Deeds office.
- B. Necessary foundation and trench excavation in connection with work on the premises for which a building permit has been issued.

§ 275-59. Permit.

- A. Application for a permit to excavate or remove earth material shall be made to the Pittsfield Town Board by the property owner or his/her assigned agent. Application form shall be provided by the Town of Pittsfield.
- B. Application shall contain required information as specified in § 275-60 of this chapter.
- C. Upon receipt of application and accompanying excavation plan, the Town Board may or may not inspect the site identified on the plan. Following site inspection, the Town Board shall approve the plan and grant the permit only when it is satisfied the conditions specified in § 275-60, Site plans, and § 275-64, Other requirements, will be complied with in undertaking the extraction. Said approval shall be made within 30 days of application date.^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- D. Upon expiration of the permit, the Town Board shall inspect the site before reissuing the permit. If the regulations of this chapter have been complied with, the permit shall be reissued.

- E. An annual permit fee as provided in the Town Fee Schedule^[2] shall be charged for the issuance of an earth extraction permit or the renewal of same. Said permit shall be valid for 365 days from the date of issue.^[3]

[2] *Editor's Note: The Fee Schedule is on file in the Town offices.*

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-60. Site plans.

The following information shall be required on a site plan prior to issuing an earth extraction permit:

- A. A map showing the location of the premises and adjoining properties within 500 feet. The map shall be drawn at a scale not smaller than one inch to 200 feet.
- B. Contour intervals of the site, as indicated by the United States Geological Survey (USGS) quadrangles or other accurate sources, of not more than 20 feet.
- C. Existing and proposed surface water drainage.
- D. Proposed regrading and revegetation of site after excavation.
- E. Truck and machinery access.
- F. Types and location of buildings to be erected on site.
- G. Approximate total amount of earth material to be excavated.
- H. Approximated number of trucks and other machinery to be used.
- I. Hours of operation, which shall be restricted to within the hours between sunrise and sunset.

§ 275-61. Trucks and machinery.

- A. No machinery shall be permanently erected within 200 feet of any property line or street right-of-way line.
- B. Truck access and storage shall be arranged to minimize danger to traffic and nuisance to surrounding property.

§ 275-62. Material handling.

- A. A minimum of 50 feet of undisturbed material shall be maintained between the point of excavation and any property line or street right-of-way line.
- B. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises, unless it is located more than 500 feet from any residential dwelling.

§ 275-63. Excavation sites.

The excavation of earth materials shall be allowed as a conditional use in all zones, except that in agriculture districts it may be done only if it is in compliance with Wis. Stats. § 91.46(6).

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-64. Other requirements.

- A. At all times, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
- B. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit.
- C. When excavation and removal operations are no longer used, as determined by the Town Board, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of three to one (horizontal-vertical), except hard rock quarries. A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed bedrock surfaces, to a minimum depth of four inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.
- D. If the excavation site shall fall within a County Floodplain, Shoreland, or Conservancy Zone District, the regulations as set forth in the Shoreland/Floodplain Zoning Ordinance for Brown County shall also apply.
- E. Town Board members or designees of the Town Board shall be allowed on the premises during scheduled operating hours for inspection purposes.^[1]
 [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- F. A performance bond of \$1,000 per acre of proposed excavation shall be required of the excavator.
- G. To allow for ease in rehabilitation of site, the operator may begin sloping, 10 feet from lot lines or road right-of-way lines, provided material disturbed within 50 feet of lot lines or road rights-of-way is used in the sloping operation as fill.^[2]
 [2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- H. No unlicensed dumping of solid waste, junk cars, or sanitary wastes shall occur in extraction sites.
- I. Proper measures shall be taken to minimize the nuisance of noise and flying rocks or dust.
- J. Any excavation operation necessitating blasting or the use of explosives shall be considered a conditional use requiring a public hearing to be held concerning the same.
- K. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding properties. The access roads to the area of operation shall be provided with a dustless surface if deemed necessary by the Town Board.

Article XI. Nonconforming Uses

§ 275-65. Purpose.

The purpose and intent of this article is to provide for the regulation of nonconforming buildings, structures, land, and other uses and to specify those circumstances and conditions under which such nonconforming buildings, structures, land, and uses shall be permitted to continue.

§ 275-66. General regulations.

Any nonconforming building, structure, land, or other use which existed lawfully at the time of the adoption of this chapter and which remains nonconforming, and any such building, structure, land, or other use which shall become nonconforming upon the adoption or amendment of this chapter, is subject to the regulations which follow:

- A. A nonconforming use may be changed once to another nonconforming use of the same or greater restriction, but shall not thereafter be changed again to another nonconforming use.

- B. If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
- C. Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure.
- D. Repairs and alterations may be made to a nonconforming building or structure, provided the respective structure is not added to or enlarged in size.
- E. No building or structure shall be moved in whole or in part to any other location on the same lot or any other lot in the zone district, unless every portion of such building or structure which is moved shall conform to the zone district requirements.
- F. No principal building, accessory building, or structure shall be moved from one zone district to another zone district unless so authorized by the Town Board.
- G. When a nonconforming use of structure is damaged by violent wind, vandalism, fire, flood, ice, snow, mold or infestation, to the extent of more than 60% of its current assessed value, it shall not be restored except as to comply with the use provisions of this ordinance and to the same size, location and use it had immediately prior to the damage.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Article XII. Administration and Enforcement

§ 275-67. Purpose.

This article shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this chapter.

§ 275-68. General provisions.

- A. This article shall provide for the position of Zoning Administrator, Zoning Board of Appeals, and Town Planning Commission.
- B. This article shall provide the authority and necessary requirements for the issuance of building permits and occupancy permits, variances, appeals, amendments, conditional uses, fees, and penalties.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-69. Zoning Administrator.

- A. The position of Zoning Administrator as hereby established shall be filled by an appointment by the Town Board of Pittsfield. The Town of Pittsfield Zoning Administrator shall have the following powers and duties:
 - (1) Enforce the provisions of the Town ordinances.
 - (2) Issue all land use permits in compliance with the provisions of this chapter.
- B. Land use permit.
 - (1) No structure of any kind, including buildings, shall be erected, moved or structurally altered until said permit has been issued.

- (2) Each application for a land use permit shall be accompanied by a plat in accordance with requirements specified.
 - (a) A plat, in duplicate, of the piece or parcel of land, lot, lots, block, or blocks, or parts or portions thereof, drawn at a minimum scale of one inch to 100 feet, showing the actual dimension, as certified by a professional land surveyor or a registered professional engineer, of the piece or parcel, lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
 - (b) A plat, in duplicate, drawn at a minimum scale of one inch to 100 feet, showing the ground area, height, and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land, and such other information as may be required by the Zoning Administrator and for the proper enforcement of this chapter.

C. The Zoning Administrator shall:

- (1) Issue all rezoning certificates and make and maintain records thereof.
- (2) Provide and maintain a public information bureau relative to all matters arising out of the Town ordinances.
- (3) Forward to the Town of Pittsfield Planning Commission all applications for conditional uses and for amendments to this chapter that are initially filed with the office of the Zoning Administrator.
- (4) Forward to the appropriate board applications for appeals, variances, or other matters on which the board is required to act under this chapter.
- (5) Maintain permanent and current records of the Town ordinances, including but not limited to all maps, amendments, conditional uses, variances, appeals, and applications therefor.
- (6) Initiate, direct, and review from time to time a study of the provisions of this chapter and make reports of his recommendations to the Town Planning Commission and Town Board.
- (7) Advise the Town Board and Town Planning Commission at their monthly meetings and present a report at the Annual Town Meeting summarizing all permits and construction within the Town.
- (8) Issue culvert, driveway, pond and sign permits, including preconstruction and post-installation review and inspections for compliance with Town ordinances, and collect construction deposits for actions not associated with a building permit.
- (9) Create and maintain a file of roadway condition photos of "before" and "after," when necessary, for the construction deposit permit and make recommendations for repairs to the contractor and Town Board, if needed.
- (10) Issue weight limit road permits during weight-restricted time periods.
- (11) Perform miscellaneous duties as assigned by the Town Board.

§ 275-70. Zoning Board of Appeals.

The Zoning Board of Appeals is hereby established as authorized under the provisions of the § 62.23, Wis. Stats.

A. Jurisdiction. The Zoning Board of Appeals is hereby entrusted with the jurisdiction and authority to:

- (1) Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this chapter.

- (2) Hear and pass upon the application for variances from the terms provided in this chapter in the manner prescribed by and subject to the standards established herein.
- (3) Hear and decide all matters referred to it or upon which it is required to pass under this chapter, as prescribed by § 62.23, Wis. Stats.

B. Meetings and rules.

- (1) All meetings of the Zoning Board of Appeals shall be held at the call of the Chair of the Board and at such times as the Zoning Board of Appeals may determine.
- (2) All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.
- (3) Notice of the time and place of such public hearing shall be published as provided by the state law on planning and zoning and applicable to the Town of Pittsfield.
- (4) The Chair or, in his/her absence, the Acting Chair may administer oaths and compel the attendance of witnesses.
- (5) The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- (6) All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
- (7) The Board shall adopt its own rules and procedures, not in conflict with this chapter or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

C. Decisions. All decisions and findings of the Zoning Board of Appeals on appeals or upon application for a variance shall be by a majority vote of the members present, provided that a quorum is present and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

D. Board membership.

- (1) The Zoning Board of Appeals shall consist of five members appointed by the Pittsfield Town Chair and subject to confirmation by the Pittsfield Town Board.
- (2) The term shall be for three years. Appointments will be made in April. All members shall reside within the Town.^[2]
- (3) The members shall be removable by the Town Board for cause upon written charges.
- (4) Vacancies shall be filled for the unexpired term of members. The Town Chair shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Pittsfield.
- (5) Two alternate members to the Zoning Board of Appeals shall be appointed by the Town Chair and serve as provided in § 62.23(7)(e) Wis. Stats.^[3]

[3] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-71. Planning Commission.

The Town Planning Commission shall be the authorizing planning agency and shall perform the duties of the Town Planning Commission as set forth in § 62.23, Wis. Stats.

- A. Jurisdiction. The Pittsfield Town Planning Commission shall carry out the following duties under this chapter:
- (1) Review all applications for conditional uses and amendments to this chapter and report said findings and recommendations to the Town Board in the manner designated by this chapter for amendments and conditional uses.
 - (2) Receive from the Zoning Administrator his/her recommendations as related to the effectiveness of this chapter and report his/her conclusions and recommendations to the Pittsfield Town Board.
 - (3) Hear and decide matters upon which it is required to pass under this chapter.
- B. Meetings.
- (1) All meetings of the Town Planning Commission shall be held at the call of the Chair of the Commission at such times as the Commission may determine.
 - (2) The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- C. Decisions. All actions of the Town Planning Commission shall require the vote of a majority of a quorum of members of the Commission.
- D. Membership.
- (1) The Town Planning Commission shall consist of seven members, as provided by § 62.23, Wis. Stats.
 - (2) Commission members shall consist of the Town Chair, who shall be its presiding officer, the Town Engineer, and five citizens. Appointments will be made in April. Members one, three and five will be appointed in odd years and members two and four will be appointed in even years. If a Park Commissioner is added, that member will serve in the number four position. The Town Zoning Administrator will also serve on the Commission.
[Amended 9-8-2020]
 - (3) The Town Board member shall be elected by a 2/3 vote of the Board upon creation of the Commission and during each April thereafter.
 - (4) Three citizen members shall be appointed by the Town Chair, upon the creation of the Commission, to hold office for periods ending one, two, and three years, respectively, from the succeeding May 1. Thereafter, annually during April, one member of the Commission shall be appointed for a term of three years.
 - (5) The additional citizen members, if any, shall be appointed to hold office for a period ending one year from the succeeding May 1, and thereafter annually during the month of April. Whenever a park board is created, or a Town Engineer appointed, the president of such board or such engineer (full time) shall succeed to a place on the Commission when the term of an additional citizen member expires.
 - (6) The Town Planning Commission members shall be removable by the Town Board of Pittsfield for cause upon written charges.
 - (7) Vacancies shall be filled for the unexpired terms of members. The Town Chair shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Pittsfield.

§ 275-72. Building permit.

No building, or addition thereto, \$5,000 and/or 50 square feet or more in size, constructed after the effective date of this chapter, and no addition of \$5,000 and/or 50 square feet or more in size to a previously existing building shall be occupied, and no land, vacant on the effective date of this chapter, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. Every building permit shall state that the use complies with the provisions of this chapter.

§ 275-73. Occupancy certificate.

- A. No occupancy permit for a building, or a portion thereof, constructed after the effective date of this chapter shall be issued until construction has been completed and the premises inspected and certified by the Building Inspector to be in conformity with the plans and specifications upon which the building permit was based.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. The occupancy permit shall be issued or written notice shall be given to the applicant stating the reason why a certificate cannot be issued not later than seven days after the Building Inspector is notified, in writing, that the premises or building is ready for occupancy.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- C. All occupancy permits shall be issued by the Town of Pittsfield Building Inspector.
- D. There shall be no open houses until the occupancy permit is issued.

§ 275-74. Variances.

- A. Application. An application for a variance shall be filed with the Town Clerk. The application shall contain such information as the Zoning Board of Appeals by rule may require. Due notice of the hearing shall be given to parties of interest, as well as owners of property located within 100 feet of the property in the appeal. The Board shall reach a decision within 60 days from the filing of the request for variance. Notice of the time and place of such public hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Pittsfield.

- B. Standards for variances. Variances may be granted by the Zoning Board of Appeals only when:

- (1) Because of the particular physical surroundings, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
- (2) Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property within the same zoning classification.
- (3) Alleged difficulty or hardship is caused by this chapter and has not been created by any person presently having an interest in the property.
- (4) Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- (5) Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

- C. Authorized variances. Variance shall be granted by the Zoning Board of Appeals in accordance with the standards established in Subsection **B** and may be granted in the following instances:

- (1) To permit any yard or setback less than the full yard setback requirements by the applicable regulations.
 - (2) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width. The respective area and width of the lot or lots shall be at least 80% of the required area and width.
 - (3) To permit the same off-street parking facility qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hour of the same days of the week.
 - (4) Reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20% of the required facilities, whichever number is greater.
 - (5) Increase by not more than 20% the maximum gross floor area of any use so limited by the applicable regulations.
- D. Validity. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than six months from the date of such order unless the land use permit is obtained and the erection or alteration of a building is started.

§ 275-75. Appeals.

A. Scope of appeals.

- (1) An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Planning Commission or Zoning Administrator.
- (2) Such an appeal shall be made within 30 days after the decision or the action complained of by filing with the Town Clerk or Zoning Administrator a notice of appeal specifying the grounds thereof.
- (3) The Town Planning Commission shall forthwith transmit to the Zoning Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

B. Finding on appeals.

- (1) An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Planning Commission or Zoning Administrator certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate a stay would, in its or his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the Planning Commission or Zoning Administrator, and on due cause shown.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (2) The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties by one publication in the official newspaper and also by mailing notice thereof to the parties in interest, said publications and mailings to be made at least 10 days prior to the date of hearing.
- (3) The Zoning Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- (4) The Zoning Board of Appeals may affirm or may reverse, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as in its opinion ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-76. Amendments.

- A. Authority. The Pittsfield Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent and purpose of said changes as per Article II of this chapter.
- B. Initiation. Amendments may be proposed by any governmental body, interested person, or organization.
- C. Application.
- (1) An application for an amendment shall be filed with the Town Clerk in such form and accompanied by such information as required by the Town Planning Commission. Said application shall be reviewed by the Planning Commission, and a written recommendation submitted thereon to the Town Board.
 - (2) The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published at least twice in the official newspaper not less than 10 days before the scheduled date of such hearing.
- D. Findings and recommendations.
- (1) The Town Planning Commission shall make written finding of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
 - (2) Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Planning Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - (a) Existing uses or property within the general area of the property in question.
 - (b) Zoning classification of property within the general area of the property in question.
 - (c) Suitability of the property in question to the uses permitted under the existing zoning classification.
 - (d) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place on its present zoning classification.
 - (3) The Planning Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that request by the applicant.
 - (4) The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
- E. Action by Town Board.
- (1) The Town Board shall not act upon a proposed amendment to this chapter until it shall have received a written report and recommendation from the Town Planning Commission on the proposed amendment.
 - (2) The Town Board may grant or deny any application for an amendment; provided, however, that in the event of a written protest against any proposed amendment to 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 therefrom, or by the owners of 20% or more of the land directly opposite

thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of 3/4 of the members of the Town Board voting on the proposed change.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- (3) If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

§ 275-77. Conditional uses.

A. Purpose. To review requested land uses within zoning districts to ease conflicts on neighboring lands and public need. Conditional uses shall be of two types:^[1]

- (1) Uses publicly operated or traditionally affected with a public interest.
- (2) Private uses in character, of an unusual nature such that their operation may give rise to unique problems with respect to their impact upon neighboring property as public facilities.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

B. Initiation. Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this chapter in the zoning district in which the land is located.

C. Application. The application for a conditional use shall be filed with the Pittsfield Town Planning Commission on a form so prescribed by the Town Planning Commission. The application shall be accompanied by such plans and/or data prescribed by the Town Planning Commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Town Planning Commission, and a written recommendation submitted thereon to the Town Board.

D. Hearing on application. Upon receipt in proper form of the written recommendation referred to in Subsection C, the Town Board shall hold a public hearing on the proposed conditional use. Due notice of the hearing shall be given to parties of interest, as well as owners of property located within 100 feet of the property in the application. The Board shall reach a decision within 90 days from the filing of the conditional use request.^[2]

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

E. Authorization. For each application for a conditional use, the Town Planning Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon within 90 days of the date upon which such application is received by the Pittsfield Town Board, it shall be deemed to have been denied.

F. Standards. No conditional use shall be recommended by the Town Planning Commission unless said Commission shall find that the conditions comply with Article II of this chapter. The Town Board shall have the authority to revoke any conditional use permit upon the recommendation of the Town Planning Commission.

G. Conditions and guarantees. Before issuing a conditional use permit, the Town Planning Commission may recommend and the Town Board shall stipulate such conditions and restriction upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Subsection F above. In all cases in which conditional uses

are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

- H. Annual compliance review. The Town Planning Commission, with help from the Zoning Administrator, shall conduct an annual review of all outstanding conditional use permits. To aid in this review, the Town Clerk shall keep a binder with copies of all current conditional use permits. This review shall seek to assure applicability of all outstanding conditional use permits. This shall include assuring compliance with all stipulations of additional conditions and guarantees applied to any permit. Permit holders found to be out of compliance shall be reported to the Town Board. Noncompliant permit holders shall be issued a letter of noncompliance and an order to cease said violation activity from the Zoning Administrator. Failure to come into compliance shall be a violation of this chapter, subject to penalties as outlined in § 275-79. If the compliance violation is within the uses permitted in this chapter, the permit holder may reapply for a new conditional use permit. Reapplication for a new conditional use permit shall not be seen as a temporary grant to continue said noncompliant activity.

§ 275-78. Fees.

Any application for an amendment or conditional use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee to cover all incurred charges. The fee for variances and appeals shall cover all incurred charges. All fees will be established by the Town Board and shall be paid to the Town Clerk.

§ 275-79. Violations and penalties.

- A. Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this chapter by any person, firm, association, corporation (including building contractors) or his/her/its agent shall be deemed an unlawful structure or use.
- B. The Zoning Administrator shall report all such violations to the Town Attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure, or use to be vacated or removed.
- C. Any person, firm, or corporation or agent, employee, or contractor of such who violates, omits, neglects, or refuses to comply with or who resists enforcement of any provision of this chapter shall upon conviction thereof forfeit no less than \$75 nor more than \$1,000, together with the cost of prosecution, and in default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made. Confinement at the county jail shall not exceed 30 days for an offense. Each violation and each day of violation shall constitute a separate offense.^[1]
- D. Failure to secure a proper and legal building permit prior to beginning work on a project requiring said permit shall result in a fine of no less than \$75 nor more than \$1,000. This section shall not preclude the Town of Pittsfield from maintaining any appropriate action to prevent or remove a violation of this chapter.^[2]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

Article XIII. Planned Development District

§ 275-80. Established.

There is herewith established a use district to be known as the "Planned Development District."

§ 275-81. Application to existing use districts.

This article shall operate as a conditional use and as an alternative to the permitted uses and regulations applicable to existing districts, and shall be applicable only to those lands which may be hereafter zoned "Planned Development" by the Town Board. Basic underlying zoning requirements for lands over-zoned as a Planned Development District shall continue in full force and effect and shall be solely applicable until such time as the Town Board grants final approval as hereinafter provided.

§ 275-82. Purpose.

The purpose of the Planned Development District and the regulations applicable to the same is to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well-balanced, aesthetically satisfying Town and economically desirable development of building sites within a Planned Development District. These regulations are established to permit latitude in the development of the building site, if such development is found to be in accordance with the purpose, spirit, and intent of this chapter and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structure, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage and facilitate preservation of open lands.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-83. Definitions.

As used in this article, the following terms shall have the meaning indicated:

BASIC ZONING REGULATIONS

Such zoning regulations as are applicable to the use district other than the regulations set forth in this article.

BUILDING SITES

A tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes, and which will not be so subdivided, or where the tract of land, if so divided, is in single ownership or is owned by a condominium group. The site must be located on a public street or highway, or have direct access over a private right-of-way having the minimum width of 90 feet.

§ 275-84. Uses permitted.

- A. Basic zoning uses. The following uses are permitted in a Planned Development District upon obtaining all necessary approvals required under this chapter:
- (1) All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located. Where a building site is situated in more than one use district, all uses permitted under the basic zoning regulations of one district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed an area computed to be 50% of the smaller of the areas of the portion of the property located in either district.
 - (2) Such additional uses, or mixture of uses, as are recommended by the Planning Commission and approved by the Town Board, to qualify under this article.

- B. Building restrictions. When all necessary approvals required under this chapter are obtained, the building height, size and floor area, lot size, setback, side and rear yard, density and open space requirements under the basic zoning regulation shall not be applicable, but rather such development plan and the plan itself shall be construed to be and shall be enforced as part of this chapter.

§ 275-85. General provisions.

- A. Engineering design standards. Normal standards or operational policies regarding right-of-way widths, provisions for sidewalks, streetlighting and similar environmental design criteria shall not be mandatory in a planned development, but practice standards satisfactory to the Town, pursuant to the criteria as set forth in § **275-86** hereof, shall be made a part of the approved plan and shall be enforceable as a part of this chapter.
- B. Approvals. The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions to the original approved development site structures or plans of operation shall require resubmittal and recommendation by the Planning Commission and approval by the Town Board.
- C. Rescinding approval. Failure to comply with the conditions, commitments, guarantees or recommendations established in the approval of such development project shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator, the developer shall be required to appear before the Town Board at its next public meeting to explain any such failure to comply. The Town Board, at such hearing, shall determine whether or not the developer shall have failed to comply and, if there has been such a failure, may either:
- (1) Rescind its approval, whereupon such rescission and cessation of all rights and privileges of the developer and owner, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the 31st day following mailing by certified mail to the developer at his last known address of a written notice of such rescission; or
 - (2) Adjourn such hearing for the period not to exceed 65 days to enable the developer to comply, thereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Board that there will be compliance in the future, the rights and privileges of the developer and owner shall continue for such period of time that there shall be such compliance; but, if the developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Board that there will be compliance in the future, the Board will proceed in accordance with Subsection **C(1)** immediately above.

§ 275-86. Criteria for approval.

As a basis for determining the acceptability of a planned development proposal, the following criteria shall apply to the development plan, with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- A. Character and intensity of land use. The uses proposed and their intensity and arrangement on the site shall be of such a visual, aesthetic and operational character that they:
- (1) Are compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
 - (2) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.

- (3) Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection, or other municipal services.
 - (4) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
- B. Economic feasibility and impact. There should be provided satisfactory evidence that it is economically feasible, has available adequate financing, and will not adversely affect the economic prosperity of the Town or the values of surrounding properties.
- C. Engineering design standard. The width of rights-of-way and location of street or other paving, requirements for outdoor lighting, location of sanitary and storm sewer and water lines, and provision for drainage and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall construction standards be less than those necessary to ensure the public safety and welfare.
- D. Preservation and maintenance of open space. Adequate provision shall be made for open space for the permanent preservation and maintenance of common open space and rights-of-way, either by private reservation or dedication to the public. In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town, as part of conditions for project approval, an open space easement over such open areas restricting the area against any future building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or, subsequently, with the express approval of the Town Board following the recommendation of building site and operational plans by the Planning Commission.
- (1) In the case of roadways and other rights-of-way which are not dedicated to the public as part of the conditions for project approval, there shall be granted to the Town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer, water, and other required municipal services to the project area.
 - (2) The care and maintenance of such open space reservations and rights-of-way shall be assured, either by establishment of appropriate management organization for the project or by agreement with the Town for establishment of a special service district for the project area on the basis of which the Town shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.
- E. Factors and requirements to be considered by the Planning Commission and Town Board.
- (1) Height of structures.
 - (2) Auto parking facilities.
 - (3) Screening and fencing.
 - (4) Landscaping.
 - (5) Setbacks.
 - (6) Open space reservations.

- (7) The site itself, as it relates to neighborhood environment, compatibility to existing neighborhoods characteristics.
- (8) Nature and use of the proposed structures, and design, architecture, and materials to be used.
- (9) Adequacy of traffic pattern and appearance of proposed parking areas.
- (10) Proposed roadway, driveway and walk locations.
- (11) Highway access to the site, number of openings and location of same.
- (12) Traffic generation, number of vehicles parked and rate of turnover per hour.
- (13) Drainage.
- (14) Capacities required for sewer, water, and other necessary utilities.
- (15) Proposed methods and hours of operation.
- (16) Educational capacity capabilities (number of families and school load).
- (17) Economic impact on the Town, its inducements, attractions, and detractions.
- (18) Lighting.
- (19) Comparison of open space as required by the underlying basic zones with that of the proposed project.
- (20) Operational control.
- (21) Commencement and completion dates.
- (22) Highway dedication.
- (23) Deed restrictions and sureties deemed necessary to protect the health, safety and welfare of the community.
- (24) Such other limitations, conditions or special requirements, characteristic to the use as may be deemed necessary to protect the health, safety, or welfare of the Town.

§ 275-87. Implementation schedule.

The proponents of a planned development shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Planning Commission and the Town Board, including suitable provisions (and the Town may require the furnishing of a suitable and sufficient performance bond) for assurance that each phase could and shall be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of the phase. The procedure for approval of a planned development project shall consist of two phases:

- A. Preliminary approval, consisting of approval of the proposed project in principle only; and
- B. Final approval, consisting of approval of the proposed project in all its terms and details.

§ 275-88. Preliminary approval.

- A. Notice and fee. A person desiring to develop a particular site as a planned development district project shall apply to the Zoning Administrator on such forms as shall be provided by the Town and shall pay a fee as provided in the Town Fee Schedule,^[1] which shall accompany such written application. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers, and a description of the development site.^[2]

- [1] *Editor's Note: The Fee Schedule is on file in the Town offices.*
[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. Notice to Commission. The Zoning Administrator shall inform the Planning Commission of such desire and shall secure date for preliminary discussion between the developer and the Planning Commission and shall notify such developer of such date.
- C. Commission recommendations. The Planning Commission, after such preliminary discussions and such further discussions as may be required with the developer, shall report, in writing, such proposed project development to the Town Board, together with its recommendations for either approval or disapproval of the same. Such report and recommendation of the Commission shall be made to the Town Board no later than four months from the date of the filing of the application with the Zoning Administrator.
- D. Administrator. A recommendation of approval by the Commission shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed development project, without modification. Any such approval shall be a preliminary approval only, and shall not bind the Town Board regarding final approval.
- E. Information required. The following information shall be provided by the applicant in adequate detail to satisfy the Planning Commission for its recommendation regarding preliminary approval:
- (1) A statement describing the general character of the intended development.
 - (2) An accurate map of the project area, showing nature, use, and character of abutting properties, prepared by a registered surveyor.
 - (3) A general development plan of the proposed project showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in § **275-86** of this chapter:
 - (a) The pattern of public and private roads, driveways and parking facilities.
 - (b) The size and location of lots.
 - (c) The type, size, and location of structures.
 - (d) The location of sanitary and storm sewer lines, water mains, and lighting.
 - (e) The location of recreational and open space areas reserved or dedicated for public uses, such as school, park, etc.
 - (f) General landscape treatment.
 - (4) Appropriate statistical data on the size of the development, residential density, ratio of various land uses, economic analysis of the development, and any other data pertinent to the evaluation under the criteria of § **275-86**.
 - (5) Architectural drawings and sketches illustrating the design and character of proposed structures.
 - (6) General outline of intended organization structure related to property owners' association, deed restrictions and private provision of common services, if any.
- F. Amendment of preliminary approval. The recommendation of the Planning Commission and the preliminary approval of the Town Board shall be based on and include as conditions thereto the building site and operational plans for the development, as approved, as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the approved plans. Detailed construction and engineering plans need not necessarily be completed at this time, but the approval of such preliminary plan shall be conditional upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to

the plans or use shall first be submitted to the Planning Commission, and if in the opinion of the Planning Commission such change or addition constitutes a substantial alteration of the original plan, it shall timely make an appropriate recommendation to the Town Board relating in an amendment of the preliminary approval.^[3]

[3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-89. Final approval.

After the Town Board has issued its preliminary approval of the proposed plan, the developer may file with the Town Clerk a petition executed by the owner of the property to be developed or his agent for the final approval, stating that he seeks to develop such property under the provisions of this article. Such petition shall include (unless previously submitted):

- A. The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application who no longer have an interest in the project in the event there has been a change in owners or developers since the date of the application.
- B. An accurate topographical map showing topographical data at two-foot intervals and extending 100 feet beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within 100 feet of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high-water elevations along rivers.
- C. A scale plot plan showing the location, type and size of every proposed structure and its proposed use, also driveways, driveway access roads, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaped areas, and utility easements.
- D. A statistical table showing the size in square feet, the acreage (exclusive of public streets), proposed population densities and open areas (both in square feet and as a percentage of the project area).
- E. Architectural drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
- F. A table showing the approximate costs of structures.
- G. A statement showing the starting and completion dates of the project.
- H. Any other pertinent data, statements, drawings or plans which may be required by the Planning Commission or the Town Board.
- I. The following additional information for commercial and industrial developments:
 - (1) Square feet of the buildings;
 - (2) Square feet of offices, production areas and the proposed number of employees in each such area;
 - (3) Details of proposed use or uses and manner of operation; and
 - (4) The municipal services that may be required to serve the site.

§ 275-90. Planning Commission hearing.

After receipt of a petition and the filing of the required data, the Planning Commission shall hold a public hearing, and such additional public hearings as may be desirable upon publication of a Class 1 notice in the official newspaper of the Town. Any such hearing may be adjourned without further publication.

Following such hearing, the Commission shall recommend to the Board that the petition be either approved or disapproved.

§ 275-91. Town Board hearing.

Upon receipt of the recommendation of the Planning Commission, the Town Board shall hold a public hearing on whether or not to give final approval to the proposed project. The Town Board shall give notice of such hearing by publication of the same as a Class 3 notice in the official newspaper of the Town, and may adjourn such hearing at the time thereof without further publication. Within a reasonable time following such hearing, the Board shall either issue a final approval or disapprove such petition.

§ 275-92. Effect of final approval by Town Board.

No construction shall be commenced on the building site until the Board has granted final approval, except such construction that shall be in compliance with both the requirements of the underlying zone and proposed planned development as submitted for final approval. Neither preliminary approval nor final approval shall constitute approval for construction of any building or structure, but approval for such construction shall be obtained through the procedure for applying for and obtaining a building permit as it is now and as shall be hereafter prescribed elsewhere in the Town ordinances and pursuant to state law.

§ 275-93. Amendment of final approval.

A petition for an amendment to the final approval shall require an additional fee as provided in the Town Fee Schedule.^[2] No subsequent change or addition to the planned development after final approval shall be allowed or permitted until approved by the Town Board after hearings and the recommendation of the Planning Commission, all in accordance with the procedure and requirements of this article.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

[2] *Editor's Note: The Fee Schedule is on file in the Town offices.*

Article XIV. Ponds

§ 275-94. Applicability.

The following regulations shall apply to all ponds hereinafter constructed or developed within the Town of Pittsfield.

§ 275-95. Location.

- A. Ponds may be allowed as a permitted use in the R-1, R-1S, R-2, and R-3 Zones.
- B. A pond may also be allowed as a permitted use in the A-1 Agriculture and AG-FP Districts, and incidental to the farm operations, or if used as a farm pond for agricultural activity.

§ 275-96. Permit.

- A. The property owner, developer, or his/her assigned agent shall make application for a pond permit to the Town Board prior to construction. The pond fee shall be as provided in the Town Fee Schedule,^[1] which includes inspection fees.^[2]

[1] *Editor's Note: The Fee Schedule is on file in the Town offices.*

[2] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- B. The Town Planning Commission shall review and approve the site plan before recommending the Town Board issue the pond permit.
- C. Construction of a pond before permit is issued will result in the doubling of the permit fee.

§ 275-97. Site plans.

The site plan shall show the following:

- A. A map drawn at a minimum scale of one inch to 200 feet showing the proposed pond size and the adjoining property within 500 feet of the site.
- B. Layout of the proposed lots and other buildings, if applicable.
- C. The type of existing and/or proposed sanitary facilities to be installed in the development.
- D. The source of existing and/or proposed water supply for any proposed dwellings or buildings.
- E. The water maintenance level for the pond.
- F. Surface drainage sources and topography.
- G. Existing and proposed roadways.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

§ 275-98. Pond size.

- A. Any pond of less than two acres in area shall adhere to the conditions of this chapter.
- B. The center portion of the pond shall be excavated deep enough to maintain a water depth of eight feet, with the sides of the pond having a minimum slope of 3:1.
- C. The pond shall be placed no closer than 15 feet to any property line.

§ 275-99. Other requirements.

- A. The pond site shall be field reviewed prior to and at the completion of the pond by the Town Zoning Administrator.
- B. The pond site shall comply with all sanitary codes.
- C. Ponds constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin Statutes and the Department of Natural Resources.
- D. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Natural Resources Conservation Service and the Department of Natural Resources.
- E. The groundwater table in the surrounding area and adjacent to the pond shall be protected.
- F. State permits shall be required if high-capacity wells are drilled on the site.
- G. The Department of Natural Resources requirements shall be met to ensure proper safety of swimmers.^[1]

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

- H. The perimeter of the pond shall be landscaped and seeded within six months after completion of the excavation.
- I. All ponds shall be completed within one year of the issuance date of the pond permit. Permits may be extended for cause upon approval of the Town Board.