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**Revised June 2019**

# **ARTICLE I**

## **TITLE AND AUTHORITY**

**A. TITLE**

1. This ordinance shall be known, cited, and referred to as: THE TOWN OF WRIGHTSTOWN ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

**B. AUTHORITY**

1. The Town of Wrightstown, pursuant to Section 60.29 (41), 60.18 (12), 60.74, 61.35, and 66.058 of the Wisconsin Statutes, hereby enacts an interim zoning ordinance to read as follows:

## **ARTICLE II**

# **INTENT, PURPOSE, AND SEVERABILITY**

### **A. INTENT**

1. This ordinance 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.

### **B. PURPOSE**

1. The Zoning Ordinance of the Town of Wrightstown, 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 appearances 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.

### **C. SEVERABILITY**

1. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
2. If any application of this ordinance 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 DEFINITIONS**

### **A. GENERAL**

For the purpose of this ordinance, words used in the present tense shall include the future; words used in the singular number shall include the plural number and the plural the singular; and masculine gender includes feminine and neuter.

1. The word “shall” is mandatory and not discretionary.
2. The word “may” is permissive.
3. The word “lot” shall include the words “piece”, “parcel”, and “plats”; 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”.
4. All “measured distances” shall be to the nearest “integral foot”. If a fraction is one-half (1/2) foot or less, the next “integral foot” below shall be taken.
5. Any words not herein defined shall be constructed, as defined in other respective state, county, and town codes.

### **B. WORDS DEFINED**

Certain words and terms in this ordinance are to be interpreted as defined herein:

1. **Accessory Use or Building.** A use or detached structure subordinate to the principal use of a structure, land, or water located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.
2. **Agriculture.** The use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activities occurring thereon.
3. **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.
4. **Alley.** A public or private right-of-way primarily designed to serve as secondary access to abutting properties.
5. **Auto Wrecking Yard.** Any premises on which more than one (1) automotive vehicle, not in running or operating condition, or parts thereof, are stored in the open.
6. **Basement.** That portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

7. **Bed and Breakfast Establishments.** Any place of lodging that provides four (4) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owners or managers personal residence, is occupied by owner or manager at the time of rental and in which the only meal served to guests is breakfast. The maximum stay of any one (1) guest shall not exceed seven (7) days per stay.
8. **Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines or waterways or municipal boundary lines.
9. **Boarding House (Lodging House).** A building or premises, other than a hotel, containing lodging rooms accommodating for compensation, four (4) or more persons not of the keeper's family. Lodging may be provided with or without meals.
10. **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.
11. **Building Accessory.** A subordinate building or portion of a principal building, the use of which is incidental and customary to that of the principal building, where an accessory building shall comply in all respects with the requirements of this ordinance applicable to the principal building.
12. **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 deck line of a mansard roof and to the average height between the eaves and the ridge of a gable, hip, or gambrel roof.
13. **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. Mobile homes used, as residences shall not be classified as temporary buildings. They are further defined in definition #49.
14. **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.
15. **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.
16. **Commercial Feedlots.** An agriculture enterprise where livestock is purchased and raised and then sold to a buyer, feedlot, or slaughterhouse.
17. **Corner Side.** A yard extending along a side lot line from front yard to rear yard when said side lot line is conterminous with a street right-of-way line.
18. **Conditional Use.** Uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
19. **Drive-in Restaurant.** An establishment, which provides window service and carry out counter service for food products to automotive customers. Interior seating may or may not be provided, but such seating is incidental and not the primary service areas.

20. **Dwelling.** A building, or portion thereof, excluding a mobile home, hotel, motel, boarding houses, and trailers designed or used exclusively for residential occupancy.
21. **Dwelling Unit.** One (1) 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”.
22. **Dwelling, single-family.** A building designed for the occupied exclusively by one (1) family.
23. **Dwelling, Two-Family.** A building designed for the occupied exclusively by two (2) families.
24. **Dwelling, Multiple-Family.** A building used or designed as a residence for three (3) or more families including tenement houses, row houses, apartment houses, and apartment hotels.
25. **Establishment Business.** A place of business carrying on 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.
26. **Family.** Any member or individual related by blood, adoption, marriage, or not to exceed two (2) persons not so related, living together on the premises as a single housekeeping unit, including any domestic servant.
27. **Farm.** Any parcel of land, which is used for gain in the raising of agricultural products, livestock, poultry, and dairy products.
28. **Frontage.** The length of all the property fronting on one (1) side of a street between the two (2) nearest intersecting streets, measured along the line of the street, or if dead ended, then all property abutting on one (1) side between an intersecting street and the dead end of the street.
29. **Frontage, Zoning Lot.** The length of all the property of such zoning lot fronting on a street, measured between side lot lines.
30. **Fur Farm.** Agricultural operation where the major income is derived from the selling or sale of fur bearing animals and /or pelts.
31. **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.
32. **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.
33. **Grade.** The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
34. **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 centerline of party walls separating two building.
35. **Hard Surfaced.** A driveway or parking lot surfaced with concrete, bituminous paving.
36. **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/her residence for infrequent consultation, emergency treatment, or performance of religious rites, but not for the general practice of his/her profession.

37. **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 (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
38. **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.
39. **Junk (Salvage) Yard.** An open area where waste or scrap material is bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and other metals, paper, rags, rubber tires, bottles, and automobiles.
40. **Lot.** A parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building, together with the open spaces required by this ordinance and abutting on a public street.
41. **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 the Register of Deeds prior to the adoption of this ordinance, and certified survey maps approved and recorded in the Register of Deeds office of Brown County.
42. **Lot, Zoning.** A single tract of land located within a single block, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a “zoning lot or lots” may or may not coincide with a lot of record.
43. **Lot, Corner.** A lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
44. **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.
45. **Lot, Interior.** A lot other than a corner lot.
46. **Lot Lines and Area.** The peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.
47. **Lot, Through.** An interior lot having frontage on two (2) non-intersecting streets.
48. **Lot, Width of.** The horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately behind the front yard setback line.
49. **Manufactured Home.** A structure, transportable in one or more sections, which is build on a permanent chassis and designed to be used for long-term residential use when connected to required utilities.



50. **Manufactured Home Parks.** Any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
51. **Motel.** An 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/her agent or his/her employees.
52. **Motor Vehicle.** Any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
53. **Nonconforming Use.** Any use of land, building, or structure, lawful at the time of the enactment of this ordinance which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
54. **Parking Space.** A graded and surfaced area of not less than two hundred (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 two hundred (200) feet, exclusive of passageways, driveways, or other means of circulation or access.
55. **Planned Unit Development.** A tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.
56. **Professional Office.** The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation; the office shall not exceed one half (1/2) the area of only one (1) floor of the residence and only one (1) resident person is employed.
57. **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.
58. **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. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to ten (10) feet maximum height.
59. **Sanitary Landfill.** Disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles or engineering to confine the refuse to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals.
60. **Setback.** Minimum horizontal distance between the front line of a building or structure and the front property line.
61. **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, "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. A “sign” shall not include a sign located completely within an enclosed building unless the content shall so indicate.

62. **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.
63. **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.
64. **Slaughterhouse.** A building or portion thereof used in the conduct of a business enterprise where animals are butchered or where animals or parts thereof are processed, cut, or altered.
65. **Stock farm.** An agricultural operation, usually non-dairying in nature, where livestock is raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.
66. **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 (5) 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 (1) dwelling unit for the caretaker of the premises.
67. **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, land, throughway, or however otherwise designated, but does not include driveways to building.
68. **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.
69. **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.
70. **Town.** Meaning Town of Wrightstown.
71. **Town Board.** The governing body of the Town of Wrightstown.
72. **Town Zoning Administrator.** Administrator appointed by the Town Board to administer and enforce the provisions of the Zoning Ordinance.
73. **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”.
74. **Yard.** 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.
75. **Yard, Front.** A yard extending along the full length of the front lot line between the side lot lines.
76. **Yard, Side.** A yard extending along a side lot line from the front yard to the rear yard.
77. **Yard, Rear.** A yard extending along the full length of the rear lot line between the side lot lines.

## **ARTICLE IV GENERAL PROVISIONS**

### **A. JURISDICTION**

1. The jurisdiction of this ordinance shall include all lands and waters within the Town of Wrightstown.

### **B. EXISTING ORDINANCE**

1. Restriction or requirements with respect to building or land or both which appear in other ordinances of the Town of Wrightstown 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 ordinance shall apply.

### **C. BUILDING AND USES**

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved; and existing land shall be used for only purposes as specified in this ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
2. All residential structures shall be located on a lot; and only one residential structure shall be located, erected or moved onto a lot.
3. Permitted, permitted accessory uses, and conditional uses are limited to the uses indicated for the respective zone district.
4. Accessory buildings which are not a part of the main building shall not occupy more than thirty (30) percent of the area of the required rear yard, shall not be more than twenty-five (25) feet high and shall not be nearer than ten (10) feet to any lot line, except that where an accessory building has an entrance on an alley, such entrance shall be located not less than fifteen (15) feet from the nearest alley line. The above height and area regulations shall not apply to accessory buildings designated as farm structure.
5. If a nonconforming use of a building or premises is discontinued for a period of twelve (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.
6. When a building containing a nonconforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its current local assessed value, it definitely shall not be restored, except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations in any nonconforming use shall not, during its life, exceed sixty (60) percent of the local assessed value of the building at the time of its becoming a nonconforming use unless permanently changed to a conforming use.
7. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this ordinance. If the lot area is less than the minimum number of square feet required for the district in which it is located and was of record as such at the time of the passage of this ordinance, such lot may be occupied if it meets the requirements of the Brown County Sanitary Ordinance.
8. Where the Town Zoning Administrator has issued a building permit, pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit by the town Zoning Administrator.

9. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the 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 certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Article XVIII.

**D. AREA REGULATIONS**

1. Lot size shall comply with the required regulations of the established district.
2. 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.

**E. HEIGHT REGULATIONS**

1. Except as otherwise provided in this ordinance, 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.
2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator bulkheads, fire towers, monuments, penthouses, 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 ordinance, but shall must comply with height regulations of respective zones..
3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which the building is to be located are each increased at least one (1) 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.
4. Residences may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

**F. FRONT, SIDE, AND REAR YARD REGULATIONS**

1. No front yard shall be used for open storage of boats, vehicles, or any other equipment, except for vehicular parking or driveways. All open storage areas shall be properly landscaped.
2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions or this ordinance shall be included as part of a yard or any other open space required for another building.
3. Buildings 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.

4. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building would meet district requirements.

#### **G. FENCES, WALLS, AND HEDGES**

1. A fence, wall, hedge or shrubbery may be erected, placed, maintained, or grown along a lot line on Residential Zoned property or adjacent thereto to a height not to exceed five (5) 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 (3) feet. In a required rear yard, the height of fences, walls, or hedges shall be limited to eight (8) feet; unless the rear lot line abuts a side lot line on neighboring property, in which case the height limitation shall be five (5) feet. Zoning Administrator shall determine distance from lot line.
2. No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to residentially zoned property, to a height exceeding eight (8) feet.
3. In any district, no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three (3) feet above the street grade, nearest thereto within twenty five (25) feet of the intersection or any street lines or street lines projected, or to any height of less than three (3) feet if it is determined by the Zoning Administrator that such a height interferes with safe, clear visual distance along any roadway.

#### **H. PARKING STANDARDS**

1. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall not be less than two hundred (200) square feet exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained, and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
6. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
7. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such

Town of Wrightstown Zoning Ordinance

increase in intensity of use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.

8. None of the off-street facilities, as required in this ordinance, shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.
9. All entrances requiring a road ditch culvert shall be a minimum of thirty (30) feet in length and be of galvanized steel construction. The Town Board shall determine the diameter of such culvert(s).

**I. OFF-STREET LOADING**

1. In all districts loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

**J. ACCESSORY BUILDING OR USE**

1. No Accessory building may be constructed on a lot of less than ten (10) acres, until a residence has been constructed.

**K. HOUSE GRADES**

1. The elevation of the garage floor, whether attached or unattached to the residence, shall be no more than eighteen (18) inches above the curb and/or road elevation at the junction of the driveway with the curb, except as otherwise approved in writing by the Zoning Administrator.

# **ARTICLE V**

## **ESTABLISHMENT OF ZONES**

### **A. ZONE DISTRICT**

1. For the purpose of this ordinance, the Town of Wrightstown, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-1 Residential  
A-R Agricultural-Residential  
AG General Agricultural  
AG-FP Agricultural-Farmland Preservation  
T-R Transitional Residential  
B-1 Community Business District  
I-1 Limited Industrial District

### **B. ZONING MAP**

1. The location and boundaries of the districts established by this ordinance are set forth on the zoning map, the Town of Wrightstown, Brown County, Wisconsin, Assessor's Plat Map (created by the Brown County Survey Department), and adopted by the Town Board on November 10, 2010, and as updated and approved by the Town Board, which is incorporated herein and hereby made a part of this ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

### **C. ZONING BOUNDARIES**

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

1. District boundary lines are the centerlines 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.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Adjustment, after due hearing may extend the regulation for either portion of such lot.

### **D. EXEMPTED USES**

1. The following uses are exempted by this ordinance and permitted in any zone district. Public road rights-of-way and improvements projects, poles, towers, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and

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regulations, and other authorities having jurisdiction. However, radio and television transmission and booster towers are subject to the regulations prescribed for such uses in the Residential District: R-1.

**E. NON EXEMPTED USES**

1. Cellular Phone towers are not exempt from these ordinances and are allowed, with a conditional use permit on Sanitary District #1 property.



## **ARTICLE VI**

### **R-1 RESIDENTIAL**

The following regulations shall apply in R-1 Districts:

#### **A. PERMITTED USES**

1. Single-family dwellings.
2. The following institutional uses; provided any building shall be located twenty five (25) feet or more from any other lot in a Residential District.
  - a. Schools, public, denominational, or private, elementary, junior high, and senior high, including playgrounds, athletic fields, and other accessory uses required for operation.
  - b. Public open spaces including customary park, playground and athletic field activities and functions.
  - c. Public libraries, museums, community centers, or other public recreational buildings and grounds.
3. Transmission lines, substations, telephone and telegraph lines and public utility installments.
4. Church chapels, temples, synagogues, rectories, parsonages, and parish houses, provided the buildings are located twenty five (25) feet or more from any other lot in a Residential District.

#### **B. PERMITTED ACCESSORY USES**

1. Private garages, carports, and driveways.
2. Home occupations.
3. Tool houses, sheds and other similar buildings used for the storage of common supplies.
4. Conservatories and greenhouses for plants provided such activity is not designed for wholesale or retail trade.

#### **C. CONDITIONAL USES**

1. Multi-family dwellings.
2. Two Family Dwellings
3. Bed and Breakfast Establishments
4. Manufactured Home Park. No mobile home older than 8 years old shall be allowed in a Manufactured Home Park.
5. Planned unit development.
6. Religious institutions in the form of convents, seminaries, and monasteries.

7. Cemeteries.
8. Fire stations, police stations, post offices, and other municipal facilities necessary for town operation.
9. Temporary real estate tract offices for transacting the sale of lots in the tract or land upon which the tract office is situated for a period not to exceed two (2) years.
10. Temporary building, trailers, equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.

**D. LOT REQUIREMENTS WITH PUBLIC SEWER**

1. Area - Fourteen thousand (14,000) square feet minimum.
2. Zoning lot frontage - One hundred (100) feet minimum.

**E. HEIGHT REGULATIONS**

1. All structures - thirty five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

**F. BUILDING SETBACKS**

	<b>Principal Structure</b>	<b>Accessory Building</b>
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	1 story - 10 feet minimum each side; 2 story - 15 feet minimum each side	10 feet minimum
Rear Yard	25 feet minimum	10 feet minimum
Corner Side	25 feet minimum from right-of-way	25 feet minimum from right-of-way

**G. BUILDING SIZE**

1. Minimum ground floor area per dwelling shall be not less than fourteen hundred (1,400) square feet for a one (1) story dwelling and not less than nine hundred (900) square feet and five hundred (500) second floor square feet, for dwellings having more than one (1) story.

**H. ACCESSORY BUILDING**

1. Accessory buildings which are not a part of the main building shall not occupy more than thirty (30) percent of the area of the required rear yard, shall not be more than twenty five (25) feet high and shall not be nearer than ten (10) feet to any lot line, except that where an accessory building has an entrance on an alley, such entrance shall be located not less than fifteen (15) feet from the nearest alley line.
2. Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

**I. PARKING**

1. Parking shall conform to the requirements as set forth in Article XII Off-Street Parking Requirements.
2. Only one (1) unlicensed vehicle may be stored outside on premises.
3. Driveways and parking areas shall be a minimum of three (3) feet off property lines.
4. All new residential structures shall be required to have an attached or unattached garage of a minimum of five hundred (500) square feet.

**J. SIGNS**

1. Signs shall be regulated as set forth in Article XI Sign Regulations.

**K. OTHER REQUIREMENTS**

1. An additional structure of no more than one thousand (1,000) square feet on lots less than five (5) acres maybe allowed for storage or home occupation. On lots five (5) acres or larger such structure shall have no such size limitation. Article 4.C.4. Shall still apply.
2. A frost wall or a basement is required under all residential structures.
3. No dog kennels allowed in residential area.
4. Allow no large animals in the sanitary district.

## **ARTICLE VII**

# **A-R AGRICULTURAL-RESIDENTIAL**

The following regulations shall apply in A-R District:

### **A. PERMITTED USES**

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries, and game preserves.
2. Single-family dwellings.

### **B. PERMITTED ACCESSORY USES**

1. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
2. Additional structures necessary for the continuance of the farming operation.
3. Home occupation business

### **C. CONDITIONAL USE**

1. Artificial lakes.
2. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches, and other religious institutions.
3. Cemeteries.
4. Dog Kennels.

### **D. LOT REQUIREMENT**

1. Area - two (2) acres minimum.
2. Zoning lot frontage - two hundred (200) feet minimum.

### **E. HEIGHT REGULATIONS**

1. Farm structures
2. Residential dwellings - thirty five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.
3. Other structures, twenty-five (25) feet.

**F BUILDING SETBACKS**

	<b>Principal Structure</b>	<b>Accessory Building</b>
Front Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum - nonfarm building, 75 feet minimum farm buildings
Rear Yard	25 feet minimum	25 feet minimum - nonfarm buildings, 75 feet minimum farm buildings
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

**G. BUILDING SIZE**

1. Minimum size of a residential dwelling shall be one thousand four hundred (1,400) square feet ground floor area for a one (1) story dwelling. Two story, first floor nine hundred (900) square feet, second floor, five hundred (500) square feet.
2. A frost wall or basement is required under all residential structures.

**H. ACCESSORY BUILDING**

1. Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

**I. PARKING**

1. Parking shall conform to the requirements as set forth in Article XII, Off-Street Parking Requirements.
2. Open storage of no more than one (1) unlicensed vehicle.

**J. SIGNS**

1. Signs shall be regulated as set forth in Article XI Sign Regulations.

**K. OTHER REQUIREMENTS**

1. All future residential dwellings connected with the farming operation shall be located on a separate lot containing a minimum of one and one half (1½) acres and two hundred (200) feet of lot frontage.
2. Other structures or buildings allowed within the A-R District shall meet the requirements of the district and remaining articles of the zoning ordinance, as determined by the town Zoning Administrator.
3. An additional structure of no more than one thousand, five hundred (1,500) square feet on lots from 1.5 to 2 acres; one thousand, eight hundred (1,800) square feet on lots from 2 to 3 acres and two thousand (2,000) square feet of lots from 3 to 5 acres may be allowed for storage or home occupation. On lots five (5) acres or larger such structure shall have no such size limitation. Art. 4.C.4. Shall still apply.

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4. Large animals to be allowed on Ag-Res and Transitional Lots 2 acres or larger.
5. Maximum setback of rear of principle structure shall be 400 feet from road right of way.

## **ARTICLE VIII**

### **E-A EXCLUSIVE AGRICULTURE**

The following regulations shall apply in E-A Districts:

#### **A. PERMITTED USES**

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, game farms, wildlife sanctuaries, and game preserves.
2. Commercial feedlots and stock farms.
3. Single family dwellings for the farm operator,
4. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television station and towers, and public highway rights-of-way and improvement projects.

#### **B. PERMITTED ACCESSORY USES**

1. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
2. Additional structures necessary for the continuance of the farming operation.

#### **C. CONDITIONAL USE**

1. Stockyards and fur farms, not including slaughter houses.
2. Artificial lakes.
3. The following uses, limited to those agricultural-related, religious, utility, institutional or governmental uses which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses:
  - a. Riding academies and stables, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
  - b. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.
  - c. Parks, recreational sites, and golf courses.
  - d. Railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
  - e. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches and other religious institutions, provided they are religious, institutional, or governmental uses which do not conflict with agricultural use.

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- f. Airfields, airports, and heliports.
- g. Cemeteries, if religious or institutional.
- 4. Wind generation equipment.
- 5. Any other type towers.
- 6. Bed and Breakfast establishments.
- 7. Dog kennels.

**D. LOT REQUIREMENT FOR RESIDENCE**

- 1. Area - thirty five (35) acres minimum.
- 2. Zoning lot frontage - two hundred (200) feet minimum.

**E. HEIGHT REGULATIONS**

- 1. Residential Dwellings - thirty five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

**F. BUILDING SETBACKS**

	<b>Principal Structure</b>	<b>Accessory Building</b>
Front Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	75 feet minimum - farm buildings, 25 feet minimum - nonfarm buildings
Rear Yard	25 feet minimum	75 feet minimum - farm buildings, 25 feet minimum - nonfarm buildings
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

**G. BUILDING SIZE**

- 1. Minimum size of a residential dwelling shall be one thousand four hundred (1,400) square feet ground floor area for a one story dwelling. For two story dwelling, nine hundred (900) square feet on first floor and five hundred (500) square feet for the second floor.
- 2. A frost wall or basement is required under all residential structures.

**H. ACCESSORY BUILDING**

- 1. Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

**I. PARKING**



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1. Parking shall conform to the requirements as set forth in Article XII, Off-Street Parking Requirements.
2. Driveways and parking areas shall be a minimum of ten (10) feet off lot lines.

**J. SIGNS**

1. Signs shall be regulated as set forth in Article XI Sign Regulations.

**K. OTHER REQUIREMENTS**

1. Existing nonconforming residences located in the E-A District at the time of the passage of this ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Section 59.97 (10) of the Wisconsin Statutes or paragraphs 1, 2, 3, and 4 of Article XVII Nonconforming Uses.
2. Farm dwellings which remain after farm consolidation shall be separated from the farm parcel on a lot containing a minimum of two (2) acres and two hundred (200) feet of lot frontage and shall have its zoning designation changed to agriculture residential.
3. Other structures or buildings allowed within the E-A District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.
4. Any use of property for livestock (excluding dogs, cats and rabbits) requires a lot of a minimum size of five (5) acres.
5. Wetland restoration that involves the excavation, removal, addition of or relocation on site of, more than two hundred (200) cubic yards of earth, and has been approved by the WDNR and Brown County Land Conservation, after meeting the requirements of Art. XIV B.1, C.1, 5, and 6, may be allowed on 35 acres or more.

# **ARTICLE IX**

## **B-1 COMMUNITY BUSINESS DISTRICT**

The Community Business District is intended to serve the retail and 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: The following conditional uses may be allowed in the B-1 District, subject to the provisions of Article XVIII, subsection J:

### **A. CONDITIONAL USES**

The following uses are permitted in the B-1 District:

- 1      Antique shops.
- 2      Art and school supply stores.
- 3      Art shops or galleries, but not including auction rooms.
- 4      Automobile accessory stores.
- 5      Bakeries - retail.
- 6      Banks and financial institutions.
- 7      Barber shops.
- 8      Beauty parlors.
- 9      Bicycle sales, rental, and repair stores.
- 10     Blueprinting and Photostatting.
- 11     Boat showrooms and sales.
- 12     Book and stationary stores.
- 13     Business machine sales and service.
- 14     Camera and photographic supply stores.
- 15     Candy and ice cream stores.
- 16     Carpet and rug stores, retail sales only.
- 17     Catering establishments.
- 18     Child day care centers.
- 19     China and glassware stores.
- 20     Clothing and costume rental stores.

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- 21 Clubs and lodges, nonprofit and fraternal.
- 22 Coin and stamp stores.
- 23 Computer and data processing services.
- 24 Custom dressmaking.
- 25 Dental clinic.
- 26 Department stores.
- 27 Drug stores.
- 28 Dry cleaning establishments not engaged in wholesale processing.
- 29 Dry goods stores.
- 30 Eating and drinking places, excluding drive-ins and establishments primarily engaged in carryout service.
- 31 Electrical and household appliance stores, including radio and television sales.
- 32 Electrical showrooms and shops.
- 33 Employment agencies.
- 34 Florist shops.
- 35 Food stores, grocery stores, meat markets, bakeries and delicatessens.
- 36 Frozen food stores, including locker rental in conjunction therewith.
- 37 Furniture stores, including upholstering when conducted as part of the retail operations and secondary to the principal use.
- 38 Furrier shops, including the incidental storage and conditioning of furs.
- 39 Garden supply, tool, and seed stores.
- 40 Gift shops.
- 41 Hardware stores.
- 42 Hobby shops, for retail of items to be assembled or used away from the premises.
- 43 Household appliances, office equipment and other small machine sales and service.
- 44 Interior decorating shops, including upholstering and making of draperies, slip covers, and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
- 45 Insurance agencies.
- 46 Jewelry stores, including watch and clock repair.

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- 47 Laboratories, medical and dental.
- 48 Laboratories, medical and dental, research and testing.
- 49 Launderettes, automatic, self-service only, or hand laundries employing not more than two (2) persons in addition to one (1) owner or manager.
- 50 Leather goods and luggage stores.
- 51 Libraries.
- 52 Liquor stores, packaged goods.
- 53 Locksmith shops.
- 54 Meeting halls.
- 55 Millinery shops.
- 56 Miscellaneous personal services.
- 57 Miscellaneous repair shops.
- 58 Miscellaneous shopping goods stores.
- 59 Motor vehicle and automotive parts and supplies.
- 60 Musical instrument sales and repair.
- 61 Newspaper distribution agencies for home delivery and retail trade.
- 62 Nurseries, lawn and garden supply stores.
- 63 Nursing and personal care facilities.
- 64 Office machine sales and servicing.
- 65 Offices, business, professional, and governmental.
- 66 Office supply stores.
- 67 Optician sales, retail.
- 68 Orthopedic and medical appliance stores.
- 69 Paint and wallpaper stores.
- 70 Pet shops.
- 71 Phonograph record and sheet music stores.
- 72 Photography studios, including the development of film and pictures, when conducted as part of the retail business on the premises.

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- 73 Picture framing, when conducted for retail trade on the premises only.
- 74 Plumbing showrooms and shops.
- 75 Post offices.
- 76 Publishing and printing.
- 77 Radio and television sales, servicing and repair shops.
- 78 Radio and television stations and studios.
- 79 Real estate offices.
- 80 Recording studios.
- 81 Residential care group homes.
- 82 Restaurants - including the serving of alcoholic beverages.
- 83 Schools - dance, music, and business.
- 84 Security brokers.
- 85 Sewing machine sales and service - household appliances.
- 86 Shoe, clothing, and hat repair stores.
- 87 Shoe stores.
- 88 Sporting goods stores.
- 89 Tailor shops.
- 90 Taverns.
- 91 Taxidermists.
- 92 Telegraph offices.
- 93 Telephone booths and coin telephones.
- 94 Ticket agencies, amusement.
- 95 Tobacco shops.
- 96 Toyshops.
- 97 Travel bureaus.
- 98 Undertaking establishments and funeral parlors.

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- 99 Used merchandise stores
- 100 Variety stores.
- 101 Wearing apparel shops and accessories.
- 102 Agricultural implement dealers.
- 103 Amusement establishments - archery ranges, bowling alleys, shooting galleries, game room, swimming pools, skating rinks, and other similar amusement facilities.
- 104 Animal hospitals, veterinary services, and kennels.
- 105 Auction rooms.
- 106 Automotive repair shops.
- 107 Automotive rental and leasing.
- 108 Automotive services.
- 109 Bowling alleys.
- 110 Building material product sales.
- 111 Business schools.
- 112 Car wash.
- 113 Contractor or construction offices.
- 114 Dry cleaning establishments employing more than four (4) persons.
- 115 Dwelling units and rooming units, above the ground level.
- 116 Eating and drinking establishments primarily engaged in drive-in and carryout service.
- 117 Express offices - delivery stations.
- 118 Farm machinery and equipment sales.
- 119 Greenhouses, commercial.
- 120 Hotels, motels.
- 121 Mail order houses.
- 122 Manufactured home sales.
- 123 Medical clinics.
- 124 Manufactured home and trailer sales and rentals.

- 125 Monument shops.
- 126 Motor vehicle sales.
- 127 Off-premise signs greater than three hundred (300) square feet in size and less than five hundred one (501) square feet in size.
- 128 Parking garages or structures, other than accessory, for the storage of private passenger automobiles only.
- 129 Parking lots, open and other than accessory.
- 130 Planned commercial unit development.
- 131 Public utility and service uses.
- 132 Recreational and utility trailer dealers.
- 133 Schools, commercial and trade.
- 134 Residence of the owner or operator of a business located on the premises.
- 135 Shopping centers.
- 136 Stadiums, auditoriums, and arenas.
- 137 Theaters.
- 138 Undertaking establishments and funeral parlors.
- 139 Used motor vehicle sales and services.
- 140 Wholesale establishments.
- 141 Wood cabinetmaking.
- 142 Other uses determined as acceptable by the Town Planning Commission.

**A. PERMITTED ACCESSORY USES**

- 1. Uses incidental to and located on the same zoning lot as a principal use.

**B. LOT REQUIREMENTS**

- 1. With public sewer: Area - Fifteen thousand (15,000) square feet minimum.  
Zoning lot frontage - eighty five (85) feet minimum.
- 2. Without public sewer: Area - one (1) acres minimum. Zoning lot frontage – One hundred (100) feet minimum.

**C. HEIGHT REGULATIONS**

- 1. All structures - thirty five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

**D. BUILDING SETBACKS**

	<b>Principal Structure And Accessory Building Inside Sanitary District</b>	<b>Principal Structure And Accessory Building Outside Sanitary District</b>
Front Yard	25 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	10 feet minimum	25 feet minimum
Rear Yard	15 feet minimum	25 feet minimum
Corner Side	30 feet minimum from right-of-way	50 feet minimum from right-of-way

**E. BUILDING SIZE**

1. Minimum of one thousand (1,000) square feet.

**F. ACCESSORY BUILDING**

1. All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

**G. PARKING**

1. Parking shall conform to the requirements as set forth in Article XII Off-Street Parking Requirements.
  - a. Town Planning Commission will determine driveway access.

**H. SIGNS**

1. Signs shall be regulated as set forth in Article XI Sign Regulations.

**I. OTHER REQUIREMENTS**

1. Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the zoning ordinance as determined by the Town Zoning Administrator.
  - a. All business, service, repair, storage, or merchandise display shall be conducted wholly within an enclosed building, except for off-street automobile parking and off-street loading.



# **ARTICLE X**

## **L-1 LIMITED INDUSTRIAL DISTRICT**

### **A. CONDITIONAL USES**

1. Automotive service stations and garages
2. Automotive body repairs, upholstery, and cleaning establishments.
3. Boot and shoe manufacturing.
4. Bottling companies.
5. Brick and structural clay product manufacture.
6. Building materials sales and storage.
7. Carpet manufacturing.
8. Clothe manufacturing.
9. Contractors, architects, and engineer offices, shops and yards.
10. Cosmetic production.
11. Dairy products.
12. Electronic and scientific precision equipment.
13. Electroplating.
14. Feed and seed sales
15. Food processing establishments.
16. Freight terminals
17. Glass product production and sales.
18. Grain storage and processing.
19. Graphite products manufacture.
20. Greenhouses, wholesale.
21. Laboratories, research and testing.
22. Laundries.
23. Light machinery products - appliances, business machines, etc.
24. Lithographing.

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25. Machine shop.
26. Mail order houses.
27. Metal stamping.
28. Municipal facilities.
29. Musical Instruments manufacture.
30. Orthopedic and medical appliance manufacture.
31. Parking lots.
32. Printing and publishing establishments.
33. Public utility and service uses.
34. Radio and television stations.
35. Rope, cord, and twine manufacture.
36. Rubber processing and manufacture.
37. Sign manufacture.
38. Sporting goods manufacture.
39. Trade schools.
40. Warehousing, storage, and distribution facilities.
41. Wastewater treatment plants, municipal.
42. Wearing apparel.
43. Welding shop.
44. Abrasive manufacture.
45. Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangars, terminals, and other auxiliary facilities.
46. Auto wrecking yards
47. Heavy machinery production.
48. Paint products manufacture.
49. Paper products manufacture.
50. Petroleum product storage, processing, and sales.

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- 51. Plastics manufacture.
- 52. Planned industrial unit development.
- 53. Stadiums, auditoriums and arenas, open or enclosed.
- 54. Steel manufacture.
- 55. Woodworking and wood products.
- 56. Other manufacturing, processing, or storage uses as determined acceptable by the town Planning Commission.
- 57. Any other business or manufacturing use as determined acceptable by the Town Planning Commission.

**B. PERMITTED ACCESSORY USES**

- 1. Uses incidental to and on the same zoning lot as the principal use.

**C. LOT REQUIREMENTS**

- 1. One (1) acre minimum. Zoning lot frontage - one hundred (100) feet minimum.

**D. HEIGHT REGULATIONS**

- 1. Principal structures - sixty (60) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

**E. BUILDING SETBACKS**

	<b>Principal Structure And Accessory Building Inside Sanitary District</b>	<b>Principal Structure And Accessory Building Outside Sanitary District</b>
Front Yard	25 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	10 feet minimum	25 feet minimum
Rear Yard	15 feet minimum	25 feet minimum
Corner Side	30 feet minimum from right-of-way	50 feet minimum from right-of-way

**F. ACCESSORY BUILDINGS**

- 1. All accessory buildings hereinafter constructed in the L-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

**G. PARKING**

- 1. Parking shall conform to requirements as set forth in Article XII, Off-Street Parking Requirements.

2. Planning Commission will determine driveway exits.

**H. SIGNS**

1. Signs shall be regulated as set forth in Article XI, Sign Regulations.

**I. OTHER REGULATIONS**

1. No use shall be established, maintained, or conducted in any L-1 district that causes any of the following:
  - a. Dissemination of excessive noise, vibration, odor, dust, smoke, observation gas or fumes, or other atmospheric pollutants beyond the boundaries of the immediate site of the building in which such use is conducted.
  - b. Hazard of fire or explosion of other physical hazard to any person, building, or vegetation.
  - c. A harmful discharge of waste material.
  - d. Radiation or interference with radio or television reception beyond the immediate boundaries of the immediate site of the building in which such use is conducted.
2. Landfills shall only be allowed in L-1 industrial. and with a Conditional Use permit.

# ARTICLE XI

## SIGN REGULATIONS

The following regulations shall apply to all signs hereinafter erected or established within the Town of Wrightstown.

### A. GENERAL

1. This section of the ordinance 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.
2. No sign shall hereafter be erected, located, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the town Zoning Administrator, except sign in Section B of Article XI, which are exempt from the provisions of this ordinance.

### B. SIGNS EXEMPT

All signs are prohibited in the Residential, Exclusive Agriculture, and Agriculture-Residential Zones, except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty two (32) square feet in area for any one farm. Height of this respective sign shall not exceed eight (8) feet. Two (2) 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.
2. Real Estate signs, which advertise the sale, rental, or lease of the premises upon which said signs, are temporarily located. In the Residential Zone, no sign shall exceed eight (8) square feet in area, whereas such signs shall not exceed twelve (12) square feet in the Agriculture-Residential Zone. Corner lots in residential zones shall be permitted two (2) such signs.
3. Name, occupation, and warning signs, not to exceed two (2) square feet, located on the premises. Corner lots shall be permitted two (2) such signs.
4. Bulletin boards or similar devices for churches and religious institutions shall not exceed thirty-two (32) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet. Religious signs may be erected off the immediate premises.
5. 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.
6. Official signs, such as traffic control, parking restrictions,
7. Temporary signs or banners when authorized by the town Plan Commission and requiring annual sign permit from Planning Commission.
8. Off premise signs not exceeding sixteen (16) square feet in area for a single faced sign. Double-faced signs shall be no greater than thirty two (32) square feet in area with no single face having more than sixteen (16) square feet or area.

**C. R-1 RESIDENTIAL DISTRICTS**

In this district, all types shall be of a non-flashing and non-illuminated type.

1. All signs shall be confined to the immediate property being solely advertised or displayed. Religious signs are exempt.
2. No sign shall project higher than one (1) story or eight (8) feet above the finished ground level whichever is lower.
3. Nonresidential building use in a residential district shall have no sign larger than twelve (12) square feet in area and displaying only the name and address of the building.
4. No sign shall project beyond the property line into the public way.
5. Signs shall be set back ten (10) feet from any yard in an interior lot.
6. Signs erected on corner lots shall conform to the required yard setbacks.

**D. B-1 COMMUNITY BUSINESS DISTRICT/LIMITED INDUSTRIAL**

All signs hereafter established within the B-1 Community Business Zone District/Limited Industrial shall conform to the following regulations set forth.

1. All signs advertising or displaying business places shall be constructed on the said business premises only. Business signs constructed off the premises shall be permitted only upon written approval by the Town of Wrightstown Plan Commission and shall require annual permit renewal from Town Planning Commission.
2. Illuminated and flashing signs shall be permitted as long as the illumination of all signs are diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way.
3. Roof signs shall not exceed five (5) 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 one hundred (100) square feet of area on all sides combined for any one premises.
4. Window signs shall be placed only on the inside of business buildings and shall not exceed twenty five (25) percent of the glass area of the pane upon which the sign is displayed.
5. Wall signs placed against the exterior of a building shall not extend more than six (6) inches outside of a building wall surface, shall not exceed five hundred (500) square feet in area for any one (1) premises, and shall not exceed twenty (20) feet in height above the average ground level.
6. Ground signs shall not exceed twenty (20) feet in height above the average ground level; shall meet all yard requirements for the district and shall not exceed two hundred (200) square feet in area on all sides combined for any one (1) premise.
7. Property signs fastened to, suspended from, or supported by structure on a premises developed for business, shall not exceed one hundred (100) square feet in area for all sides combined on any one (1) premises; shall not extend more than ten (10) feet into any required yard; shall not exceed a height of twenty (20) feet above the average ground level; and shall not be less than ten (10) feet above any pedestrian way, not less than fifteen (15) feet above a driveway.

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8. One (1) pedestal-type sign, a ground sign generally supported by one (1) or more metal posts and not exceeding a height of twenty (20) feet, shall be permitted per use in the Community Business District Zone. Such sign shall not exceed a total area of fifty (50) square feet on a side.
  9. No sign shall be permitted within fifty (50) feet of any residence.
  10. No sign shall be closer than fifty (50) feet to the intersection of the right-of-way lines of any intersection road. Any sign located in the direct line of vision of any traffic control signal shall not have flashing intermittent red, green, or amber illumination.
- E. Information and notice signs are allowed by annual renewable permit from Planning Commission.

# ARTICLE XII OFF-STREET PARKING REQUIREMENTS

The following regulations shall apply to all zone districts within the Town of Wrightstown.

**A. GENERAL**

1. All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall conform to the requirements herein.
2. Buildings or uses existing on the effective date of this ordinance, which are subsequently altered or enlarged to require the provisions of the parking spaces under this ordinance, shall conform to the requirements as set forth herein.

**B. SIZE**

1. Each required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles.
2. All angle parking shall conform to the requirements as set forth:

Angel	Stall depth (in feet)	Width of Aisles (in feet)
30 degree	17	12
45 degree	19	15
60 degree	20	18
90 degree	18	28

3. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner, which will least interfere with traffic movement.

**C. PLANS**

1. Except for residential uses, the design of parking lots of areas shall be subject to the approval of the town Plan Commission in accordance with standards herein required.

**C. PARKING STANDARDS**

1. **Single-Family Dwellings.** Two (2) spaces for each dwelling unit.
2. **Two-Family Dwellings.** Two (2) spaces for each dwelling unit.
3. **Multi-Family Dwellings.** Two (2) spaces for each dwelling unit.
4. **Motels.** One (1) space for each guest room plus one (1) staff for each three (3) employees.
5. **Hotels.** One (1) space for each two (2) guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.
6. **Lodging, Rooming, and Boarding Houses.** One (1) space for each two (2) beds plus one (1) stall for each three (3) employees.



7. **Churches and Places of Worship.** One (1) space for every three (3) seats.
8. **Hospitals.** One (1) space for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
9. **Medical and Dental Clinics.** Three (3) parking spaces shall be provided for each doctor plus one (1) space for each employee.
10. **Sanitariums, Rest Homes, Convalescent Homes, and Nursing Homes.** One (1) parking space for each four (4) beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff.
11. **Elementary Schools.** One (1) parking space for each employee.
12. **Junior High Schools.** One (1) parking space for each employee.
13. **Senior High Schools.** One (1) space for each employee, plus one (1) space for each ten (10) students in the school.
14. **Colleges and Universities.** One (1) space for each employee, plus one (1) space for each six (6) students.
15. **Public Libraries, Art Galleries, Museums.** One (1) space for each five hundred (500) square feet of gross floor space.
16. **Fraternities, Sororities, and Dormitories.** One (1) space for each three (3) residents, plus one (1) space for the manager.
17. **Restaurants.** Parking space equal to fifty (50) percent capacity in persons, plus one (1) space for each three (3) employees.
18. **Tavern.** Parking spaces equal in number to sixty (60) percent of the capacity in persons.
19. **Bowling Alleys.** Six (6) parking spaces shall be provided for each alley, plus additional spaces, as required by this ordinance for any associated use (bars, restaurants, etc.).
20. **Swimming Pools and Skating Rinks.** Parking spaces equal in number to thirty (30) percent of the design capacity shall be provided.
21. **Amusement Establishments not listed and Amusement Parks.** Parking spaces shall be provided in adequate number, as determined by the town Zoning Committee, to serve persons employed, as well as the visiting public.
22. **Stadiums, Ballparks, and Outdoor Arenas.** Parking spaces shall be provided at the rate of fifty (50) percent of the maximum capacity of persons using and/or observing activities at these facilities during a twenty four (24) hour period.
23. **Golf Courses.** One (1) parking space shall be provided for each two (2) persons using the course at maximum capacity. (Bars, restaurants, and related uses shall require additional spaces.)
24. **Driving Ranges.** One (1) parking space shall be provided for each tee.

25. **Private Clubs.** One (1) parking space shall be provided for each lodging room, plus parking spaces equal in number to thirty (30) percent of the maximum capacity in persons of such club.
26. **Recreational Buildings and Community Centers - Noncommercial.** Parking spaces equal in number to fifty (50) percent of the capacity in persons shall be provided.
27. **Convents, Seminaries, Monasteries, Nunneries, Rectories, Parsonages, Parish Houses, and Religious Retreats.** One (1) parking space shall be provided for each two (2) employees, plus additional parking spaces equal in number to five (5) percent of the maximum capacity of professional persons residing on the premises at any one time.
28. **Riding Academies and Commercial Stables.** One (1) parking space shall be provided for each employee per shift, plus spaces adequate in number, as determined by the town Zoning Committee, to serve the visiting public.
29. **Shopping Centers.** Eight (8) parking spaces for each one thousand (1,000) square feet of gross floor area in the center.
30. **Warehousing and Wholesaling Establishments.** One (1) parking space for each employees per shift, plus spaces adequate in number, as determined by the town Planning Commission to serve the visiting public.
31. **Junk Yards, Salvage Yards and Auto Graveyards.** One (1) space shall be provided for each two (2) employees, plus one (1) space for each five thousand (5,000) square feet of lot area.
32. **Animal Hospitals and Kennels.** Three (3) parking spaces shall be provided for each employee.
33. **Airports and Commercial Heliports.** One (1) parking space for each one hundred fifty (150) square feet, plus additional employee space shall be provided in the ratio of one additional employee space shall be provided in the ratio of one (1) space for each two (2) employees working the same shift, based on the maximum number of employees working the same shift.
34. **Automobile and Truck Service Stations.** One (1) parking space for each employee, based on the maximum number of employees working the same shift, as well as one (1) additional space shall be furnished for each inside service bay.
35. **Automobile Laundries.** One (1) space for each two (2) employees, plus one (1) space for manager, and in addition, reservoir parking spaces equal to five (5) times the capacity of the automobile laundry, for those automobiles awaiting entrance to the facility. Maximum capacity in this instance shall mean the greatest number possible of automobiles undergoing some phase of laundering and drying at the same time.
36. **Building Material Sales.** One (1) space shall be provided for each two (2) employees, plus additional space equal to one (1) space for each three hundred (300) square feet of gross floor area in excess of two thousand (2,000) square feet.
37. **Cartage and Express Facilities.** One (1) parking space shall be provided for each vehicle maintained on the premises, plus one (1) space for each two (2) employees.
38. **Contractor or Construction Offices, Shops, and Yards.** One (1) space shall be provided for each employee, plus additional customer space shall be furnished at the rate of one (1) additional space for each five (5) employees.

39. **Food Stores, Grocery Stores, Meat Markets, Bakeries, Delicatessens, Supermarkets, and Department Stores.** One (1) space shall be provided for each one hundred fifty (150) square feet of gross floor area for the first six thousand (6,000) square feet, and one (1) additional space shall be furnished for each two hundred (200) square feet of gross floor area in excess of six thousand (6,000) square feet.
  40. **Motor Vehicle Sales.** Three (3) parking spaces shall be provided for each employee, plus additional spaces as deemed necessary by the town Zoning Committee to store those cars waiting to be serviced.
  41. **Offices, Business, and Professionals.** One (1) parking space shall be provided for each three hundred (300) square feet of gross floor area.
  42. **Public Utility and Service Uses.** One (1) parking space for each three hundred (300) square feet of gross floor area in excess of four thousand (4,000) square feet or one (1) space for each two (2) employees, whichever provides the greater amount.
  43. **Radio, Television Stations, and Studios.** One (1) space shall be provided for each two (2) employees, plus one (1) space for each three hundred (300) square feet of gross floor area in excess of six thousand (6,000) square feet.
  44. **Post Offices.** One (1) space shall be provided for each two (2) employees, plus one (1) space for each two hundred (200) square feet of gross floor area in excess of three thousand (3,000) square feet.
  45. **Undertaking Establishments.** One (1) parking space shall be provided for each four (4) seats provided in each chapel or parlor.
- D. Parking Standards for uses not listed in this section will be established on an individual use by use basis by the town Planning Commission.

## **ARTICLE XIII**

# **INTERCHANGE ACCESS CONTROL**

The regulations as set forth shall apply to present and future highways of freeway, expressway, or limited access status. It shall promote the traffic safety, increase traffic efficiency, and improve the appearance aesthetically or interchange areas.

### **A. DEFINITIONS**

For the purpose of this article and ordinance, the following words are hereby defined:

1. **Expressway/Freeway.** A highway or roadway having designated control points of access.
2. **Intersecting Highway.** A highway or roadway of state, county, or town status and not having controlled points of access.

### **B. GENERAL**

1. All present and future highways having limited access control shall be indicated as lying within an Interchange Access Control Area.
2. Frontage roads shall be required for access to and development of property abutting highways of expressway or freeway status.

### **C. LIMITATION OF ACCESS**

1. There shall be no access points within five hundred (500) feet of the most remote end or taper of any existing or proposed entrance or exit ramp or an interchange or controlled access highway.
2. Frontage roads of not less than seventy (70) feet right-of-way shall be provided across the entire width or length of any lot that abuts on a controlled access highway.
3. Frontage road access shall be onto an adjoining state, county, or town road intersecting the access controlled highway.

### **D. SETBACKS**

1. Minimum setbacks for buildings and structures along expressways, freeways, or limited access highways shall be one hundred fifty (150) feet from the highway right-of-way.
2. Buildings and structures shall be set back at least eighty (80) feet from the point of intersection between the controlled access highway and the state, county, or town road intersecting said highway.
3. Buildings shall be set back thirty five (35) feet from all frontage road rights-of-way, except where more stringent requirements are applicable.

## **ARTICLE XIV ARTIFICIAL LAKES**

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

### **A. LOCATION**

1. Artificial lakes shall be allowed as Conditional Uses in the Agriculture-Residential Zone and the Exclusive Agriculture Zone, provided that there is no conflict with agricultural use.

### **B. PERMIT**

1. The property owner, developer or his assigned agent shall make application for an Excavation Permit to the town Planning Commission prior to construction.

The Town Planning Commission shall review the proposed site plan and conditional use application and make recommendations to the Town Board for final approval or denial of permit.

### **C. SITE PLANS**

1. A map drawn at a minimum scale of one (1) inch - two hundred (200) feet showing the proposed lake size and the adjoining property within five hundred (500) feet of the site.
2. Layout of proposed residential lots and other buildings, if applicable.
3. The type of sanitary facilities to be installed if residential development is to take place.
4. Source of water supply for residential dwellings and water level maintenance in the lake.
5. Surface drainage sources and topography.
6. Proposed roadways.

### **D. OTHER REQUIREMENTS**

1. The constructed lake shall meet the requirements of the Brown County Shoreline/Floodplain Zoning Ordinance
2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources and U. S. Army Corp. Of Engineers.
3. The groundwater table in the surrounding area and adjacent to the lake shall be protected.
4. State permits shall be required if high capacity wells are drilling on the site.
5. The Division of Environmental Health requirements shall be met to insure proper safety of swimmers.

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6. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
7. A performance bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Wrightstown.
8. A Conditional Use Permit is required unless the artificial lake is less than two thousand (2,000) square feet.

## **ARTICLE XV EARTH EXCAVATION**

The following regulations shall apply to all future excavations of sand, gravel, stone, loam, dirt, and other earth products within the Town of Wrightstown. It shall regulate all existing gravel pits, sand pits, and stone quarries within the Town of Wrightstown.

### **A. GENERAL**

1. All excavations of sand, gravel, clay, silt, loam, rock, stone, muck, dirt, soil, and other earthen materials, including but not limited to sand pits, gravel pits, and rock quarries, shall come under the jurisdiction of this ordinance.
2. All existing sites of excavation shall comply with this ordinance prior to any additional expansions or alterations of the existing site.

### **B. EXEMPTIONS**

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

1. Excavation and removal of less than two hundred (200) cubic yards over a period of one (1) year from any single parcel of land recorded in the Brown County Register of Deeds office.
2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.

### **C. PERMIT**

1. Application for a permit to excavate or remove earth material shall be made to the Wrightstown Town Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Wrightstown.
2. The application shall contain the required information as specified in Section D, Article XV, of this ordinance, prior to the issuance of an Excavation Permit.
3. Following submittal and approval of the excavation plan, the town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year upon issuance.
4. Upon expiration of the permit, the town Plan Commission shall inspect the site before reissuing the permit. If the regulations have been complied with, the permit shall be reissued.

### **D. SITE PLANS**

The following information shall be required on a site plan prior to issuing an Excavation Permit.

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch = two hundred (200) feet.
2. Contour intervals of the proposed site at intervals of twenty (20) feet, when available.
3. Existing and proposed drainage patterns of the site.

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4. Proposed regarding and revegetation of the site after completion of the excavating operation.
5. Proposed truck and machinery access to the site.
6. Types and location of temporary or permanent buildings to be erected on the site.
7. Approximate amount of earth material to be excavated or removed at the site.
8. Approximate number of trucks and other types of machinery to be used at the site.
9. Designated hours of operation.

**E. TRUCKS AND MACHINERY**

1. No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.
2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

**F. MATERIAL HANDLING**

1. No excavation shall take place within fifty (50) feet of any property line or street line if below the established grade of the street.
2. No screening, sifting, washing, crushing, or other forms of processing shall be conducted upon the premises, unless it is located more than five hundred (500) feet from a residential dwelling.

**G. EXCAVATION SITES**

1. The excavation of earth materials shall be allowed as Conditional Uses in the Agriculture-Residential Zone. It shall also be allowed as a Conditional Use in the Exclusive Agriculture Zone, provided that excavation is public or incidental to the farm operation.

**H. OTHER REQUIREMENTS**

1. At all stages of operations, proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
2. 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 upon the recommendations of the town Plan Commission.
3. When excavating and removal operations are no longer used, as determined by the town Plan Commission, the excavated area shall be graded so that no gradients in disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area, except exposed rock 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.
4. If the excavation site shall fall within a County Floodplain, Shore land, or Conservancy Zone District, the regulations, as set forth in the Shore land-Floodplain Protection Ordinance for Brown County, shall apply.



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5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.
6. Any violation of this Article shall be subject to the regulations of the Penalty Clause in Article XVII, Administration and Enforcement of this ordinance.
7. A performance Bond of One thousand (\$1,000) Dollars per acre shall be required of the excavator.

## ARTICLE XVI

# MANUFACTURED HOUSING

This article shall regulate the parking, location, and maintaining of all manufactured homes, mobile homes and mobile home parks.

Mobile home parks shall be allowed as Conditional Uses in the Residential Zone only.

Mobile home parks shall be prohibited in all other zoning districts within the Town of Wrightstown.

### A. DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance:

1. **Mobile Home.** One which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating, and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.
2. **Dwelling, Single Family,** Shall mean a detached building designed for or occupied exclusively by one family, which does not include tents or cabins. Single family includes a manufactured home.
3. **Manufactured home.** Shall mean a structure certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5426, which, when placed on the site:
  - a. Is set on a foundation approved by the building inspector. The building inspector may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
  - b. Is installed in accordance with the manufacturer's instructions.
  - c. Is properly connected to utilities.
  - d. Once placed on a site, no modular or manufactured home shall contain any axles, wheels, hitch or any other device facilitating its mobility.
4. **Unit.** One (1) manufactured or mobile home.
5. **Non-Dependent Unit.** A manufactured or mobile home that has a bath or shower and toilet facilities.
6. **Dependent Unit.** A manufactured or mobile home which does not have a bath or shower and toilet facilities.
7. **Mobile Home Park.** Any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more mobile homes, and shall include all facilities used or intended for use a part of the equipment thereof. Mobile Home Parks shall not include automobile or manufactured or mobile home sales lots on which unoccupied manufactured or mobile homes are parked for purposes of inspection and sale.
8. **Space.** A plot of ground in a mobile home park designed for the location of only one (1) mobile home.

9. **Person.** Shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, or other agent, heir or assignee.
10. **Pad.** A concrete slab or its equivalent, as determined by the town Building Inspector, constructed on the mobile home space for the purpose of accommodating water and sanitary connections for a mobile home.
11. **Occupied Area.** That portion of an individual mobile home space which is covered by a mobile home and its accessory structures.
12. **Park Management.** The person who owns or has charge, care or control of the mobile home park.

**B. LOCATION OUTSIDE PARK**

1. It shall be unlawful, except as provided in this ordinance for any person to park any manufactured or mobile home on any street, alley or highway or other public place or on any tract of land owned by any person, within the Town of Wrightstown.
2. Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
3. No person shall park or occupy any mobile home on any premises which are situated outside an approved mobile home park.

**C. LICENSE FOR MOBILE HOME PARK: APPLICATION AND ISSUANCE**

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a mobile home park within the limits of the Town of Wrightstown, without first securing a license for each park from the Town Board, pursuant to this chapter. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this chapter for additional periods of one (1) year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of Five Hundred (\$500.00) Dollars and, in addition thereto, each applicant for an original or renewal license shall file with the town Clerk a bond in the sum of One Thousand (\$1,000.00) Dollars for each fifty (50) mobile home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this ordinance and the compliance of the licensee and the park management with the provisions of this ordinance. Such bond shall also be for the use and benefit any may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this ordinance. The annual license shall be subject to renewal by the Town Board, provided that said licensee has abided by the requirements of this ordinance or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.
3. The application for a license or a 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 to construct or maintain the mobile home park and make the application) and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or

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revised mobile home park shall be accompanied by five (5) copies of the park plan showing the following, either existing or as proposed:

- a. The extent and area for park purposes.
- b. Roadway and driveways.
- c. Location and designation of dependent and independent mobile home spaces.
- d. Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the mobile home park.
- e. Complete layout of storm, sanitary and water systems for service building and spaces.
- f. Method and plan of garbage removal.
- g. Plan for electrical or gas lighting of spaces.
- h. Interest of applicant in proposed manufactured or mobile Home Park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and makes the application.

**D. REVOCATION AND SUSPENSION**

1. The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.058 (2) (d), Wisconsin Statutes.

**E. LOCATION OF MOBILE HOME PARKS**

1. An application for the construction of a mobile home park shall be considered only when its proposed location is within a district zoned to permit this type of use.

**F. MOBILE HOME PARK PLAN**

1. Mobile home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4,200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the town Engineer. The roadways shall be well lighted and shall not be obstructed.
2. The park shall be so laid out that no dependent unit shall be further than two hundred (200) feet from the toilets and service building, provided for herein, and walkways to such buildings shall be paved and well lighted.
3. Electrical service to mobile home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.

4. All mobile homes within a mobile park shall be parked within the designated spaces.
5. For the protection of abutting property owners, as well as mobile homeowners, a twenty five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the mobile home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty five (25) foot buffer strip.
6. Each mobile home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a mobile home and/or it's necessary buildings, except for the following:
  - a. Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
  - b. The hitch used for pulling the mobile home may protrude into the front yard setback.
7. One (1) off-street parking stall shall be provided within each mobile home space, said stall to be in accordance with Section F (6).
8. There shall be constructed on each mobile home space a concrete pad, or its equivalent, as determined by the town Building Inspector to be used for the accommodation of necessary water and sanitary connections.
9. A minimum of two hundred (200) square feet per mobile home space, exclusive of the minimum herein provided for individual mobile home spaces and buffer strip, as indicated in F (5) and (6) above, shall be required for the express purpose of providing open space and recreational area for the residents of the mobile home park.
10. In no case shall a mobile home and its accessory buildings occupy more than thirty six (36) percent of a space.
11. All mobile homes in mobile home parks shall be skirted, unless the unit is placed within one (1) foot vertically of the stand with soil and other material completely closing such space from view and entry by rodents and vermin. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
12. No person shall construct, alter, add to or alter any structure attachment or building in a mobile home park or in a mobile home space without a permit from the town Building Inspector. Construction on or addition or alteration to the exterior of a mobile home shall be of the same type of construction and materials as the mobile home affected. This subsection shall not apply to addition of awnings, antennae or skirting to mobile homes. Accessory structures on mobile home spaces shall comply with all setback side yard and rear yard requirements for mobile home units.

**G. SANITARIAN REGULATIONS**

1. All mobile home parks shall conform to the sanitarian and health regulations as set forth by the State of Wisconsin and Brown County.

**H. OPERATION OF MOBILE HOME PARKS: RESPONSIBILITY OF PARK MANAGEMENT**

1. In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be posted therein and the park register shall at all times be kept in said office.

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2. The attendant or person in charge and the park licensee shall operate and park in compliance with this ordinance and regulations and ordinances of the town and state and their agents or officers and shall have the following duties:
  - a. Maintain a register of all park occupants, to be open at all times to inspection by state, federal, and municipal officers, which shall show:
    - i) Names and addresses of all owners and occupants of each mobile home.
    - ii) Number of children of school age.
    - iii) State of legal residence.
    - iv) Dates of entrance and departure of each manufactured home.
    - v) Make, model, year, and serial number of license number of each mobile home and towing or other motor vehicles and state, territory or country issuing such licenses.
    - vi) Place of employment of each occupant, if any.
  - b. Notify park occupants of the provisions of this ordinance and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this ordinance or any other violations of law which may come to their attention.
  - c. Notify the health officer immediately of any suspected communicable or contagious disease within the park.
  - d. Supervise the placement of each mobile home on its stand, which includes securing its stability and installing all utility connections and tie downs.
  - e. Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
  - f. Maintain the park free from growth of noxious weeds.

**I. VARIANCES**

1. The requirements of Section F (1), (5), (6), (7), (8), (9) and (10) shall not apply to mobile home parks existing prior to the adoption of this ordinance. All provisions of this ordinance, however, shall apply to additions of or new mobile home parks.

## **ARTICLE XVII**

# **NONCONFORMING USES**

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, an uses shall be permitted to continue.

### **A. GENERAL**

Any nonconforming building, structure, land, or other use which was existing lawfully at the time of the adoption of this ordinance and which remains nonconforming, and any such building, structure, land, or other use which shall become nonconforming upon the adoption of this ordinance, subject to the regulations which follow.

1. If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the building, structure, land, or other use shall thereafter conform to the provisions of this ordinance.
2. When a nonconforming use of structure is damaged by fire, explosion, flood, the public enemy, act of God, or other calamity to the extent of more than fifty (50)percent of its current local assessed value, it shall not be restored, except as to comply with the use provisions of this ordinance.
3. Once a nonconforming use or structure has been changed to conform, it shall not revert to a nonconforming use of this structure.
4. Repairs and alterations may be made to a nonconforming building or structure, provided the respective structure is not added to or enlarged in size.
5. 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.
6. No principal building, accessory building, or structure shall be moved from one (1) zone district to another zone district, unless so authorized by the town Plan Commission.

## **ARTICLE XVIII**

# **ADMINISTRATION AND ENFORCEMENT**

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

### **A. GENERAL**

1. This ordinance shall provide for the position of Zoning Administrator, Zoning Board of Appeals, and Town Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of building permits, occupation permits, variances, appeals, amendments, conditional uses, fees, and penalties.

### **B. ZONING ADMINISTRATOR**

1. The Town Board of Wrightstown shall appoint a Zoning Administrator. It will be the primary responsibility of the Zoning Administrator to administer and enforce this ordinance with the assistance of such other persons as the Town Board may direct. The Town of Wrightstown Zoning Administrator shall have the following responsibilities and duties:
  - a. Issue all rezoning certificates and make and maintain records thereof.
  - b. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this ordinance.
  - c. Provide and maintain a public information bureau relative to all matters arising out of this ordinance.
  - d. Forward to the Town of Wrightstown Planning Commission all applications for conditional uses and for amendments to this ordinance that are initially filed with the office of the Zoning Administrator.
  - e. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this ordinance.
  - f. Maintain permanent and current records of this ordinance, including but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
  - g. Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Plan Commission.
  - h. If the Zoning Administrator shall find that any of the provisions of this ordinance are being violated, he shall consult with the Town Board and only with its advice and consent, shall thereafter notify, in writing, the person responsible for such violation and ordering the action necessary to correct it.

### **C. ZONING BOARD OF APPEALS**

The Zoning Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23.



1. **JURISDICTION**

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

- a. Hear and decide appeals from any order, requirements, decision, or determination made under the provisions of this ordinance.
- b. Hear and pass upon the application for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein.
- c. Hear and decide all matters referred to in or upon which it is required to pass under this ordinance, as prescribed by Chapter 62.23 of the Wisconsin State Statutes.

2. **MEETINGS AND RULES**

- a. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as the Zoning Board of Appeals may determine.
- b. 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.
- c. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- d. 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 keep records of its hearings and other official actions.
- e. 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.
- f. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers, as it deems necessary.

3. **DECISIONS**

- a. All decisions and findings of the Zoning Board of Appeals on appeals or upon application for a variance shall be by the concurring vote of the majority of the Board 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.

4. **BOARD MEMBERSHIP**

- a. The Zoning Board of Appeals shall consist of seven (7) members appointed by the Wrightstown Town Chairman and subject to confirmation by the Wrightstown Town Board.
- b. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and one (1) for two (2) years; and one (1) for three (3) years, but not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals and all members shall reside in the Town.
- c. The members shall be removable by the Town Board for cause upon written charges.

- d. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Wrightstown.

**D. TOWN PLAN COMMISSION**

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin State Statutes.

**1. JURISDICTION**

The Wrightstown Plan Commission shall carry out the following duties under this ordinance.

- a. Review all applications for conditional uses and amendments to this ordinance and review all preliminary plats and certified survey maps and report said findings and recommendations to the Town Board in the manner designated by this ordinance for amendments and conditional uses, plats and certified survey maps.
- b. Receive from the Zoning Administrator his recommendations as related to the effectiveness of this ordinance and report his conclusion and recommendations to the Wrightstown Town Board.
- c. Hear and decide matters upon which it is required to pass under this ordinance.

**2. MEETINGS**

- a. All meetings of the Town Plan Commission shall be held at the call of the Chairman of the Commission and at such times as the Commission may determine.
- b. The committee 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 keep records of its hearings and other official actions.

**3. DECISIONS**

- a. All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

**4. MEMBERSHIP**

- a. The Town Plan Commission shall consist of seven (7) members appointed by the Wrightstown Town Chairman and subject to confirmation by the Wrightstown Town Board.
- b. The term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; two (2) for two (2) years and two (2) for three (3) years.
- c. The Town Plan Commission members shall be removable by the Town Board of Wrightstown for cause upon written charges.
- d. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Wrightstown.

**E. BUILDING PERMIT**

1. No building or addition thereto, constructed after the effective date of this ordinance and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this ordinance, shall be used for any purpose until the Building Inspector has issued a building permit. No change in a use shall be made until the Building Inspector has issued a building permit. Every building permit shall state that the use complies with the provisions of this ordinance.
2. Application for said building permit shall be made, in writing, to the Wrightstown Building Inspector by the landowner or his authorized agent.
3. Application for a building permit shall be deemed to be an application for an occupancy certificate as well.
4. Each building permit shall be accompanied by a plat in accordance with requirements as specified in Article XVIII, Section G, Plats.
5. Each building permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason for denial of a building permit shall be forwarded, in writing, by the Building Inspector to the applicant.

**F. OCCUPANCY CERTIFICATES**

1. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this ordinance, 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.
2. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued, not later than seven (7) days after the Building Inspector is notified, in writing, that the premises or building are ready for occupancy.
3. All occupancy permits shall be issued by the Wrightstown Building Inspector.

**G. PLATS**

1. All applications for building permits for business and industrial uses shall be accompanied by the following:
  - a. A plat, in duplicate, of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the actual dimension, as certified by a “registered land surveyor” or a “registered professional engineer”, the piece or parcel, lot, lots, block, or blocks, or portions thereof, according to the registered or recorded plat of such land.
  - b. A plat, in duplicate, drawn at a minimum scale of one (1) inch to one hundred (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 Town Plan Commission and Zoning Administrator for the proper enforcement of this ordinance.

- c. Said plat material shall be submitted to the Town Plan Commission. Required plat material shall be submitted in conjunction with an application for a building permit.

## H. **VARIANCES**

### 1. **APPLICATION**

- a. An application for a variance shall be filed with the Town Board of Appeals. The application shall contain such information as the Board of Appeals by rule may require.
- b. 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 Wrightstown.

### 2. **STANDARDS FOR VARIANCES**

The Zoning Board of Appeals shall not vary the regulations as set forth in H-1 above unless it shall make findings based upon the evidence presented to it in each specific case:

- a. Because of the particular physical surroundings, shape, or topographical condition on 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.
- b. Conditions upon which a petition for a variation 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.
- c. Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.
- d. Granting of the variation shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. Proposed variation 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 the public safety, or substantially diminish or impair property values within the neighborhood.

### 3. **AUTHORIZED VARIANCES**

Variations shall be granted by the Board of Zoning Appeals in accordance with the standards established in Section H-2.

## I. **APPEALS**

### 1. **SCOPE OF APPEALS**

- a. 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 Plan Commission or Zoning Administrator.
- b. Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Plan Commission or Zoning Administrator a notice of appeal specifying the ground thereof.

- c. The Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

**2. FINDINGS OF APPEAL**

- a. An appeal shall terminate all further proceedings on action, unless the Town Plan Commission certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record or notice from the Town Plan Commission on due cause.
- b. The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof to the parties as provided in the state law on planning and zoning and applicable to the Town of Wrightstown.
- c. The Board of Appeals shall thereafter reach its decision within sixty (60) days from the filing of the appeal.
- d. The Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirements, decision, or determination, that in its opinion, ought to be done - and to that end, shall have all the powers of the officer to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

**J. AMENDMENTS**

**1. AUTHORITY**

- a. The Wrightstown 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 purpose of said changes as per Article II of this ordinance.

**2. INITIATION**

- a. Amendments may be proposed by a governmental body, interested person or organization.

**3. APPLICATION**

- a. An application for an amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon, to the Town Board.

**4. HEARING NOTICES**

- a. The Town Board shall hold a public hearing on each application for an amendment. Time, place, and purpose of the hearing shall be published and provided in the state law on planning and zoning and applicable to the Town of Wrightstown

5. **FINDINGS AND RECOMMENDATIONS**

- a. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
- b. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Town Zoning Committee shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
  - i) Existing uses or property within the general area of the property in question.
  - ii) Zoning classification of property within the general area of the property in questions.
  - iii) Suitability of the property in question to the uses permitted under the existing zoning classification.
  - iv) Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.
  - v) The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
  - vi) The Plan 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.

6. **TOWN BOARD ACTION**

- a. The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.
- b. 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 ordinance, be duly signed and acknowledged by the owners of twenty (20) percent or more, either of the areas of the land including in such proposed change, or by the owners of twenty one (21) percent or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective, except by the favorable vote of the full Town Board membership.
- c. If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

**K. CONDITIONAL USES:**

1. **DEFINITIONS.** For purposes of this Section the following words shall have the following meanings:

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

## 2. INITIATION AND APPLICATION

a. 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 ordinance in the zoning district in which the land is located.

b. The application for a conditional use shall be filed with the Wrightstown Town Plan Commission on a form so prescribed by the Town of Wrightstown. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement, in writing, by the applicant setting forth the substantial evidence showing that the proposed conditional use as proposed will conform, to the standards set forth in the respective zone districts. The Town Plan Commission shall review such application and require additional conditions be imposed to comply with the Town requirements or otherwise promote public peace, safety and repose consistent with purpose of this ordinance and supported by substantial evidence. A written recommendation shall be submitted thereon to the Town Board.

## 3. TOWN REQUIREMENTS

a. The plan commission shall address, to the extent applicable, whether substantial evidence exists in support or opposition to granting the conditional use with regard to each of the following considerations:

1. congestion and traffic flow;
2. safety from fire, panic and other dangers;
3. effect on the public health, safety, comfort, convenience and general welfare;
4. adequacy of standards of light, air and open space;
5. aesthetic appearances and scenic values of the town;
6. to prevent the overcrowding;
7. undue concentration of population;
8. adequacy of transportation, services
9. availability of and effect on municipal utilities
10. access and effect on schools, parks and other public assets and improvements;
11. fostering a more rational pattern of relationship among agricultural, residential, business,
12. commercial and manufacturing uses
13. dust or pollution created by the use

b. The Plan Commission or Town Board may impose reasonable conditions to address each of the foregoing requirements consistent with the public interest. When considering all requirements and conditions the Plan Commission shall, to the extent practicable, fashion them in measurable terms. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

## 4. HEARING ON APPLICATION

a. Upon receipt in of the written recommendation referred to in Section K-2, the Town Board shall hold at least one (1) public hearing on the proposed conditional use. The Town Board shall public a a class 2 notice under ch. 985 to consider the application. The Town Board shall review the recommendation and consider each of the requirements of Section K-3, any conditions imposed by the Plan Commission and any conditions it deems necessary to reasonably address concerns raised by the application. All determinations shall be based on substantial evidence produced and not on conjecture and mere opinion.

b. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town Plan Commission or the Town Board, the town shall grant the conditional use permit.

c. The requirements and conditions considered in the granting of a conditional use. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision to approve or deny the permit must be supported by substantial evidence.

d. If granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

## 5 APPEAL

Any person aggrieved by a decision on a conditional use permit application, may appeal the decision to the circuit court under the procedures described in s. 61.35 of the Wisconsin Statutes.

**Section 2.** That all ordinances in conflict herewith are hereby repealed

## L. FEES

7. Any application for a zoning amendment or conditional use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of Three hundred (300) Dollars. The fee for variance and appeals shall be Two hundred sixty-five (265) Dollars. All fees shall be paid to the Town Treasurer.
8. Zoning amendment, variance, certified survey maps and preliminary plats of subdivisions shall be subject to fees as listed in Article XXI, Subdivisions.

## M. PENALTIES

9. Any building or structure hereinafter erected, moved or structurally altered or any use hereafter established in violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his/hr or their agent shall be deemed an unlawful structure or use.
10. 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.
11. Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance; shall upon conviction thereof forfeit no less than One hundred (100) Dollars nor more than Five hundred (500) Dollars, together with the costs 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 to the county jail shall not exceed thirty (30) days for each offense. Each violation and each day of violation shall constitute a separate offense.



Town of Wrightstown Zoning Ordinance

12. This section shall not preclude the Town of Wrightstown from maintaining any appropriate action to prevent or remove a violation of this section.

Updated June, 2019

# ARTICLE XIX

## SEXUALLY ORIENTATED ADULT-ENTERTAINMENT ESTABLISHMENT LICENSE

1. **INTENT** It is the purpose of this section to regulate sexually-orientated adult-entertainment established business (hereinafter referred to as adult establishment) to promote health, safety, morals and general welfare of the citizens of the Town, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with unsafe and unsanitary conditions know to exist in those establishments and to alleviate and spread of sexually transmitted diseases and other contagious diseases in those establishments.
  
2. **DEFINITIONS.** For the purpose of this section

*Specified sexual activities* is defined as

- a) Human genitals in a state of sexual stimulation or arousal
- b) Acts of human masturbation, sexual intercourse, or sodomy
- c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts

*Specific anatomical areas* is defined as

- a) Less than completely and opaquely covered
  1. Human genitals, pubic region
  2. Buttock
  3. Female breasts below a point immediately above the top of the areola
  
- b) Human male genitals in a discernible turgid state, even if completely and opaquely covered

*Sexually oriented adult-entertainment establishments* include bookstores, motion picture theaters, mini-motion picture theaters, bathhouses, modeling studios, body painting studios, and cabarets; and are more specifically defined as:

*Adult bookstore.* An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein.

*Adult motion picture Theater.* An enclosed building with a capacity of 50 or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relation to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

*Adult motion picture theater (outdoor).* A parcel of land from which individuals may view a motion picture presented out-of-doors which presents material distinguishable characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas.”

*Adult Mini-motion Theater.* An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating

to “specified sexual activities” or “specified anatomical areas” as defined herein for observation by patrons therein.

*Adult bathhouse.* An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy that is not operated by a medical practitioner or a professional physical therapist licenses by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in “specified sexual activities” as defined in this section.

*Adult Motel.* A hotel, motel, or similar commercial establishment which

1. Offers accommodation to the public for any form of consideration; provides patrons with closed-circuit television transmission, film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of “specified anatomical areas”; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions or
2. Offers a sleeping room for rent for a period of time less than 10 hours or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours

*Adult modeling studio* An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

*Adult body painting studio* An establishment or business wherein patrons are afforded an opportunity to paint images on a body, which is wholly or partially nude. For purposes of this ordinance, the adult body-painting studio shall not be deemed to include a tattoo parlor.

*Adult cabaret*

1. An establishment or business, which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers
2. Any adult cabaret, as defined above, which features such entertainment on a periodic and infrequent basis is considered an adult-entertainment establishment only during those times when the adult entertainment is being presented or the entertainer are on the premises; and all provisions of this section shall apply during those presentations. Further, such periodic adult cabaret shall notify the Town Clerk at least twenty-four (24) hours prior to the date on which such adult entertainment is to take place
3. Any periodic adult establishment, as defined above, shall be licenses yearly in accordance with the licensing provision hereinafter set forth

*Adult novelty shop.* An establishment or business have as a substantial or significant portion of its stock and trade in novelty or other items, which are distinguished or characterized by their emphasis on, or designed for, specified sexual activities as defined herein or stimulated such activity.

### **3. LICENSE REQUIRED**

- a) Except as provided in sub (d) below, from and after the effective date of this section, no adult establishment shall be operated or maintained in the Town without first obtaining a license to operate issued by the Town.

- b) A license may be issued only for one adult establishment located at a fixed and certain place. Any person, partnership, or corporation, which desires to operate more than one adult establishment, must have license for each.
- c) No license or interest in a license may be transferred to any person, partnership, or corporation.
- d) All adult establishments existing at the time of the passage of this section must submit an application for a license with ninety (90) days of the passage of this section. If an applicant is not received within said ninety (90) day period, then such existing adult establishment shall cease operations.
- e) No adult establishment may be located outside the Community Business District, or within two thousand five hundred (2,500) feet of a public or private school, or a church or other religious institution.

#### **4. APPLICATION FOR LICENSE**

- a) Any person, partnership or corporation desiring to secure a license shall make application to the Town Clerk. The application shall be filed in triplicate with and dated by the Town Clerk. A copy of the application shall be distributed with ten (10) days of receipt thereof to the Town Zoning Administrator, the Town Planning Commission and to the applicant.
- b) The application for a license shall be upon a form approved by the Town Clerk. An applicant for a license, which shall include all partners or limited partners of a partnership applicant, or all officers or directors of a corporate applicant, and any other person who is interested directly in the ownership or operation of the business, shall furnish the following information under oath
  - 1. Name and address, including all aliases
  - 2. Written proof that the individual is at least eighteen (18) years of age
  - 3. All residential addresses of the applicant for the past ten (10) years
  - 4. The business, occupation, or employment of the applicant for the ten (10) years immediately preceding the date of application
  - 5. Whether the applicant previously operated in this or any other state, county, or city under an adult establishment license or similar business license; whether the applicant has ever had such a license revoked or suspended, the reasons therefore, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation
  - 6. All criminal convictions, whether Federal or State, or Town ordinance violation conviction, forfeiture of bond and pleadings of nolo contendere on all charges, except minor traffic violations
  - 7. Fingerprints and two (2) portrait photographs at least two (2) "by two (2)" of the applicant
  - 8. The address of the adult establishment to be operated by the applicant
  - 9. If the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agent, and all officers and directors of the corporation

## 5. STANDARDS FOR ISSUANCE OF LICENSE

- a) To receive a license to operate an adult establishment, an applicant must meet the following standards
  1. If applicant is an individual
    - a. The applicant shall be at least eighteen (18) years of age
    - b. Subject to Ch. 111, Wis. Stats., the applicant shall not have been convicted of or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
    - c. The applicant shall not have been found to have previously violated this ordinance with five (5) years immediately preceding the date of application.
  2. If applicant is a corporation
    - a. All officers, directors, and others required to be named under 4(b) (2) shall be at least eighteen (18) years of age
    - b. Subject to Ch. 111, Wis. Stats., no officer, director, or other person required to be named under 4(b)(2) shall have been convicted of and/or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or other crime of a sexual nature in any jurisdiction within five (5) years immediately preceding the date of the application.
    - c. No officer, director, or other person required to be named under 4(b) (2) shall have been found to have previously violated this section with five (5) years immediately preceding the date of the application.
  3. If the application is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest
    - a. All persons have a financial interest in the partnership, joint venture, or other type of organization shall be at least eighteen (18) years of age.
    - b. No persons have a financial interest in the partnership, joint venture, or other type of organization shall, subject to Ch. 111, Wis. Stats., have been convicted and/or pleaded nolo contendere to a felony or any crime involving moral turpitude, prostitution, obscenity, or any other crime of a sexual nature in any jurisdiction with five (5) years immediately preceding the date of the application.
    - c. No persons having a financial interest in the partnership, joint venture, or other type of organization shall have been found to have violated any provision of this section within five (5) years immediately preceding the date of the application.

- b) No license shall be issued unless the Town Board has investigated the applicant's qualifications to be licensed. The results of the investigation shall be filed in writing with the Town Clerk no later than fourteen (14) days after the date of the application.
- c) The Town Zoning Administrator and Town Planning Commission shall inspect the premises proposed to be licenses to verify compliance with their respective codes and shall report compliance findings to the Town Clerk within fourteen (14) days of the date of the application.
- d) No license shall be issued unless the applicant provides proof of one of the following
  - 1. Ownership of a properly zoned building or parcel of real property upon which a building can be constructed. Proper zoning includes permissible non-conforming use status.
  - 2. A lease on a building, which is properly zoned to house the venture. Proper zoning includes permissible non-conforming use status.
  - 3. An option to purchase property, which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.
  - 4. An option to lease property, which is properly zoned for the venture. Proper zoning includes permissible non-conforming use status.

**6. FEES** A license fee of ten thousand (10,000) dollars shall be submitted with the application for a license. Such fee shall be waived if the proposed adult establishment is operating under or has applied for an alcohol beverage license and has paid the alcohol beverage licensing fee there under.

**7. DISPLAY OF LICENSE OR PERMIT** The license shall be displayed in a conspicuous public place in the adult establishment.

**8. RENEWAL OF LICENSE OR PERMIT**

- a) Every license issued pursuant to this section will terminate on December 31 of the year it is issued. Unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Town Clerk. The application for renewal must be filed not later than sixty (60) days before the license expires. The application for renewal shall be filed in triplicate with and dated by the Town Clerk. A copy of the application for renewal shall be distributed by the Town Clerk to the applicant. The application for renewal shall be upon a form provided by the Town Clerk and shall contain such information and date, given under oath or affirmation, as is required for an application for a new license.
- b) A license renewal fee of one thousand (1,000) dollars shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty of one hundred (100) dollars shall be accessed against the applicant who filed for a renewal less than sixty (60) days before the license expires.

**9. DENIAL OF APPLICATION**

- a) Whenever an initial application is denied, the Town Clerk shall, within fourteen (14) days of the denial, advise the applicant in writing of the reasons for such action. If the applicant requests a hearing within ten (10) days of the receipt of notification of denial, a public hearing shall be held at the next regularly-scheduled meeting of the Town Board as hereinafter provided.
- b) Failure or refusal of the applicant to give any information relevant to the investigation of the application or his or her refusal or failure to appear at any reasonable time and place for examination under oath

regarding said application of his or her refusal to submit to or cooperate with any investigation required by this section shall constitute an admission by the applicant that he or she is ineligible for such license and shall be grounds for denial thereof by the Town Clerk.

## **10. SUSPENSION, REVOCATION, ON NON-RENEWAL OF LICENSE**

- a) **Revocation and Suspension.** The license granted herein may be revoked or suspended for up to six (6) months or non-renewed by the Town Board as follows
  1. If the applicant has made or recorded any statement required by this section knowing it to be false or fraudulent or intentionally deceptive
  2. For the violation of any provision of this section, except for establishment license matters involving violations of Town codes, in which the license shall be revoked after second conviction thereof in any license year
  3. After one conviction of any establishment personnel of an offense under Ch. 944, Wis. Stats., or of an offense against the person or property of a patron of the property or of an offense involving substances in Sub. II of Ch. 161, Wis. Stats., where there is shown the participation or knowledge of any other establishment personnel or of any individual within the business structure of the applicant.
- b) **Notice and Hearing.** No license shall be revoked, suspended, or not renewed by the Town Board except upon due notice and hearing to determine whether grounds for such action exist. Such hearing shall be held before the Planning Commission. Notice of such hearing shall be in writing and shall state the grounds of the complaint against the licensee. The notice shall be served upon the licensee at least fifteen (15) days prior to the date of the hearing and shall state the time and place thereof. The licensee shall be entitled to be heard, to be represented by counsel, to cross-examine opposing witnesses, to present witnesses on his or her own behalf under subpoena by the Town Board if such is required, and the hearing may be steno graphically recorded at the licensee's option and expense. At the conclusion of such hearing, the Planning Commission shall submit a report to the Town Board including finding of fact and conclusion of a law and a recommendation as to what, if any, action the Town Board should take. The Planning Commission shall provide the complainant and licensee with a copy of the report. The Planning Commission shall then file its finding of fact and conclusions of law with the Town Clerk.
- c) Either the complainant or licensee may file an objection to the report and have the opportunity to present argument supporting the objection to the Town Board. The Town Board shall determine whether argument shall be presented orally or in writing, or both. If the Town Board, after arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided in sub. (a) Hereinabove. The Town Board shall decide the matter and shall prepare a written decision, which shall be filed with the Town Clerk, and a copy thereof delivered to the licensee and complainant within twenty (20) days after its decision.

## **11. PHYSICAL LAYOUT OF ADULT ESTABLISHMENTS.** Any adult establishment having available for customers, patrons or members any booth, room or cubicle for the private viewing of any sexually oriented adult entertainment must comply with the following requirements.

- a) **Access.** Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult establishment and shall be unobstructed by any door, lock, or other control-type devices.
- b) **Construction.** Every booth, room, or cubicle shall meet the following construction requirements.

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1. Each booth, room or cubicle shall be separated from adjacent booths, rooms, cubicles, and any non-public areas by a wall
  2. Have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying same
  3. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured and easily cleanable
  4. The floor must be light colored, nonabsorbent, smooth textured, and easily cleanable
  5. The lighting level of each booth, room or cubicle, when not in use, shall be a minimum of ten (10) foot-candles at all times, as measured from the floor
- c) Occupants. Only one individual shall occupy a booth, room or cubicle at any time. No occupant of same shall engage in any type of sexual activity, cause any bodily discharge of litter while in the booth. No individual shall damage or deface any portion of the booth.

## **12. RESPONSIBILITIES OF THE OPERATOR**

- a) The operator shall maintain a register of all employees, showing the name and aliases used by the employee, home address, birth date, sex, telephone numbers, Social Security Number, and date of employment and termination. The above information on each employee shall be maintained in the register on the premises for a period of three (3) years following termination.
- b) The operator shall make the register of employees available immediately for inspection by the Town Board or Planning Commission upon demand at all reasonable times.
- c) Every act or omission by an employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.
- d) Any act or omission of any employee constituting a violation of the provisions of this section shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
- e) No employee of an adult-entertainment establishment shall allow any minor to loiter around or to frequent an adult-entertainment establishment or to allow any minor to view sexually-orientated adult entertainment as defined herein.
- f) The operator shall maintain the premises in a clean and sanitary manner at all times.
- g) The operator shall maintain at least ten (10) foot-candles of light in the public portion of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles provided, however, at no time shall there be less than one (1) foot-candle of illumination in said aisles, as measured from the floor.
- h) The operator shall ensure compliance of the establishment and its patrons with the provisions of this section.



- i) The operator shall ensure that there is conspicuously posted inside each booth, stall, partitioned portion of a room or individual room an unmutated and undefaced sign or poster supplied by the Brown County Health Department which contains information regarding sexually transmitted diseases and the telephone numbers from which additional information can be sought.
- j) The operator shall ensure there are conspicuously displayed at a place near the main entrance of the establishment, or portion thereof, any information, brochures, or pamphlets supplied by the Brown County Health Department pertaining to sexually transmitted diseases.
- k) The operator shall ensure there is posted regulations concerning booth occupancy on signs, with lettering at least one (1) inch high, that are placed in conspicuous areas of the establishment and in each of the viewing enclosures.
- l) The Health Department shall charge its reasonable costs for supplying such posters, brochures, pamphlets, and other information supplied under this section.

**13. REGISTRATION OF EMPLOYEES**

- a) All operators, employees, and independent contractors working in any adult establishment hereunder shall, prior to beginning employment or contracted duties, register with the Town Clerk. Such registration shall include the following
  - 1. Name, address, birth date, any aliases used, telephone numbers, date of employment and name of employer
  - 2. All registrations hereunder are valid for a period of one (1) year
  - 3. The registration fee shall be five (5) dollars per registration, which shall be paid to the Town Clerk

**14. EXCLUSIONS**

- a) All private schools and public, as defined in Ch. 115, Wis. Stats., located within the Town are exempt from obtaining a license hereunder when instructing pupils in sex education as part of its curriculum.

**15. PENALTIES AND PROSECUTION**

- a) Any person, partnership or corporation who is found to have violated this section shall be fined a definite sum not exceeding one thousand (1,000) dollars and shall result in the revocation of any license.
- b) Each violation of this section shall be considered a separate offense, and any violation continuing more than one day shall be considered a separate offense.

**16. SEVERABILITY**

- a) If any provision of this section is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of same. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed.

# **ARTICLE XX**

## **WISCONSIN UNIFORM DWELLING CODE**

- 1.1 Authority
- 1.2 Purpose
- 1.3 Scope
- 1.4 Adoption of Wisconsin Uniform Dwelling Code
- 1.5 Building Inspector
- 1.6 Building Permit Required
- 1.7 Building Permit Fees
- 1.8 Penalties

- 1.1 **AUTHORITY.** These regulations are adopted under the authority granted by 101.65, Wisconsin Statutes.
- 1.2 **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
- 1.3 **SCOPE.** The scope of this ordinance includes the construction and inspection of one-and-two-family dwellings built since June 1, 1980.
- 1.4 **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- 1.5 **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.
- 1.6 **BUILDING PERMIT REQUIRED.** No person shall build, add onto or alter in excess of two thousand (2,000) dollars value in any twelve month period, any building within the scope of this ordinance without first obtaining a building permit for such work from the Zoning Administration. Any structural changes shall require permits. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces, installation of cabinetry, replacement with similar windows, driveways and sidewalks shall be exempted from permit requirements.
- 1.7 **BUILDING PERMIT FEE.** The building permit fees shall be determined by resolution.
- 1.8 **PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than one hundred (100) dollars or more than five hundred (500) dollars for each day of noncompliance.

# ARTICLE XXI

## SUBDIVISION AND PLATTING REGULATIONS

### 1.01 AUTHORITY

This ordinance is adopted under the authority granted by Sections 59.971(3), 144.26, and 236.45 of the Wisconsin Statutes and amendments thereto, and pursuant to the authority the Town Board of the Town of Wrightstown, Brown County, Wisconsin do ordain as follows:

### 1.02 TITLE

The ordinance shall be known as, referred to, or cited as the Town of Wrightstown Subdivision and Platting Regulations.

### 1.03 JURISDICTION

Jurisdiction of these regulations shall include all land and waters within the Town of Wrightstown, Brown County, Wisconsin.

### 1.04 APPLICABILITY

These regulations shall apply to the following:

1. **Subdivision:** Any division of land within the Town of Wrightstown which results in a subdivision as defined herein, a plat thereof shall be prepared and submitted to review, approval, and recording as required by this ordinance and Chapter 236, Wisconsin Statutes.
2. **Certified Survey Map:** Any division of land whereby more than one (1) parcel of ten (10) acres or less in size are created which does not necessitate the preparing of a subdivision plat, shall have a certified survey map prepared, approved and recorded as required by this ordinance and Chapter 236, Wisconsin Statutes.
3. **Replatting:** When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be vacated or altered according to the provisions of Chapter 236, Wisconsin Statutes.
4. **Exceptions:** The provisions of this section shall not apply to:
  - a. Transfers of interest in land by will or pursuant to court order.
  - b. Leases for a term not to exceed 10 years, mortgages or easements.
  - c. The sale or exchange of land between owners of adjoining property if additional lots and/or parcels are not thereby created and the lots and/or parcels resulting are not reduced below the minimum requirements of this ordinance.
  - d. A division of land resulting in parcels more than ten acres in area.
5. **Lot Reduction**
  - a. Lots less than 10 acres in size, existing as the date of the adoption of this ordinance shall not be further reduced in size, shape, frontage, etc. without review and approval under the requirements of this ordinance, as either a subdivision plat or certified survey map.
  - b. Lots of 10 acres in size or greater shall not be reduced below 10 acres in size. As a result of the sale or exchange of land, between owners of adjoining or abutting lots and/or parcels, without review and approval, as either a subdivision plat or certified survey map, as prescribed by this ordinance.

## 1.05 PURPOSE

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the Town.
2. To guide the future growth and development of the Town, in accordance with adopted Master Plans or Comprehensive Plans.
3. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the town and to encourage the orderly and beneficial development of all parts of the town.
5. To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and circulation of traffic throughout the town. Having particular regard to avoidance of congestion in the streets and highways and pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for proper location and width of street and building lines.
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land, and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
10. To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to insure the adequacy of draining facilities; to safeguard potable water suppliers; and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and value of the land.
11. To preserve the natural beauty and topography of the town and to insure appropriate development with regard to these natural features.
12. To prevent destruction of unique environmental areas.
13. To obtain the wise use, conservation, protection, and proper development of the town's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to supporting and sustaining natural resource base.

## 1.06 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

## 1.07 INTERPRETATION

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

## 1.08 SEVERABILITY AND NON-LIABILITY

If any sections, provisions, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

The town does not guarantee, warrant, or represent that only those areas designated as flood lands, will be subject to periodic inundation, and that those soils listed as being unsuited for specific uses, are the only unsuited soils within the town, and that the groundwater will be of sufficient quantity or quality for use, and thereby asserts that there is no liability on the part of the Town Board, the Town Planning Commission, or employees for sanitation problems, water quality or quantity problems, or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance.

#### 1.09 AMENDMENTS

For the purpose of promoting the public health, safety, and general welfare, the Town Board may, from time to time, amend the regulations imposed by this ordinance. The Town Board shall hold public hearings on all proposed amendments. Notice of such hearings shall be given by publication of a Class 2 notice preceding the hearing or as otherwise provided by state statute.

#### 1.10 EFFECTIVE DATE

This ordinance shall be effective after a public hearing, adoptions by the Town Board, and publication of posting as provided by law.

#### 1.11 DEFINITIONS

Terms used in the ordinance mean as follows:

1. Act or Action: In the context of the Town Board or Town Planning Commission's review of a preliminary of final subdivision, act or action shall mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
2. Association: All of a condominium unit owners acting as a group, either through a non-stock, no-profit corporation, or an unincorporated association in accordance with its by-laws and declarations.
3. Blocks: A parcel, lot, or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
4. Buildable Area: The area of a lot remaining after the building setback requirements have been met and excluding the Unbuildable areas as determined by this ordinance and the Town Planning Commission.
5. Building Setback Line: The distance from the boundaries of a lot within which building(s) shall not be erected.
6. Certified Survey Map: A map of a division of land prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map may be referred to as a CSM.
7. Channel: A natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits off a defined channel.
8. Cluster Subdivision: A residential development where the subdivision and zoning regulations apply to the project as a whole instead of to its individual lots. Densities are calculated for the whole project.
9. Comprehensive Plan: The official guide for the physical, social, and economic growth of the town, properly enacted or adopted according to statute, which is now or may hereafter be in effect.
10. Conditional Approval: Approval of a plat by the Town Planning Commission or Town Board subject to the plat meeting certain specified requirements as determined by the Town Board or Town Planning Commission.
11. Condominium Development: Property subject to a condominium declaration established under Chapter 703 Condominiums, Wisconsin State Statutes.

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12. Crosswalk: A public right-of-way traversing a block for the purpose of providing pedestrian access.
13. Contiguous: Next to, abutting, or touching and having a portion that is coterminous.
14. Cul-de-Sac: A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
15. Days: Shall refer to calendar days.
16. Dead-End Street: A street having only an outlet for vehicular traffic and no vehicular turnaround.
17. Development: The act of constructing buildings or installing site improvements, such as grading, clearing, ditching installing utilities or any other activity necessary prior to construction.
18. Double Frontage Lots: A lot other than a corner lot, which has frontage on town substantially parallel streets.
19. Drainage Easement: Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
20. Easement: The quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility, or some particular person, corporation, or part of the public for limited right of use.
21. Final Plat: The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, and the terms of this ordinance.
22. Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
23. Flood fringe: That area of land used to carry floodwater between the floodway and the regional flood limits.
24. Floodplain: The land adjacent to a body of water, which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.
25. Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.
26. Flood Profile: A graph of a longitudinal profile showing the relationship to the water surface elevation of a flood event to location along a stream or river.
27. Frontage: a length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
28. Gradient: The slope of land, road, street, or other public way specified in percent (%).
29. Grading Plan: A drawing of a proposed area with plans and specifications for grading.
30. High Water Elevation: The recorded average of all the high water elevations during the period of record for a flowage or the body of water.
31. Improvement, Public: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
32. Land Division: The act of creating two or more separately described parcels, at least one of which is ten acres or less in size, from a single parcel of land by the owner thereof or his agent.
33. Land Division Document: For the purposes of this ordinance a land division document shall include a preliminary, final or recorded subdivision plat, certified survey map, or retracement certified survey map.
34. Limited Access Expressway or Freeway: A traffic-way including toll roads for through-traffic in respect to which owners or occupants of abutting property or lands and other person have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic-way.
35. Local Unit: A local unit in this ordinance includes the town as well as the county, villages, and cities.
36. Lot: A fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.
37. Lot Area: The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.
38. Lot Equivalent: An area of land shown on a condominium plat document encompassing an individual condominium unit, or a building or part of a building, having two or more units, and also encompassing adjoining yard areas that will be associated with that unit or set of units, in an occupancy and/or appearance sense in a manner equivalent to a lot for a comparable non-condominium development.

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39. Mean Sea Level Datum: Mean Sea Level Datum, a 1929 adjustment, as established by the U.S. Coast Guard and Geodetic Survey.
40. Municipality: All Units with local self-government.
41. Neighborhood Unit: A residential living environment where the internal street system discourages through traffic and where major thoroughfares preferably bound the neighborhood; centrally located community buildings, schools, and playgrounds provide maximum pedestrian accessibility. Local shops to meet daily household needs and grouped together at accessible points providing a harmony of design and development.
42. Official Map: The map of the city, village, town, or county by law showing thereon streets, highways, parkways, parks, schools, and other public facilities as provided by Sections 62.23 (6), 60.74 or 80.64, Wisconsin Statutes.
43. Outlot: An outlot is a parcel of land other than a lot which does not meet the requirements of a lot at the time of platting.
44. Parcel: A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
45. Plat: A map of a subdivision.
46. Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to the Town Planning Commission for purposes of preliminary consideration.
47. Principal Structure: A structure housing the land use activity that is primary or predominant on the site. A structure that includes or is a residential house, apartment or condominium unit as a principal structure for a residential use.
48. Public Utility: Every corporation, company, association, sanitary district, or municipality that may own, or operate any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest, shall be deemed a public utility.
49. Replat: The changing of the boundaries of a recorded subdivision plat or part thereof.
50. Replat, Subdivision: A plat representing land, which has previously been included in a record plat.
51. Residential Subdivision: A subdivision within a Sanitary District within the Town of Wrightstown.
52. Restrictive Covenant: Written stipulations on the face of the plat regarding development, which the landowner must abide by.
53. Reviewing Agency: Means an agency, which is entitled to review and make recommendations concerning a subdivision prior to the Board action.
54. Right-of-way: A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of way and provided safe and orderly points of access at fairly uniformly spaced intervals.
55. Roadway: A surfaced curb-to-curb or paved portion of a street available for vehicular traffic movement and parking.
56. Service Drive: An approved public street generally paralleling and contiguous to a main travel way, primarily designed to promote safety by eliminating ingress and egress to the right-of-way and providing safe and orderly points of access at uniformly spaced intervals.
57. Service Way (alley): A public or private way, which provides a secondary access to a lot, block, or parcel of land.
58. Sidewalk: That portions of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.
59. State Plat: A map of a subdivision of land prepared in accordance with Chapter 236 Wisconsin Statutes and the terms of this Ordinance where.
  - a. The act of division creates five (5) or more lots each two (2) acres or less in area; or
  - b. Five (5) or more lots each two (2) acres or less in area are created by successive divisions within a period of five (5) years.
60. Street: Means and includes all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or

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unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation, but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephones lines, water lines or drainage and sanitary sewer. For the purposes of determining the street frontage of a proposed lot, frontage on alleys, parkways, and viaducts shall not be appropriate public street frontage.

61. Street, Arterial: A major high capacity street designed to carry large volumes of traffic between major activity areas of the community.
62. Street, Collector: A street which provides moderate speed movement within major activity areas and collects and distributes traffic between arterials and local streets, included would be principal entrance and traffic movement streets within a residential development.
63. Street, Half: A street bordering one (1) or more property lines of a tract of land in which the subdivided has allocated a part of the ultimate right-of-way width.
64. Street, Minor (or Local): A Street designed for low speed travel and generally low traffic volumes, which provides land access from neighborhoods and minor activities to the collector and arterial systems.
65. Structure: Anything constructed or erected on the ground (to include all types of buildings, and attachments to buildings).
66. Subdivider: Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to effect a subdivision of land hereunder for himself or for another or for others.
67. Subdivision: Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
  - a. The act of division creates five (5) or more lots each two (2) acres or less in area; or
  - b. Five (5) or more lots each two (2) acres or less in area are created by successive divisions within a period of five (5) years.
68. Surety Bond: A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
69. Surveyor: A land surveyor duly registered in the State of Wisconsin.
70. Tax Parcel Number: An identification number assigned to real estate in Brown County for taxation purposes.
71. Thoroughfare: A Street with a high degree of continuity, including collectors, major arterials, and limited access highways.
72. Transitional Subdivision: A subdivision with in proximity of a sewer service area of a sanitary district, as identified by the "Town Zoning Map as Transitional Zone". Where sanitary services are projected in the near future and hookup to such services, when available shall be required.
73. Town Board: The governing body of the Town of Wrightstown.
74. Town Planning Commission: An officially constituted town body whose duties include administration of the town subdivision regulations.
75. Tract: See Parcel.
76. Unbuildable Area: The area within a lot which is identified by the Town Planning Commission as an area not able to be used for building purposes and not able to be calculated as a buildable area.
77. Undeveloped Land: Land in parcels or tracts sufficiently large for future subdivision, which is presently in agriculture, woodland, or other non-intensive use.
78. Unit, Condominium: A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.
79. Variances: A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Town Zoning Board of Appeals may permit, pursuant to the requirements within this Ordinance.
80. Wetlands: A wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. Wetland delineation is established by, approved by the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.



81. Wisconsin Administrative Code: The rules of administrative agencies having rule making authority in Wisconsin published in loose leaf, continual revision system as directed by Chapter 35 and 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

## 1.12 GENERAL PROVISION

The provisions of the section shall be applied to all land divisions subject to this ordinance such as certified survey maps and county and state plats, unless specifically stated that a provision(s) does not apply.

## 1.13 DEDICATION AND PRESERVATION OF LAND

1. Whenever a tract to be divided includes a proposed street, highway, or parkway or proposed site for a park, playground, school, or other public use or facility, as indicated on any officially adopted map or plan, such space shall be suitably incorporated by the developer after the proper determination of its necessity by the Town Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.
2. If potential public access is included within a proposed subdivision plat or certified survey map, the Town Board or its designee shall refer the proposed plat or map to the public body concerned with acquisition for its consideration and report. The Town Board or its designee may propose alternate areas for such acquisition and shall allow the public body concerned thirty (30) days for reply. The reply of the public body, if affirmative, shall include a map showing the boundaries and areas of the parcel to be acquired and an estimate of the time required to complete the acquisition.
  - a. Upon receipt of an affirmative report, the Town Board or its designee shall notify the property owner and shall designate on the subdivision plat or certified survey map that area proposed to be acquired by the public body.
  - b. On subdivision plats or certified survey maps in which land is designated for acquisition by a governmental unit, or subdivision thereof, within one (1) year of notifications, in writing, from the owner of said property to the appropriate governmental unit, or subdivision thereof, that he/she intends to develop the property. Such notice of intent shall be accomplished by a sketch plan of the proposed development and a tentative schedule of construction. Failure to execute such a binding and enforceable agreement within the prescribed one (1) year shall result in the loss of the "Designated for acquisition" category of the property involved, and the owner shall then be free to develop said property. Nothing herein shall prevent property on a plat or map as being designated as dedicated, nor shall it prevent the exercise of Eminent Domain powers as authorized by law.
  - c. Whenever a proposed subdivision plat or certified survey map includes a proposed dedication of land to public use and the Town Board or finds that such land is not required or not suitable for public use, the Town Board may refuse to approve such dedication.
  - d. When a final subdivision plat or certified survey map has been approved by the "public bodies" and all other required approvals are obtained and the plat or map is recorded, that approval shall constitute acceptance for the purpose designated on the plat or map of all lands shown on the plat or map as dedicated to the public, including street right-of-ways.

## 1.14 LAND SUITABILITY

No land shall be divided or subdivided for a use which is held unsuitable by the Town Board for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat or certified survey map or of the community.

1. Except as proved herein, the Town Board shall determine such unsuitability at the time the subdivision plat or certified survey map is considered for approval.

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2. When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Town Board may require that this subdivider determine the floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.
3. When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding is a hazard, the Town Board shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.
  - a. The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Brown County Shoreland Floodplain Ordinance.
  - b. Floodplain lines and where calculated floodway lines, shall be shown on all final plats and maps.
4. State plats shall comply with the requirements of Chapter ILHR 85, entitled "Subdivisions Not Served By Public Sewers" of the Wisconsin Administrative Code. Chapter ILHR 85 is hereby adopted by reference and incorporated herein as though fully set out.
5. All new land divisions not served by public sewer created by certified survey map or county plat shall have a state acceptable soil test done for each proposed lot. No more than four (4) lots shall be allowed in any County Plat to be developed with holding tanks as the on-site waste disposal system
6. The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence that the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
7. The subdivider may, as a part of the preliminary plat or certified survey map procedure, require a determination of land suitability providing that the subdivider shall provide all necessary maps, data, and information for such a determination to be made.
8. Each proposed subdivision plat or certified survey map shall be in compliance with the Town of Wrightstown Comprehensive Plan.
9. No floodplain may be filled, to provide for a buildable area on any lot.

### 1.15 EROSION PREVENTIONS REQUIREMENTS

The Town Board may require a proposed subdivision or certified survey map to include a detailed erosion and sediment control plan. The plan shall detail all proposed grading techniques, land division design, landscaping, vegetative cover, berms, sediment basins, and other storm drainage and surface water runoff measures to reduce erosion and sedimentation caused by surface water runoff. Erosion and sediment control plans shall be submitted to the Town Planning Commission.

In addition, the staff may require side and/or rear building setback limits when a severe slope or unstable soil type exists on the proposed land-divisions.

### 1.16 FEES

The subdivider shall pay the Town of Wrightstown all fees as herein after required and at the times specified and all fees required for road signage by the town.

### TRANSITIONAL SUBDIVISIONS

1. **PRELIMINARY PLAT REVIEW FEE.** The subdivider shall pay a fee amounting to Four Hundred (\$400.00) Dollars plus Thirty (\$30.00) Dollars for each lot within the plat of the Town of Wrightstown at the time of

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application for approval of any preliminary state or county subdivision plat. The fee shall be submitted to the Town of Wrightstown Zoning Administrator.

- 2. CERTIFIED SURVEY MAP REVIEW FEE. The subdivider shall pay a fee of Three Hundred (\$300.00) Dollars plus Twenty-Five (\$25.00) Dollars for each lot within the map to the Town of Wrightstown at the time of application for approval of a certified map. The fee shall be submitted to the Town of Wrightstown Zoning Administrator.
- 3. VARIANCE REQUEST FEE. The subdivider shall pay a fee amount of Four Hundred (\$400.00) Dollars to the Town of Wrightstown at the time of application for each variance requires from the Subdivision and Platting Regulations. The fee shall be submitted to the Town of Wrightstown Zoning Administrator.

RESIDENTIAL SUBDIVISION

- 1. PRELIMINARY PLAT REVIEW FEE. The subdivider shall pay a fee amounting to Four Hundred (\$400.00) Dollars plus Thirty (\$30.00) Dollars for each lot within the plat to the Town of Wrightstown at the time of application for approval of any preliminary state or county subdivision plat. The fee shall be submitted to the Town of Wrightstown Zoning Administrator.
- 2. CERTIFIED SURVEY MAP REVIEW FEE. The subdivider shall pay a fee of Three Hundred (\$300.00) Dollars plus Twenty-Five (\$25.00) Dollars for each lot within the map to the Town of Wrightstown at the time of application for approval of a certified map. The fee shall be submitted to the Town of Wrightstown Zoning Administrator.
- 3. VARIANCE REQUEST FEE. The subdivider shall pay a fee amount of Four Hundred (\$400.00) Dollars to the Town of Wrightstown at the time of application for each variance requires from the Subdivision and Platting Regulations. The fee shall be submitted to the Town of Wrightstown Zoning Administrator.

1.17 SURVEYING REQUIREMENTS

All subdivisions shall meet all the surveying requirements identified in Chapter 21 Subdivisions of the Brown County Code of Ordinances.

1.18 RECORDATION

All final land division documents shall be recorded by the subdivider in the office of the register of Deeds of Brown County, Wisconsin, within 30 days of the date of the last approval of the plat and in accordance with Chapter 236 Wisconsin Statutes.

1.19 DESIGN STANDARDS

1.20 STREETS AND HIGHWAYS

1. Street Location

- a. The arrangement, character, extent, width, and location of all streets shall conform to all applicable plans officially adopted by the Town of Wrightstown, and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety, and proposed uses of land to be served by such streets.
- b. All town roads must comply with the minimum design standards of Section 86.26, Wisconsin Statutes.

2. Arrangement of Streets

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- a. Major arterial streets shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.
  - b. Collector streets shall be properly related to special traffic generation facilities, such as schools, churches, and shopping centers, to population densities, and to the arterial streets into which they feed.
  - c. Local streets shall be laid out to conform as much as possible to topography, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property.
3. When a subdivision abuts or contains an existing or proposed arterial street, the Town Board may require service drives, reverse frontage lots with screen plantings contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through traffic and local traffic.
  4. Where a subdivision or certified survey map borders on or contains a railroad right-of-way or limited access such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distance shall be determined with regard for the requirements of approach grades and future grade separations.
  5. Street jogs with centerline offsets of less than two hundred feet (200) shall be avoided.
  6. Property lines at street intersections may be rounded with a radius of twelve (12) feet. Cut offs or courts may be permitted in place of rounded corners
  7. Cul du sacs and dead end streets shall only be permitted if authorized by the Town Board or when said street appears on the town’s official street map and cannot be otherwise laid out because of a natural or manmade abutment.
  8. Arc distances when appropriate for lot frontage on curved right of ways shall be provided for municipal assessment purposes.
  9. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees, and more than two streets intersecting at one point shall be discouraged.
  10. Reserve strips or median strips controlling access to streets shall be prohibited, except where approved by the Town Board.
  11. The minimum right-of-way and roadway of all streets shall be equal to or greater than the width specified below, unless a lesser width is approved by the Town Board.
    - a. Arterial Streets - 100 feet.
    - b. Collector Streets - 80 feet.
    - c. Local Streets - 70 feet.
    - d. Service drives - 50 feet in addition to the major traffic street it adjoins.
    - e. Exceptions - Where a major residential street including any proposed extensions thereof does not exceed one thousand (1,000) feet in length, a street seventy (70) feet in width may be permitted or when a minor residential street would necessitate lots with depths less than one hundred ten (110) feet, a street seventy (70) feet in width may be permitted.
  12. Minimum sight distance shall comply with county and state design standards.
  13. The minimum radii or curvature on the centerline shall be as specified below:

<u>Street Type</u>	<u>Minimum Radius in Feet</u>
Major	300
Collector	200
Minor	100

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14. Cul-du-sacs: Any street designed to have one (1) end permanently or temporarily closed shall not exceed one thousand (1,000) feet in length and shall provide a turnaround with a minimum right-of-way radius of eighty (80) feet.
15. Temporary turn-around: Use of property contained within a temporary turn-around (cul-du-sac) not dedicated as public road property shall revert to the abutting property owner when the road is extended beyond the temporary turn around.
16. Half streets (streets with less than full right-of-way width).
  - a. Where a half street has previously been dedicated adjacent to the subdivision, the remaining half of the street shall be dedicated to the subdivider.
  - b. Where no half street adjacent to the subdivision exists, the dedications of the half streets will not be approved, unless the remaining portion shall appear as a mapped street on the official map.
17. The Town Board or Town Planning Commission may require that the subdivider prepare and submit street plans showing street locations beyond the boundary of the proposed subdivision. The street plans shall include an area determined by the Town Board or Town Planning Commission and be in conformance with the town's official street map.
18. Street Names.
  - a. Any street, which is the reasonable continuation of an existing street, shall bear the same name. If the topography or other feature of a permanent nature are such as to render the continuation of the actual roadway impossible and where some nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.
  - b. The Town Board or Town Planning Commission may disapprove the name of any street shown in the plat, which has already been used elsewhere in the county, which, because of similarity, may cause confusion.
  - c. The term boulevard shall be reserved for such streets, which because of their breadth or monumental character, are to be especially designated.
19. Lots shall have a minimum building setback line from the right-of-way line equal to the requirements as set forth in the Town Zoning Ordinance of the zone in which the lot is located.
20. All roads must meet all design standards and specifications adopted by the Town of Wrightstown.

1.21 LOTS

1. The lot size, width, frontage, depth, shape and orientation, and the minimum building setback lines shall conform to the requirements of this Ordinance and shall also meet the minimum requirements as set forth in the Town of Wrightstown Zoning Ordinance for the zone in which the proposed lot is located in.
  - a. RURAL SUBDIVISION - Minimum two (2) acres with Two Hundred (200) feet of frontage on a town road. Set backs as in Ag-Residential.
  - b. TRANSITIONAL SUBDIVISION - Minimum One (1) acre with One Hundred (100) feet of frontage on a town road. Set backs as in Ag-Residential.
  - c. RESIDENTIAL SUBDIVISION - Minimum Fourteen Thousand (14,000) square feet with One Hundred (100) feet of frontage on a town road.
2. Residential lot area shall not include land designated for right-of-way requirements referred to in Section 1.20 (11).

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3. Each lot within a Rural or a Transitional subdivision plat shall contain a minimum of Twenty Thousand (20,000) square feet of contiguous buildable area.
4. Each lot within a residential subdivision shall contain a minimum of Three Thousand (3000) square feet of contiguous buildable area.
5. In computing the Twenty Thousand (20,000) square feet of required buildable areas:
  - a. No portion of this minimum square footage shall be less than 50 feet wide.
  - b. No portion shall be within an identified U.S. Army Corps of Engineers or Wisconsin Department of Natural Resources Wetland.
  - c. No portion shall be located within the front, side, corner side, or rear-building setback for the zone in which the lot is located.
  - d. No portion shall be located within an identified drainage easement.
  - e. No portion shall be located within a floodway, and
  - f. No portion shall be located within a private driveway easement
  - g. No portion shall be located within a utility easement in which residential buildings cannot be built.
  - h. All square footage shall be contiguous and no square footage shall be separated by any feature identified in Section 1.21 (3) (a) through (h) above.
6. The subdivider shall identify within each proposed lot the map or plat, all the above-cited Unbuildable areas (Section 1.21 (4)).
7. Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner on curved streets.
8. Lots shall follow, rather than cross, municipal boundary lines wherever possible.
9. Lot dimensions shall conform to the requirements of the local zoning ordinance, as well as existing county and state requirements, however,
  - a. Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the Department of Industry, Labor, and Human Relations of the Wisconsin Administrative Code where applicable, the Brown County Sanitary Ordinances and other state and local requirements.
  - b. The minimum lot width or frontage may be measured at the narrowest width within the first Twenty-Five (25) feet of lot depth immediately in back of the front yard setback line if the proposed lot is located on the outer radius of a curved street or a cul-de-sac.
10. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designated so as to avoid concentration of storm drainage water from each lot to adjacent lots.
11. Every lot shall abut on a public street.
12. Side lot lines shall be substantially at right angles or radial to street lines.
13. Double frontage or reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet may be required along the line of residential lots abutting such a traffic arterial.
14. When residential lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or railroad, or when the Town Board or Town Planning Commission deems it necessary, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (name of road) from lots abutting said road is prohibited".
15. The use of outlots shall be avoided whenever possible. Outlots may be approved at the discretion of the Town Board where circumstances and conditions warrant. The Town Board may approve outlots where the following conditions exist.
  - a. The proposed outlot(s) is a sufficient size to be developed independent of the proposed subdivision.
  - b. The proposed outlot is dedicated for the public such as utilities, open space, etc.

## 1.22 EASEMENTS

The Town Board or Town Planning Commission may require easements for electric power and communications facilities, storm and sanitary sewers, streets, trees, floodwater, gas, water, cable television lines, or other utility lines. Where such easements are specifically located within the area being subdivided, they shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes.

## 1.23 STORE WATER DRAINAGE

Store water easements shall be provided for where required by the Town Board or Town Planning Commission to accommodate present and future storm water runoff. Storm water facilities shall be designed to permit the unimpaired flow of surface water, insure the drainage of all points along the line of streets, and provide positive consideration shall be given to protection against soil erosion and siltation of surface waters and preventing excess run off on adjacent property. Grading or construction adequate for the purpose may be required. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Town Board and Town Planning Commission.

## 1.24 PLANNED UNITS DEVELOPMENT

1. The requirements and standards of this ordinance may be waived by the Town Board for planned developments providing such proposed developments shall be planned as a unit, be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area, shall meet the requirements for such use as set forth in the Town of Wrightstown Zoning Ordinance, and is approved by the Town Board. In addition, continued provisions, maintenance, and use of open space, recreation areas, services, and amenities shall be assured in a manner acceptable to the Town Board.
2. It is the intent of this section to permit other types of planned development, cluster subdivisions and planned unit developments with owner-occupied row housing and with private owned common property comprising a major element of the development.

## 1.25 PROCEDURE FOR APPROVAL

## 1.26 PRELIMINARY CONSULTATION

It is recommended that prior to the filing of an application for the approval of a preliminary plat or certified survey map, the subdivider consult with the Town Planning Commission for advice and assistance. The Consultation is neither formal nor mandatory, but is intended to inform the subdivider in the planning of his/her development. In doing so, both the subdivider and the Planning Commission may reach mutual conclusions regarding the proposed area to be developed.

## 1.27 PRELIMINARY PLAT APPROVAL

1. The subdivider shall submit eleven (11) copies of the preliminary plat to the Town Zoning Administrator no less than ten days prior to the regularly scheduled Town Planning Commission Meeting. The Town Board and Town Planning Commission shall review the plat for compliance with this ordinance and all other town ordinances.

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2. The Town Planning Commission shall review the proposed preliminary plat at its regularly scheduled Planning Commission meeting. The Planning Commission, at its discretion, may use the initial meeting as an opportunity to listen to the subdivider present the proposal and to become familiar with the proposed plat and may make a recommendation to the Town Board at this meeting. If the Planning Commission does make a recommendation at this meeting, it should forward its recommendation concerning the proposed plat to the Town Board.
3. If the Planning Commission did not make a recommendation concerning the proposed plat at the initial review meeting it shall make a recommendation to the Town Board at the next scheduled Planning Commission Meeting. The Planning Commission shall forward its recommendation concerning the proposed preliminary plat to the Town Board. The Town Board shall take action on the proposed preliminary plat at its next regularly scheduled Town Board meeting. The Town Board shall express its approval, in writing, to the surveyor and/or subdivider and state the conditions of such approval and, if disapproved, shall express its disapproval and state its reasons for rejection. The proposed plat should not proceed to the next level (final plat approval) unless approved or approved conditionally by the Town Board.

1.28 PROCEDURE FOR APPROVAL OF THE FINAL PLAT

1. The subdivider shall submit eleven (11) copies of the final plat to the Town Zoning Administrator no less than ten days prior to the Town Planning Commission Meeting and shall be submitted within six (6) months of the approval of the preliminary plat. Failure to submit the final plat within the six (6) month period may require re-submittal as a preliminary plat upon determination of the Town Planning Commission.
2. Upon receipt thereof, the Town Board and Town Planning Commission shall examine the final plat and all necessary certificates as to its conformance with the approved preliminary plat, this ordinance and all town ordinances.
3. The Planning Commission shall at its next meeting, make a recommendation to the Town Board concerning the final plat submittal.
4. At its next regularly scheduled meeting, the Town Board may approve or deny the proposed plat, within Ninety (90) days. If disapproved or conditionally approved, the reasons or condition shall be stated on the record of the Town Board and forwarded to the surveyor and/or subdivider.
5. The final plat shall be recorded by the subdivider in the office of the Register of Deeds of Brown County, Wisconsin as per chapter 236, Wisconsin Statutes.

1.29 PROCEDURE FOR CERTIFIED SURVEY MAP APPROVAL

1. The subdivider shall submit eleven (11) copies of the preliminary plat to the Town Zoning Administrator no less than ten days prior to the regularly scheduled Town Planning Commission Meeting. The Town Board shall review the proposed certified survey map for compliance with this ordinance, and all other town ordinances.
2. The Town Planning Commission shall review the proposed map at its regularly scheduled Planning Commission meeting. The Planning Commission, at its discretion, may use the initial meeting as an opportunity to become familiar with the proposed map and may not make a recommendation to the Town Board at this meeting. If the Planning Commission does make a recommendation at this meeting, it should forward its recommendation concerning the proposed map to the Town Board. If the Planning Commission did not make a recommendation concerning the proposed map at the initial review meeting it shall make a recommendation to the Town Board at the next scheduled Planning Commission Meeting. The Planning Commission shall forward its recommendation concerning the proposed map to the Town Board. The Town Board shall take action on the proposed map at its next regularly scheduled Town Board meeting after receiving the recommendation of the Planning Commission. The Town Board shall state the conditions of approval, if any, and if disapproved, shall express its disapproval and state its reasons for rejection.



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1.30 SUBDIVISION PLAT DATA REQUIREMENTS

1.31 PRELIMINARY PLATS GENERAL

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information.

Title under which the proposed subdivision is to be recorded. The entire area continuous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of the area is proposed for immediate development. The Town Planning Commission may waive this requirement where it is unnecessary to fulfill the purpose and intent of this Ordinance and undue hardship would result from the strict application thereof.

1.32 PRELIMINARY PLAT DATA

1. Signature and seal of the surveyor.
2. Date, scale, and north point.
3. The proposed subdivision name, which shall not duplicate the name of any plat, previously recorded in Brown County. A subtitle or "County Plat" shall be required for all county plats.
4. The name and address of the owner, authorized agent, and a surveyor registered in the State of Wisconsin preparing the plat.
5. Location of the subdivision by private claim or by the government lot, quarter, quarter section, section, township, range, and county.
6. A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
7. Location and names of adjacent subdivisions.
8. Locations, widths, and names of existing or dedicated streets, alleys, or other public ways and easements, railroad and streets, alleys, or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, and other pertinent data as determined by the Planning Commission.
9. Topographic information in the form of five (5) foot contours with two (2) foot supplemental contours portrayed for areas adjacent to watercourses to a height of ten (10) feet above the estimated high water mark may be required by the Town Planning Commission.
10. Layout and width of all streets and rights-of-way, such as alleys, highways, easements for sewers, water mains, and other public utilities.
11. Approximate dimensions of and areas of lots, rights-of-way and the encompassing area of the map listed as square footage.
12. The percolation tests and soil boring hole locations be accurately located.
13. Approximate radius of all curves.
14. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, or other public use or to be reserved by deed or covenants for use of all property owners in the subdivision with the conditions, if any of such dedication or reservation.
15. Proposed building setback lines.
16. The existing tax parcel numbers affected by the proposed subdivision shall be provided by placing them on the plat document or submittal of an accessory document containing the affected tax parcel numbers.
17. Information required per section 1.21, LOTS (5).
18. The subdivider shall compute and submit the buildable area for each lot.
19. Existing fence lines located within the area being platted, which have been used as boundary lines.

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1.33 FINAL PLAT GENERAL

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 36 of the Wisconsin Statutes and this ordinance.

1.34 FINAL PLAT ADDITIONAL INFORMATION

The plat shall show correctly on its face, in addition to the information required by Chapter 236 of the Wisconsin Statutes, the following:

1. Necessary utility easements and location of facilities with easements.
2. Railroad rights-of-way within and abutting the plat.
3. Floodway and floodplain boundaries where applicable.
4. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
5. Special restrictions or notes required by the Board and any other approving or objecting agency, such as relating to floodplains, airport noise cones, or access control along public ways.
6. Erosions and sediment control measures, where applicable.
7. Locations and dimensions of all preplanned on-site waste disposal systems.
8. Unbuildable areas identified in Section 1.21, LOTS (4).

1.35 CERTIFIED SURVEY MAP DATA REQUIRES.

1.36 GENERAL.

Certified survey maps prepared by a land surveyor registered in Wisconsin shall be required for any division of land ten (10) acres or less in size which does not necessitate the preparing of a subdivision plat. It shall comply in all respects with the requirements of section 236.15 (2), 236.20 (3) (a), (b), (D), (E), 236.20, (4) (a), (b), (c), 236.21 (1), and 236.34 of the Wisconsin Statutes relating to platting land. The map shall comply with the design standards set forth in section 1.20, the land suitability section 1.14 and the lot requirements in section 1.21 of this ordinance.

1.37 ADDITIONAL INFORMATION

1. When applicable topographic information in the form of five (5) foot contours with two (2) foot supplemental contours portrayed for areas adjacent to watercourses to a height of ten (10) feet above the estimated high water mark, may be required by the Town Planning Commission. This information need not be shown on the final map.
2. The map shall show correctly on its face, in addition to the information required by Chapter 236 of the Wisconsin Statutes and Section 1.32 (1), (2), (4), (5), (7), (8), (9), (10), (11), (13), (14), & (15) of this ordinance, the following where applicable:
  - a. Floodplain, floodway, and drainage easement boundaries.
  - b. Approval signature of municipality in which the map is located.
  - c. Extra-territorial plat jurisdiction signature.
  - d. Building setback lines.
  - e. Necessary utility easements and location of facilities within the easements.
  - f. All existing visible structures at time of survey.
  - g. Location of necessary erosion and sediment control measures.
  - h. Locations and dimensions of all preplanned on-site waste disposal systems.

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- i. The requirements for soil information for proposed certified survey maps (Section 1.14 (5) of this Ordinance) which have been prepared for uses other than for a proposed habitable building site may be waived at the discretion of the Town Planning Commission, provided that the following restrictive covenant be placed on the map: “The construction of structures which may rely upon on-site sewerage disposal systems for sanitary waste disposal shall be prohibited.”

1.38 SURVEYING REQUIREMENTS

The certified survey map shall meet all the surveying requirements as set forth in Wisconsin Statutes 236 and Chapter 21 of the Brown County Ordinances for certified survey maps.

1.39 RETRACEMENT CERTIFIED SURVEY MAPS

A certified survey map may be used to identify and locate existing parcels of record. The retracement certified survey map must meet the following requirements.

1. The map shall be prepared in accordance with Section 236.34 and Chapter 21 of the Brown County Ordinances.

1.40 RECORDATION

The certified survey map shall be filed for recording with the Register of Deeds of Brown County within 60 days of the last approval of the map.

1.41 DEVELOPMENT AGREEMENT.

Whenever a trace of land is divided as provided by this Article, the Town Board by requires and enters into a signed and recordable developer’s agreement, even if no rezoning is necessary. The items the developer’s agreement should include, without limitation, the following topics:

1. A thorough description of the proposed development, together with relevant phases of the development and a timeline for the completion (a project plan).
2. The proposed zoning necessary to develop the property consistent with the project plan.
3. Demolition and site clearance, if relevant.
4. A complete list of the improvements including, without limitation:
  - a. Streets,
  - b. Sanitary sewer,
  - c. Water distribution,
  - d. Storm sewer
  - e. Curb and gutter,
  - f. Sidewalks,
  - g. Topsoil and seeding,
  - h. Erosion control,
  - i. Landscaping,
  - j. Lighting plan, including the street lighting,
  - k. Signage,
  - l. Pipe culvert standards/materials/sizing
5. Right of inspection during construction.
6. Completion date for all improvements.
7. Financial assurance for the completion of those improvements that have been accepted by the Town, this includes surety bonds or escrows.
8. Protocol for approval and transfer of those improvements that will be dedicated to the Town, including inspection, review of as-builts, and dedication.
9. Description of building permits and occupancy permits needed for the project.

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10. Delineation of application fees.
11. Indemnification and hold harmless of the Town
12. Preparation and approval of proposed restrictive covenants application to the project and provisions of the enforcement of those covenants that benefit the Town.
13. Non-discrimination clause.
14. Fore majeure clause.
15. A clause confirming that the Town has no obligation or liability for any obligations to any lending institution, contractor or subcontractor, etc.
16. Developer to reimburse for actual costs sustained in the review and approval of the engineering plans and legal documents.
17. The usual miscellaneous legal clauses such as application law, severability, entire agreement, non-assign ability, amendment, notices, etc.

#### 1.42 VARIANCES GENERALLY

When the Town Zoning Board of Appeals finds that “Extraordinary hardship: or “practical difficulties” may result from strict compliance with these regulation and/or the purposes of these regulation may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further proved the Town Zoning Board of Appeals shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific cast that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other properties.
2. The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other property.
3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, the strict letter of these regulations are carried out.
4. The variance will not in any manner vary the provisions of the other town ordinances, or the Official Map.

#### 1.43 CONDITIONS

In approving variances, the Town Zoning Board of Appeals may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.

#### 1.44 PROCEDURE

A petition for any such variance shall be submitted, in writing, by the subdivider at the time when the preliminary plat or certified survey map is filed for consideration of the Town Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

#### 1.45 VIOLATION, PENALTIES, AND REMEDIES

Any violation of any provision of this Ordinance by any person, firm, association, corporation or his/her/their agent, employee, or officer, shall be unlawful. A violator shall, upon a finding that a violation exists, forfeit to the town not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the taxable cost in such action. Each day during which such violation exists shall constitute a separate offense.

Every violation of this Ordinance is a public nuisance, and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the Town, County, State or any citizen whose interests are adversely

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affected. Any such violator may be required to forfeit not more than five hundred (\$500.00) dollars for each such offense. Each day during which such violation exists shall constitute a separate offense.

When a subdivision is created in violation of this Ordinance, the town may order an assessor's plat be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent.

#### 1.46 EXCEPTIONS TO THIS ORDINANCE

1. Development, which does not create a new road, or extend an existing road within the Town of Wrightstown, will not be subject to the provisions of this ordinance, but shall be subject to all existing Town of Wrightstown Zoning Ordinances, Chapter 21 of the Brown County Ordinances, and chapter 236 of the Wisconsin Statutes.

## **ARTICLE XXII**

# **NUISANCE ORDINANCE**

A. **PUBLIC NUISANCE PROHIBITED.** No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town of Wrightstown, Brown County, Wisconsin.

18. Definition of District; Whenever the word “District” appears herein, it shall refer to and apply only to those areas within the boundaries of the Greenleaf Sanitary District within the Town of Wrightstown, Brown County, Wisconsin.

B. **PUBLIC NUISANCE DEFINED.** A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public.
2. In any way render the public insecure in life or in the use of property; or
3. Greatly offend the public morals or decency.

C.

**PUBLIC NUISANCES AFFECTING HEALTH.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 1.02.

1. **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or food, which are not buried or otherwise disposed of, in a sanitary manner within twenty four (24) hours after death.
2. **Breeding Places for Vermin, etc.** Accumulations of decaying animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any materials in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
3. **Stagnant Water.** All stagnant water in which mosquitoes, flies or other insects can multiply.
4. **Noxious Weeds.** All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one (1) foot. The Town may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under Section 66.60(16), Wisconsin Statutes.
5. **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
6. **Noxious Odors, etc.** Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gasses, effluvia or stench extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
7. **Street Pollution.** Any use of property, which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
8. **Abandoned Vehicles.**

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- a. **Vehicle Abandonment Prohibited.** No person shall leave unattended any motor vehicle, trailer, semi trailer or mobile home on any public street, or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonable appear to have been abandoned. When any such vehicle has been left unattended on any Town street or on any public or private property within the District without the permission of the owner for more than forty eight (48) hours, the vehicle is deemed abandoned and constitutes a public nuisance.
- b. **Removal and Impoundment of Abandoned Vehicles.** Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of, except that, if the Town Constable or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to expiration of the impoundment period upon determination by the Town Constable or his duly authorized representative that the vehicle is not wanted for evidence or other reason.

9. **Storage of Junk, etc., Regulated.** No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, bricks, cement blocks, wood, junk tires or other unsightly debris which may tend to depreciates property values in the area or create an unattractive hazard, or other nuisance.

**D. PUBLIC NUISANCES OFFENDING THE MORALS AND DECENCY.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency within the definition of Section 1.02.

1. **Gambling Devices.** All gambling devices and slot machines.
2. **Continuous Violation of Town Ordinances.** Any place or premises within the District where Town ordinances or State law relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
3. **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

**E. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.** The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of 1.02.

1. **Illegal Buildings.** All building erected, repaired or altered, in violation of the provisions or the ordinances or the Town relating to materials and manner of construction of buildings and structures with the Town.
2. **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
3. **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
4. **Any dog running at large is subject to impoundment at owner's expense.**

F.

ABATEMENT OF PUBLIC NUISANCES.

1. **Enforcement.** The Building Inspector and the Health Officer shall enforce those provisions of this chapter that come within the jurisdiction of their offices. And they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this subsection to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and have satisfied himself that a nuisance does, in fact, exist.
2. **Summary Abatement.** If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chairman may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
3. **Abatement after Notice.** If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisances to be removed.
4. **Other methods Not Excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with State laws.
5. **Court Order.** No officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for any order assisting the abatement of the public nuisance.

G. **COST OF ABATEMENT.** In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

H. **PENALTY.** Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as follows in 1.09, Penalty Provisions.

I.

PENALTY PROVISIONS.

1. **General Penalty.** Any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
  - a. **First Offense - Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5.00 nor more than \$500.00, together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - b. **Second Offense - Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 for each such offense, together with costs of prosecution and in default of payment of



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such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs or prosecution are paid, but not exceeding six (6) months.

- c. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- d. Execution Against Defendant's Property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

## **ARTICLE XXIII**

# **TRANSITIONAL RESIDENTIAL**

The following regulations shall apply in T-R Districts:

### **A. PERMITTED USES**

1. Single-family dwellings.
2. The following institutional uses; provided any building shall be located twenty five (25) feet or more from any other lot in a Residential District.
  - a. Schools, public, denominational, or private, elementary, junior high, and senior high, including playgrounds, athletic fields, and other accessory uses required for operation.
  - b. Public open spaces including customary park, playground and athletic field activities and functions.
  - c. Public libraries, museums, community centers, or other public recreational buildings and grounds.
3. Transmission lines, substations, telephone and telegraph lines and public utility installments.
4. Church chapels, temples, synagogues, rectories, parsonages, and parish houses, provided the buildings are located twenty five (25) feet or more from any other lot in a Residential District.

### **B. PERMITTED ACCESSORY USES**

1. Private garages, carports, and driveways.
2. Home occupations.
3. Tool houses, sheds and other similar buildings used for the storage of common supplies.
4. Conservatories and greenhouses for plants provided such activity is not designed for wholesale or retail trade.

### **C. CONDITIONAL USES**

1. Multi-family dwellings.
2. Two Family Dwellings
3. Bed and Breakfast Establishments
4. Planned unit development.
5. Religious institutions in the form of convents, seminaries, and monasteries.
6. Cemeteries.

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- 7. Fire stations, police stations, post offices, and other municipal facilities necessary for town operation.
- 8. Temporary real estate tract offices for transacting the sale of lots in the tract or land upon which the tract office is situated for a period not to exceed two (2) years.
- 9. Temporary building, trailers, equipment, and signs necessary for construction purposes and the temporary storage of building materials and equipment for a period not to exceed the duration of such construction.

**D. LOT REQUIREMENTS**

- 1. Area - 1 Acre minimum.
- 2. Zoning lot frontage - One hundred (100) feet minimum.

**E. HEIGHT REGULATIONS**

- 1. All structures - thirty five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

**F. BUILDING SETBACKS**

	<b>Principal Structure</b>	<b>Accessory Building</b>
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	1 story - 10 feet minimum each side; 2 story - 15 feet minimum each side	10 feet minimum
Rear Yard	25 feet minimum	10 feet minimum
Corner Side	25 feet minimum from right-of-way	25 feet minimum from right-of-way

- 1. Maximum setback from road right of way shall be 120 feet to the rear of the principle structure
- 2. All structures shall be placed on lots to allow future division of said lots.

**G. BUILDING SIZE**

- 1. Minimum ground floor area per dwelling shall be not less than fourteen hundred (1,400) square feet for a one (1) story dwelling and not less than nine hundred (900) square feet and five hundred (500) second floor square feet, for dwellings having more than one (1) story

**H. ACCESSORY BUILDING**

- 1. An additional structure of no more than one thousand (1,000) square feet on lots less than five (5) acres maybe allowed for storage or home occupation. On lots five (5) acres or larger such structure shall have no such size limitation. Art. 4.C.4. shall still apply.

2. Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

**I. PARKING**

1. Parking shall conform to the requirements as set forth in Article XII Off-Street Parking Requirements.
2. Only one (1) unlicensed vehicle may be stored outside on premises.
3. Driveways and parking areas shall be a minimum of three (3) feet off property lines.
4. All new residential structures shall be required to have an attached or unattached garage of a minimum of five hundred (500) square feet.

**J. SIGNS**

1. Signs shall be regulated as set forth in Article XI Sign Regulations.

**K. OTHER REQUIREMENTS**

1. A frost wall or a basement is required under all residential structures.
2. Hookup to sanitary district sewer and water services shall be mandatory when such services become available.
3. No dog kennels allowed in trans-residential area.

# ARTICLE XXIV

## TELECOMMUNICATIONS ANTENNAS AND TOWERS

A. **DEFINITIONS.** As used in this article, the following terms shall have the meanings indicated:

1. “Alternative tower structure” shall mean man-made structures such as elevated tanks, electric utility transmission line towers, non-residential buildings, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers. Freestanding signs are not considered alternative tower structures.
2. “Antenna” shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.
3. “FAA” shall mean the Federal Aviation Administration.
4. “FCC” shall mean the Federal Communications Commission.
5. “Governing authority” shall mean the governing authority of the Town of Wrightstown.
6. “Pre-existing towers and antennas” shall have the meaning set forth in Section B. (4.) of this article.
7. “Height” shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.
8. “Tower” shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, PCS towers, alternative tower structures, and the like.

B. **APPLICABILITY.**

1. District Height Limitations. The requirements set forth in this article shall govern the location of towers that exceed, and antennas that are installed at, a height in excess of the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas; however, in no case shall any tower exceed the following height limitations.
  - a. For a single user, up to ninety(90) feet in height;
  - b. For two users, up to one hundred twenty (120) feet in height; and
  - c. For three or more users, up to one hundred fifty (150) feet in height.
2. Public Property. Antennas located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this article, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
3. Amateur Radio: Receive-Only Antennas. This article shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a receive only antenna.

4. Pre-Existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this article shall not be required to meet the requirements of this article, other than the requirements of Sections C.5. And C.6. Any such towers or antennas shall be referred to in this article as “pre-existing towers” or “pre-existing antennas.”

**C. GENERAL GUIDELINES AND REQUIREMENTS.**

1. Purpose: Goals: The purpose of this article is to establish general guidelines for the siting of towers and antennas. The goals of this article are to: (i) encourage the location of towers in non-residential areas and minimize the total number of towers throughout the community, (ii) strongly encourage the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.
2. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
3. Inventory of Existing Sites. Each applicant for an antenna and or tower shall provide to the Planning and Zoning Department an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The Planning and Zoning Department may share such information with other applicants applying for administrative approvals or Conditional Use permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Planning and Zoning Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
4. Aesthetics and Lighting. The guidelines set forth in this Section C.4. Shall govern the location of all towers, and the installation of all antennas, governed by this article, provided, however, that the governing authority may waive these requirements if it determines that the goals of this article are better served thereby.
  - a. Towers shall maintain a galvanized steel finish, or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  - b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and build environment.
  - c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color

that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

- d. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting, alternatives and approve the design that would cause the least disturbance to the surrounding views.
  - e. Towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than six (6) feet above the ground on a placard no larger than one and one half (1 ½) square feet.
5. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.
6. Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said thirty (30) days, the governing authority may remove such tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed.

**D. PERMITTED USES.**

1. General. The uses listed in this Section D. are deemed to be permitted uses and shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with Section C. of this article and all other applicable articles. Only telecommunications towers that qualify under s. 91.44(1)(f) may be permitted in the AG-FP district.
2. Specific Permitted Uses. The following uses are specifically permitted:
  - a. Installing an antenna on an existing alternative tower structure, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and

- b. Installing an antenna on an existing tower of any height, including a pre-existing tower, and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.

**E. CONDITIONAL USE PERMITS**

1. General. The following provisions shall govern Conditional Use permits:

- a. If the tower or antenna is not a permitted use under Section D of this article, then a Conditional Use permit shall be required prior to construction of any tower, or the placement of any antenna.
- b. Towers and antennas may only be located in the Light Industrial (L-I), Heavy Industrial (HI) and Intensive Business (B-3) zoning districts.
- c. If a Conditional Use permit is granted, the governing authority may impose conditions to the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

2. Information Required. Each applicant requesting a Conditional Use permit under this article shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this article.

3. Factors Considered in Granting Conditional Use Permits. The governing authority shall consider the following factors in determining whether to issue a Conditional Use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- a. Height of the proposed tower;
- b. Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location or another provider's equipment;
- c. Proximity of the tower to residential structures and residential district boundaries;
- d. Nature of uses on adjacent and nearby properties;
- e. Surrounding topography;
- f. Surrounding tree coverage and foliage;



- g. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - h. Proposed ingress and egress;
  - i. Availability of suitable existing towers and other structures as discussed in Section E.4. Of this article.
- 4. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
  - a. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - c. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - d. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - e. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
  - f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- 5. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a Conditional Use permit is required, provided, however, that the governing authority may, reduce the standard setbacks and separation requirements if the goals of this article would be better served thereby.
  - a. Towers must be set back a distance equal to the height of the tower from any off-site residential structure, or any parcel of land zoned residential.
  - b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements.
- 6. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a Conditional Use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this article would be better served thereby.

Town of Wrightstown Zoning Ordinance

- a. Tower facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.
  - b. In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived altogether.
  - c. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be sufficient buffer.
- F. **REMOVAL OF ABANDONED ANTENNAS AND TOWERS.** Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Amended October 14, 2015

# **ARTICLE XXV**

## **WIND ENERGY SYSTEM**

### **1. TITLE AND AUTHORITY**

This Ordinance shall be known, cited and referred to as: the “Town of Wrightstown Wind Energy System Ordinance.” The Town of Wrightstown, by its Town Board, pursuant to Sections 60.22, 60.10(2)(c), 60.61, 66.0401 and 66.0403 of the Wisconsin Statutes: hereby repeals former Article XXV entitled “Large Wind Energy Facilities”; and hereby enacts the following Ordinance which is hereby deemed recreated and henceforth constitutes Article XXV of the Town of Wrightstown Code of Ordinances.

### **2. PURPOSE**

The purpose of this Ordinance is to protect the health and safety of the public while not significantly increasing the cost or significantly decreasing the efficiency of wind energy systems in the Town of Wrightstown. The Town recognizes its responsibility to provide local administrative assistance to state and federal agencies charged with protecting the health, safety and welfare of the public. The Town of Wrightstown undertakes this responsibility while recognizing the limited number of county, state and federal agents assigned to protect the health and safety of the citizens of the Town of Wrightstown. This Ordinance shall at all times be administered in accordance with all state and federal statutes and regulations governing the subject of this Ordinance.

### **3. DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated:

- 3.1 FAA shall mean the Federal Aviation Administration.
- 3.2 Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.
- 3.3 MET Tower shall mean a meteorological tower used for the measurement of wind speed.
- 3.4 Plan Commission shall mean the Town of Wrightstown Town Plan Commission.
- 3.5 PSC shall mean the State of Wisconsin Public Service Commission.
- 3.6 Public shall mean and include the citizens and invitees of the Town of Wrightstown and those individuals and entities whose health or safety may be affected by the installation and operation of a Wind Energy System in the Town of Wrightstown.
- 3.7 Total Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.
- 3.8 Town shall mean Town of Wrightstown, Brown County, Wisconsin.
- 3.9 Town Board shall mean the Town of Wrightstown Town Board.

- 3.10 Wind Energy System and WES shall mean an electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, whose main purposes are to supply electricity to the site and/or to off-site customer(s). This definition includes all substations, MET towers, cables and wires and other buildings accessory and items ancillary to or part of any such system that converts and then stores or transfers energy from the wind into usable forms of energy.
- 3.11 WES Conditional Use Permit shall mean a conditional use permit for the construction and operation of a wind energy system in the Town of Wrightstown.
- 3.12 Wind Turbine, Wind Turbines shall mean one (or more) small wind turbine(s) or large wind turbine(s), or a combination of both as part of the particular Wind Energy System.

#### 4. **WIND ENERGY SYSTEMS**

Wind Energy Systems which are subject to the application filing and certificate requirements administered by the PSC (hereinafter referred to as a "PSC-WES") shall nevertheless be subject to this Ordinance.

- 4.1 In the context of a PSC-WES, some but not all of the application requirements contained at Section 7.3 of this Ordinance do not all apply to the PSC-WES applicant. The PSC-WES applicant shall submit to the Town a true, correct and complete copy of the PSC-WES application which was submitted and determined to be complete by the PSC. The information requirements of Section 7.3 of this Ordinance shall, upon the Town's receipt of the complete PSC application, be amended to include: only those Section 7.3 application requirements not addressed in the complete PSC application; and those Section 7.3 application requirements which could not have been considered by the PSC, under the PSC regulations, prior to or at the time the PSC made its final determination that the PSC-WES application was complete.
- 4.2 Any conditional use permit for a PSC-WES to be granted pursuant to this Ordinance:
- 4.2.1 May be granted before, after, subject to or conditioned upon the applicant acquiring a Certificate of Public Convenience and Necessity or a Certificate of Authority from the PSC.
- 4.2.2 Shall not contain any term, condition, limitation or requirement which would inhibit, impede or preclude a WES for which a PSC certificate has been issued.
- 4.2.3 The Town shall actively participate in the PSC administrative process and may petition the Circuit Court for review of the PSC decision. The Town's participation in the PSC proceedings shall include: providing the PSC with information concerning land use; environmental; local roads; local infrastructure; archeological or historic concerns; endangered, threatened or special concerns for species or areas of the community; waterways and wetlands; storm water management; erosion control; agricultural; sewer and water; fire, EMS, law enforcement, security and traffic control; impacts upon the Town's budget, expenses, or costs; and taxes, payments in lieu of taxes and other anticipated revenue impacts.
- 4.2.4 No term, condition, limitation or requirement contained in any WES Conditional Use Permit granted by the Town, shall more strictly govern the same subject matter than the

PSC is required to consider and regulate in the granting of a certificate to the PSC-WES applicant. This includes both: those matters which the PSC addresses; and those matters which by law the PSC could have addressed in the PSC administrative proceedings or PSC requirements in the certificate granted to the PSC-WES applicant.

- 4.2.5 When determining the Town WES Conditional Use Permit terms, conditions or provisions in the context of a PSC-WES pursuant to Section 7.6; as to any matter which was determined or could have been determined by the PSC in the PSC certificate, the Town's WES Conditional Use Permit considerations, terms, conditions and provisions shall be limited to: those that were not and could not have been addressed by the PSC; and those terms, conditions, limitations and restrictions contained in the PSC certificate which may be adopted and incorporated by reference in the Town's WES Conditional Use Permit. Subject to the limitations set forth herein and in Sections 4.2.2 and 4.2.4, the Town's PSC-WES Conditional Use Permit may include:
- 4.2.5.1 Provisions which protect Public health and safety;
  - 4.2.5.2 Provisions which do not significantly increase the cost of the PSC-WES and do not significantly decrease its efficiency;
  - 4.2.5.3 Provisions that address the applicant's financial responsibility for maintenance of the PSC-WES;
  - 4.2.5.4 Provisions that address the Town's role in monitoring or inspecting the PSC-WES to assure its compliance with both the PSC certificate and Town conditional use permit terms and conditions;
  - 4.2.5.5 Provisions that create communication and resolution methodologies for addressing Town resident concerns or complaints;
  - 4.2.5.6 Provisions that address the applicant's responsibility for removal of the PSC-WES pursuant to Section 8 of this Ordinance;
  - 4.2.5.7 Provisions that address the PSC-WES applicant's payment of all public utility distributions, taxes, and/or payments in lieu of taxes to or for the benefit of the Town;
  - 4.2.5.8 The Town's WES Conditional Use Permit may adopt and incorporate by reference some or all of the PSC certificate terms, conditions, limitations and restrictions. Provided, however, any such reference in the Town's WES Conditional Use Permit shall: adopt the PSC certificate term, condition, limitation and restriction verbatim without alteration; and specify whether it adopts all or some of the PSC terms, conditions, limitations and restrictions, and if the latter, clearly select and specifically state those incorporated into the Town's WES Conditional Use Permit.
  - 4.2.5.9 No term, condition, limitation or restriction contained in the Town WES Conditional Use Permit shall be more restrictive than the same term, condition,

limitation or restriction which is contained or could have been included in the PSC certificate.

## 5. **ZONING**

- A. Except as provided in B. Wind Energy Systems may be constructed and operated as a conditional use in any zoning district and may be considered either as a principal or accessory use of the property. A different existing principal or accessory use on the same lot shall not preclude the installation of a Wind Energy System on such lot. Wind Energy Systems that are constructed and installed in accordance with the provision of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. In the Farmland Preservation District a Wind Energy System use is permitted only as an accessory use subject to Sections 91.01(1) and subject to the requirement that the energy produced must be primarily used on the farm and not sold back to the grid.

## 6. **WES CONDITIONAL USE PERMIT GENERAL PRINCIPLES**

- 6.1 The Town will rely on the facts of each individual situation and make case by case determinations: as to whether to grant a conditional use permit for any particular Wind Energy System(s); and as to the determination of any restrictions or conditions applicable to any such permit.
- 6.2 The facts of the particular situation shall dictate what restrictions or conditions are: needed to protect Public health and safety; and those other alterations, modifications, additions, restrictions, limitations, conditions or provisions not related to health and safety which do not significantly increase the cost of the Wind Energy System and do not significantly decrease its efficiency. The facts must be sufficiently developed and presented by the applicant.
- 6.3 Through an open public hearing process the Town Plan Commission, in the first instance, and the Town Board thereafter shall ultimately determine: whether a conditional use permit will be granted; and if so, what, if any, requirements, restrictions or conditions should be incorporated into the granted WES Conditional Use Permit. The public hearing shall be recorded in the minutes and may be electronically or stenographically recorded. The Town Board may require electronic or stenographic recording and assign the duty and cost of recording the public hearings. The Town Board shall take such action only by motion, at an open regular or special Town Board meeting at any time following the Town's receipt of a WES Conditional Use Permit application. The Town Plan Commission and thereafter the Town Board shall make specific written findings of fact supported by the evidence in each respective hearing's record. The Town Plan Commission and thereafter the Town Board shall issue a detailed written statement of the WES Conditional Use Permit terms, conditions, limitations and requirements.
- 6.4 The terms and conditions incorporated into the WES Conditional Use Permit shall be limited to those which: (1) serve the preservation and protection of Public health and safety; or (2) do not significantly increase the cost of the Wind Energy System and do not significantly decrease its efficiency; or (3) allow for an alternative energy system of comparable cost and efficiency.
- 6.5 Generally, the laws of the State of Wisconsin favor granting conditional use permits for Wind Energy Systems. This Ordinance shall be administered to promote the State of Wisconsin's

interest in developing and maintaining its Wind Energy System based renewable energy resources while preserving and protecting Public health and safety.

## **7 PROCEDURE**

- 7.1 The Town may issue a WES Conditional Use Permit pursuant to the following procedure.
- 7.2 The applicant shall submit the application fee of \$300, which shall accompany a written application containing the information set forth at Section 7.3 below. The fee, application and all supporting documents shall be submitted to the Town Clerk along with four (4) complete and legible copies of the application and all supporting documents. The original and one of the copies shall be retained by the Clerk to enable free Public access to the documentation submitted. The other three (3) copies of the documentation shall be delivered to the Town Plan Commission. Those three (3) copies shall thereafter be delivered to the Town Board along with the Plan Commission's written recommendation(s) regarding the application.
- 7.3 The following information shall be provided by the applicant at the time of application:
  - 7.3.1 the name(s), mailing address(es), and telephone number(s) of the applicant;
  - 7.3.2 the street address and the legal description of the proposed WES site;
  - 7.3.3 if the applicant is an entity, then the names, addresses and telephone numbers of all equity holders, officers, registered and authorized agents shall be provided;
  - 7.3.4 a statement describing the general character, features and timetable for completion of construction and the commencement of operation of the WES;
  - 7.3.5 a general development plan showing: the tract boundaries and a statement of the total acreage of the tract, significant physical features of the tract, and zoning districts adjacent to the proposed project as depicted on an accurate map (prepared by a registered surveyor when necessary and appropriate under the circumstances) of the project area drawn to scale no less than 1/16<sup>th</sup> inch equals one foot, showing the nature, use and character of abutting properties;
  - 7.3.6 a construction plan;
  - 7.3.7 a detailed operations plan;
  - 7.3.8 a complete WES maintenance plan;
  - 7.3.9 the specifications concerning the Wind Turbines to be installed upon the site and the specifications concerning any ancillary equipment utilized to operate, monitor and control the Wind Turbines and the interconnection of the Wind Energy System to the utility grid system;
  - 7.3.10 a written statement issued by an engineer of the interconnecting utility or other licensed qualified engineer stating that the WES to be installed and the applicant's operating and maintenance plans for the WES provide safeguards for the health and safety of the

applicant, the applicant's employees and agents and the Public which are consistent with the best current reasonably available practices to protect the safety and health of the Public, and exemplify the best current industry standard health and safety practices as to the design, construction, equipment and operation of the WES;

- 7.3.11 a general outline of the organizational structure of the entity(ies) that will own and operate the WES;
  - 7.3.12 an economic feasibility statement detailing and demonstrating the economic viability of the WES; and
  - 7.3.13 information concerning the financial responsibility of the applicant.
- 7.4 If any requirement of Section 7.3 of this Ordinance as to the number of copies of any particular aspect of the applicant's submission, or as to any information requested from the applicant pursuant to Section 7.3 is viewed by the applicant as unreasonable in the context of the Wind Energy System's particular circumstance(s); or if there is a dispute as to whether the application submitted by the applicant is complete; then the applicant may, upon filing the application or at any time thereafter, make a separate written request addressed to the Town Board seeking an exception to any such information request, or a determination that the application is complete as is.
- 7.4.1 The applicant's written request shall specify in detail and document where possible both: the nature of the information exception(s) requested or the matters of dispute; and all of the reasons supporting the applicant's request.
  - 7.4.2 The Town Board shall place the applicant's request upon the agenda of the next regular Town Board meeting.
  - 7.4.3 The Town Board shall allow or deny the applicant's requests by a specific motion recorded in the minutes addressing each applicant request as the Town Board deems appropriate under the circumstances.
- 7.5 The Town Plan Commission shall commence a public hearing concerning the application for a WES Conditional Use Permit: not more than thirty (30) days following the Town Clerk's receipt of a complete application; or if the applicant has requested an application exception or completeness determination from the Town Board, then not more than ten (10) days following the Town Board's decision, provided in all cases the applicant shall timely submit a complete application consistent with the Town Board's determination not less than five (5) days prior to the Plan Commission hearing commencement date. The Plan Commission public hearing decision containing the Plan Commission's recommendations, shall be received by the Town Board not more than sixty (60) days following the commencement of the Plan Commission hearing unless: the applicant makes a material modification to the application at the commencement of or during the hearing; or such time is extended by agreement between the applicant and the Plan Commission. The Plan Commission shall deliver its written recommendation (including its findings of fact) to the Town Board. If that recommendation is not acted upon by the Town Board within forty-five (45) days of the regular monthly Town Board meeting at which the Town Board has formally received such recommendation, it shall be deemed to have been denied. The Town Board time for decision may be extended by a Town Board motion passed: extending the time by



not more than forty-five (45) days if the Town Board needs additional information to determine whether to approve or deny the Plan Commission's recommendations; or not more than ninety (90) days if the applicant makes a material modification to the application after the Plan Commission's recommendation has been issued.

7.6 When determining its recommendation and any terms, conditions or provisions to be attached to the WES Conditional Use Permit, the Town shall consider the information provided by the applicant and adduced at the hearing, in the context of the standards and criteria set forth in Sections 7.6.1 and 7.6.2. To be clear, Sections 7.6.1 and 7.6.2 are basic lists of examples of information, analysis and permit considerations which may or may not be applicable depending upon the particular circumstances. The following lists at Sections 7.6.1 and 7.6.2: contain information and considerations that don't apply in some cases; are not exclusive or exhaustive of any other legitimate considerations; and are not intended as a litmus test whereby any application or permit must necessarily contain, address or satisfy all of the following. This Ordinance offers the following considerations and guidelines for both the applicant and the Town's assistance respectively when applying for and considering granting a WES Conditional Use Permit:

7.6.1 The applicant and Town may address and consider:

- 7.6.1.1 what the Comprehensive Plan recommends for the area in question;
- 7.6.1.2 the existing uses of property within the general area of the property in question;
- 7.6.1.3 the zoning classification of the property within the general area of the property in question (i.e. adjacent zoning districts);
- 7.6.1.4 the trend of development, if any, in the general area of the property in question, including recent zoning changes which have taken place in the immediate area, if any;
- 7.6.1.5 whether the property in question is suitable for the proposed use;
- 7.6.1.6 the effect granting the WES Conditional Use Permit will have on adjacent properties;
- 7.6.1.7 the effect granting the WES Conditional Use Permit may have on the Town's infrastructure;
- 7.6.1.8 whether there are any proposed public improvements which may affect the property;
- 7.6.1.9 what, if any, conditions should be attached to the granting of the requested conditional use; and
- 7.6.1.10 whether a solar system or other WES of comparable cost and efficiency should be permitted in lieu of the WES applied for.

7.6.2 Terms, conditions and provisions which may be appropriate for inclusion into a WES Conditional Use Permit are limited to those which either: serve the preservation and

protection of Public health and safety; or do not significantly increase the cost of the WES and do not significantly decrease its efficiency. Those may include, but are not limited to:

- 7.6.2.1 the materials, colors, textures, and screening as to: the Wind Turbines; any buildings or structures; and landscaping related to the WES, in the context of the natural setting and existing environment;
- 7.6.2.2 maintenance of the WES Wind Turbines;
- 7.6.2.3 maintenance of the buildings, structures, ancillary equipment and appurtenances related to the WES;
- 7.6.2.4 artificial lighting of the WES beyond that lighting which may be required by the FAA;
- 7.6.2.5 affixing signs for identification or advertising upon the WES or in the area of the WES;
- 7.6.2.6 WES speed controls, braking and backup systems;
- 7.6.2.7 code compliant electrical components;
- 7.6.2.8 electrical controls, control wiring and their nature and location (wireless, underground, above ground, etc.);
- 7.6.2.9 the applicant's insurance coverage(s) and limit(s);
- 7.6.2.10 whether construction of the WES may require repairs or reconstruction of public roads, culverts or natural drainage ways, and if so, to whom the responsibility for any such repair or reconstruction costs should be assigned;
- 7.6.2.11 any disruption of private or public drain tile fields and who bears responsibility for the repair and reconnection or diversion necessary to restore the drainage of the properties in the area to its original state;
- 7.6.2.12 setback and separation of the WES in the context of human occupied structures, public road rights of way, adjoining improvements and property lines;
- 7.6.2.13 noise generated by the WES;
- 7.6.2.14 Total Height, Hub Height and ground clearance from the blade tip of any Wind Turbine;
- 7.6.2.15 interference with electromagnetic communications including, but not limited to radio, telephone or television signals;
- 7.6.2.16 shadow flicker as to any building or adjacent property;
- 7.6.2.17 ice shedding;

- 7.6.2.18 climbability of the Wind Turbine tower(s);
- 7.6.2.19 security regarding access to the Wind Turbine tower(s), electrical equipment, buildings and/or structures related to the WES;
- 7.6.2.20 warning signage designed to protect the Public;
- 7.6.2.21 regular inspections and maintenance of the WES: by whom; how often; what, if any, documentation is required; inspection and maintenance documentation creation, delivery, retention and access;
- 7.6.2.22 availability of assistance in the event of an emergency concerning the WES and any requirement for emergency contact(s) to be utilized by the Town in the event of an emergency;
- 7.6.2.23 recordkeeping policies, practices and procedures concerning inspection and testing records, repair and maintenance records, complaints, claims, incidents, including, but not limited to, occurrences which give rise to any insurance claim;
- 7.6.2.24 recordkeeping regarding operational interruptions or disruptions;
- 7.6.2.25 specifications, drawings, manuals, designs and other documents containing information regarding the WES installed upon the premises including all ancillary equipment and interconnecting cables, wires and apparatus;
- 7.6.2.26 all utility interconnection applications, agreements and other documents regarding the WES and the interconnecting utility;
- 7.6.2.27 authorization and consent granted by the applicant to the Town Board or the Town Board's authorized agent to inspect, copy and procure copies, duplicates or other reproductions of all records pertaining to the WES, including without limitation all information as may be contained in the records of the interconnecting utility;
- 7.6.2.28 verification that the design, construction and operation of the WES will be in full compliance with all state and federal laws, including but not limited to, Wisconsin Administrative Code PSC 119, the Wisconsin Electrical Safety Code, and the requirements of the interconnecting utility;
- 7.6.2.29 whether as to the design, construction and operation of the WES, the applicant is engaging in the best current industry practice to reasonably attempt to assure the safety, protection and health of the Public;
- 7.6.2.30 written verification from the interconnecting utility that the protective equipment settings and anti-islanding testing, including all anti-islanding and power quality protective systems, have been examined, tested and certified as suitable for approval and interconnection of the WES to the interconnecting utility consistent with protection of the health and safety of the Public;

- 7.6.2.31 whether suitable provisions are in place for the removal of the WES and reclamation of property after the WES has reached the end of its useful life, has been abandoned or otherwise is no longer lawfully allowed to remain in place.

## **8. REMOVAL OF WIND ENERGY SYSTEM**

- 8.1 The Wind Turbines and all WES related above ground improvements shall be removed from the premises as necessary to restore the property, within one hundred twenty (120) days after the earlier to occur of the following dates: (a) the date the WES reaches the end of its useful life, (b) the date the WES has been Abandoned, (c) the termination of any landowner lease under which the WES has been allowed to remain in place, or (d) the revocation of the conditional use permit granted pursuant to this Ordinance. Here, the term “Abandoned” may mean either or both the relinquishing of the right to operate the WES or the failure to operate any particular Wind Turbine or failure to resolve any particular inoperable Wind Turbine to a fully operational state of repair for a continuous period of more than six (6) months. In the former instance, the Abandonment shall be deemed to have occurred as to the entire WES. In the latter instance, the Abandonment shall be deemed to have occurred only as to the particular Wind Turbine(s) that have been inoperable and have not been operated or have not been restored to a fully operational state of repair for a continuous period of more than six (6) months.
- 8.2 The nature and extent of the restoration shall include those restoration activities: specified in the WES Conditional Use Permit; and/or those thereafter reasonably determined by the Town Board on a case by case basis pursuant to an agreement reached with the responsible party(ies) or a Town Board determination made at a due process hearing conducted using the procedure provided in Section 11.3 of this Ordinance.
- 8.3 As to any concrete foundation used for a Wind Turbine required to be removed by this Ordinance, the concrete foundation shall be removed to the closer to ground level of: (i) eight (8) feet below ground level, or (ii) the level below ground level, at which the base of the concrete foundation hits bedrock. The applicant shall cause the area above said foundation to be filled with dirt. If requested by the Town Board, the applicant shall remove the gravel or paved surface of any access road(s) and replace such gravel or pavement surface with an appropriate reasonable depth of topsoil.
- 8.4 The obligation for WES or Wind Turbine removal (and reclamation of the site) is jointly and severally the obligation of the applicant, the applicant’s successors and assigns, and the owner of the property whereupon the WES is located.
- 8.5 If the applicant, the applicant’s successor or assign, or property owner fail to timely remove the WES and/or restore the WES site, the Town Board may retain contractors to perform the required removal and restoration of the WES site. All removal and restoration costs and expenses incurred by the Town, and other related costs and expenses incurred by the Town including but not limited to, any Town attorney’s fees incurred in the course of effecting such removal and restoration, shall be chargeable as and for an assessment against the property and shall be collectible and payable as a charge against the real property which shall be included in the current or next tax roll for collection and settlement under Chapter 74 Wis. Stats.

## **9. ASSIGNMENT**

Any WES Conditional Use Permit granted pursuant to this Ordinance may not be assigned by the applicant without the express written consent of the Town Board. The Town reserves the right to grant only a partial assignment whereupon the original applicant shall remain jointly and severally liable with the assignee of the WES Conditional Use Permit. Any WES Conditional Use Permit granted pursuant to this Ordinance is not assignable or transferable to any other person, firm or entity, whether by operation of law or otherwise, without the express prior written consent of the Town Board.

#### **10. PUBLIC UTILITY DISTRIBUTION, TAXES AND PAYMENTS IN LIEU OF TAXES**

As permitted and required by law, WES Conditional Use Permit holders shall do all things required of the holder to cause timely payment to the Town of any and all public utility distributions, taxes and payment(s) in lieu of taxes provided under Wisconsin law. It is understood, that certain payments may be allocated or apportioned between Brown County and the Town as provided by law. The payments shall be paid in the amounts and manner prescribed by the law of the State of Wisconsin. As to all Wind Energy Systems to which any such payment applies, the Town Plan Commission recommendation shall in all cases provide that the Town receive the greatest available remuneration as a condition included in all WES Conditional Use Permits. That recommendation may be accepted or modified by the Town Board, as may be determined by the Town Board, in accordance with applicable law.

#### **11. CONDITIONAL USE PERMIT TERM, RENEWAL, SUSPENSION, REVOCATION, FORFEITURES**

##### **11.1 INITIAL TERM**

The initial WES Conditional Use Permit term shall be for a period of twelve (12) years from the date of issuance of the WES Conditional Use Permit.

##### **11.2 RENEWAL**

The WES Conditional Use Permit granted pursuant to this Ordinance may be renewed at the request of the applicant or the applicant's assignee for an additional ten (10) years, provided that the application for renewal shall be submitted to the Town Board not less than six (6) months prior to the expiration of the current WES Conditional Use Permit. The Town Board shall conduct a public hearing concerning any WES Conditional Use Permit renewal request. Any WES Conditional Use Permit renewal request shall include the applicant's consent and agreement to reasonably upgrade the WES equipment, monitoring or testing systems and operational practices related to Public health and safety, to the current best reasonably available utility and industry practices and standards.

##### **11.3 SUSPENSION/REVOCATION/OR MODIFICATION**

A WES Conditional Use Permit may be suspended, revoked or modified by the Town Board, but only after notice and opportunity for hearing. The determination as to any WES Conditional Use Permit suspension or revocation shall only be made pursuant to a hearing before the Town Board. The hearing shall be a due process hearing conducted upon not less than ten (10) days' prior written notice delivered by regular mail to the applicant's mailing address contained in the Town's records. The applicant has the continuing duty to provide the Town Clerk with the applicant's current mailing address. The hearing shall be commenced and may be adjourned and conducted in multiple continued proceedings

until such time as all of the relevant evidence has been presented. The Town Board shall make written findings of fact and issue its written decision within ten (10) days of the conclusion of the hearing.

#### **11.4 FORFEITURE FOR VIOLATION OF ORDINANCE**

In addition to the suspension, revocation or modification of the WES Conditional Use Permit provided hereinabove, any person who: begins to construct or operates a WES without first obtaining or maintaining a WES Conditional Use Permit pursuant to this Ordinance; or operates a WES in violation of the provisions of the WES Conditional Use Permit or this Ordinance; or fails to timely remove a WES or restore the property as required under this Ordinance; or otherwise violates any provision of this Ordinance; shall be subject to a forfeiture of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00). Each violation of this Ordinance shall be considered a separate offense. Any violation continuing more than one (1) day shall be considered a separate offense for each day the violation continues. In addition to the forfeiture(s) provided herein, the Town shall be entitled to recover its costs of prosecution, including its Town attorney's fees and other costs.

#### **12. ADMINISTRATIVE REMEDY**

In anticipation of current legislative activity; and in the absence of such activity, then in the discretion of the PSC; all Wind Energy Systems that will be interconnected pursuant to an interconnection agreement with a PSC regulated utility are subject to this provision. Any Town Board determination as to: the completeness or requirements of the application; or issuance or non-issuance of a WES Conditional Use Permit; or as to any term or condition contained in a WES Conditional Use Permit issued by the Town; and as to other matters within the authority or purview of the PSC's administrative expertise; shall be first submitted to an administrative review conducted by the PSC or any other state agency, subdivision thereof or federal agency determined by the PSC to have jurisdiction over or expertise as to the subject matter in dispute. The PSC or its appointee shall select the arbiter. The arbiter may be a single individual or group of individuals including, but not limited to PSC (or other agency) commissioners or employees. Any PSC or other arbiter ruling as to any such matter may be appealed by either party to the Circuit Court. Any PSC or other arbiter ruling as to any provision(s) of any WES Conditional Use Permit or any provision(s) of this Ordinance, may, at the election of the Town of Wrightstown: be incorporated into the WES Conditional Use Permit; or be deemed to thereupon be an amendment to this Ordinance. No court action shall be commenced by an applicant until or unless this administrative remedy has been exhausted.

#### **13. SEVERABILITY**

In consideration of recent Wisconsin Appellate Court decisions and current Wisconsin Legislature activity concerning the subject matter of this Ordinance, any provision of this Ordinance determined by a court to be unenforceable shall: be deemed severable from the remainder of this Ordinance; and shall be deemed either excised or revised by the court's decision to thereupon automatically cause this Ordinance to remain in full compliance with current law at all times.

Adopted October 14, 2009.

Amended October 14, 2015.

# **ARTICLE XXVI**

## **HARMFUL AND EXOTIC WILD ANIMAL ORDINANCE**

### **26.00 TITLE AND PURPOSE**

The title of this ordinance is the Town of Wrightstown's Harmful and Exotic Wild Animal Ordinance. The purpose of this ordinance is for the town to regulate by permit and penalty the possession, display, sale, purchase, and exhibition of certain harmful wild animals and exotic or wild animals in the town.

### **26.01 AUTHORITY**

The Town Board of the Town of Wrightstown has the specific authority under s.169.43 Wis. stats., and general authority under its village powers under s.60.22 Wis. stats., to adopt this ordinance.

### **26.02 ADOPTION OF ORDINANCE**

The Town Board of the Town of Wrightstown, by this ordinance, adopted with a quorum and by roll call vote of a majority of the town board present and voting, provides the authority for the town to regulate and permit the possession, display, sale, purchase, and exhibition of certain harmful wild animals or exotic or wild animals within the town.

### **26.03 DEFINITIONS**

In this ordinance:

- A. "Bovine animal" means domestic cattle and American bison of any age or sex.
- B. "Cattle" means any of the various animals of the domesticated genus Bos.
- C. "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer. "Cervid" includes all farm-raised deer.
- D. "Circus" means a scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, or trained animals is the primary attraction or principle business.
- E. "Domestic animal" means any of the following:
  - 1. Domesticated cats of the subspecies *Felis silvestris catus*.
  - 2. Domesticated dogs of the subspecies *Canis lupus familiaris*.
  - 3. Rodents kept in cages, aquariums, or similar containers, including gerbils, hamsters, guinea pigs, and white mice.
  - 4. Fish kept in aquariums or self-contained bodies of water and farm-raised fish, except fish that have been released to waters of the state.
  - 5. Farm-raised deer that are kept by a person registered under s. 95.55, Wis. stats.

6. Livestock.
  7. Poultry.
  8. Farm-raised game birds, except farm-raised game birds that have been released to the wild.
  9. Ratites.
  10. Foxes, fisher, nutria, marten, fisher, mink, chinchilla, rabbit, or caracul that are born, bred and raised in captivity and are not endangered or threatened species.
  11. Pet birds.
  12. Any other animal listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture and Human and Consumer Protection.
- F. "Equine animal" means a horse, mule, zebra, donkey, or ass.
- G. "Exotic or wild animal" means any animal that is not a domestic animal and specifically includes all of the following:
1. Nonhuman primates and prosimians including chimpanzees and monkeys.
  2. Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers, and other felids generally referred to as big cats;
  3. Canids, except domesticated dogs of the subspecies *Canis lupus familiaris*, including foxes not born, bred, and raised in captivity, and all wolves, coyotes, and wolf hybrids.
  4. Ursids including all bears.
  5. Elephants.
  6. Crocodylians, including alligators and crocodiles.
  7. Marsupials, including kangaroos, wallabies, and opossums.
  8. Hippopotami.
  9. Rhinoceroses.
  10. Hyenas.
  11. Mustelids, except domestic ferrets, including skunks, otters, and badgers.
  12. Procyonids, including raccoons and coatis.
  13. Dasypodidae, including anteaters, sloth, and armadillos.
  14. Viverrids, including mongooses, civets, and genets.



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15. Reptilia over six (6) feet in length, including boa constrictors, pythons, and any other snakes.
  16. Venomous reptilia.
  17. Cervids, except farm-raised deer that are kept by a person registered under s. 95.55, Wis. stats.
  18. Camelids, except South American camelids.
- H. "Farm-raised deer" means a captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer" does not include a cervid kept by an institution accredited by the American association of zoological parks and aquariums.
- I. "Farm-raised game bird" means a captive bird of a wild nature that is not native. "Farm-raised game bird" does not include poultry or ratites, or birds kept pursuant to a license issued under s.169.15, 169.19, 169.20, 169.21, Wis. stats.
- J. "Harmful wild animal" means members of the family ursidae commonly known as bears, the species felis concolor commonly known as cougars, and any other animal designated as a harmful wild animal under Wisconsin statutes, or by rule of the State of Wisconsin, Department of Natural Resources.
- K. "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids, and ratites.
- L. "Person" means an individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.
- M. "Pet bird" means a psittacine or soft bill that is not native, is not identified on the federal list of endangered and threatened species, and is not a migratory bird.
- N. "Poultry" means domesticated fowl, including chickens, turkeys, and waterfowl, that are bred for the primary purpose of exhibition or producing eggs or meat. "Poultry" does not include ratites.
- O. "Possess" means to own, control, restrain, transport, or keep.
- P. "Public zoo or aquarium" means a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association.
- Q. "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.
- R. "Self-contained body of water" means a body of water that has no inlet from or outlet to a natural body of water, except that it may have pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the State of Wisconsin.
- S. "South American camelid" means a llama, alpaca, vicuna or guanaco.
- T. "Town" means the Town of Wrightstown, Brown, County, Wisconsin.
- U. "Town board" means the board of supervisors for the Town of Wrightstown, Brown County, Wisconsin and includes designees of the board authorized to act for the board.

V. "Town clerk" means the clerk of the Town of Wrightstown, Brown County, Wisconsin.

W. "Veterinarian" means a person who is licensed in the State of Wisconsin to practice veterinary medicine under chapter 453 Wis. stats., and who is certified under rules promulgated by the Department of Agriculture and Consumer Protection.

X. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

#### **26.04 SUBDIVISION AND NUMBERING OF THIS ORDINANCE**

This ordinance is divided into sections designated by numerals. Sections may be divided into subsections designated by upper case letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lower case letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### **26.05 AUTHORIZED POSSESSION**

A. The following persons may possess exotic or wild animals in the town:

1. A person licensed by the State of Wisconsin, Department of Natural Resources under chapter 169, Wis. Stats.
2. A veterinarian, for the purpose of providing medical treatment to the animal.
3. A public zoo or aquarium, with a permit issued by the town.
4. A circus, with a permit issued by the town.
5. A person authorized by the State of Wisconsin, Department of Natural Resources for the possession of the specific type of harmful wild animal or exotic or wild animal in the town;

B. Except as provided in subsection C, any person not included in Subsection A may possess in the town an exotic or wild animal only with a permit issued by the town board under the specific conditions established by the town board.

C. A person is exempt from holding a license or other approval under s 169.04, Wis. stats., or any permit from the town, to possess live native wild animals, if these wild animals are not endangered or threatened species and are any of the following:

1. Arthropods.
2. Chipmunks.
3. Pocket gophers.
4. Mice.
5. Moles.
6. Mollusks.

7. Opossums.
8. Pigeons.
9. Porcupines.
10. Rats.
11. Shrews.
12. English sparrows.
13. Starlings.
14. Ground squirrels.
15. Red squirrels.
16. Voles.
17. Weasels.

**26.06 EXHIBITION OF CERTAIN ANIMALS**

- A. No person may without a permit issued under Section VIII display in the town for the purpose of public viewing any exotic or wild animals or harmful wild animals.
- B. This section shall not apply to any of the following:
  1. Persons that have received a license or authorization from the State of Wisconsin, Department of Natural Resources under chapter 169, Wis. stats.
  2. A public zoo or aquarium, with a permit issued by the town board.
  3. A veterinarian, for the purposes of providing medical treatment to the animal.
  4. A circus with permits issued by the town board.

**26.07 PERMITS**

- A. No person may exhibit, possess, sell, or purchase an exotic or wild animal or harmful wild animal in the town without a written permit from the town board.
- B. The applicant for a permit shall submit an application that contains all the following:
  1. The name of the applicant, any agent of the applicant, and the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.

2. The address of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.
3. The business and residential telephone number of the applicant, the business and residential telephone number of any agent of the applicant, and the business and residential telephone number of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
4. The age of the applicant and of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
5. The legal description of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.
6. The manner, if any, of keeping the exotic or wild animal or harmful wild animal.
7. The type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold, or purchased.
8. A permit fee of \$5.00.
9. Any other items requested by the town board in writing.

C. No permit for the display, possession, sale, or purchase in the town of an exotic or wild animal or a harmful wild animal shall be issued by the town board until a public hearing is held by the town board on the application for a permit. The town clerk shall publish a notice of hearing as a class 2 notice under chapter 985, Wis. Stats., the cost of which shall be paid by the permit applicant. The town board may, after the public hearing, issue a permit in writing only if it determines that the exhibition, possession, sale, or purchase in the town proposed by the applicant will not constitute a public nuisance or a threat to health and safety of the residents of the town. The town board may include in the permit specific conditions to protect public health and safety and to prevent a public nuisance. A permit shall be for a fixed period determined by the town board and is subject to revocation in the event of the violation of the conditions of the permit or this ordinance after an applicable public hearing and notice and determination, as provided in this subsection for an initial permit application. Upon a determined emergency condition in the town, the town board may suspend the permit without a hearing.

## **26.08 PROHIBITION**

No person may permit an exotic or wild animal or a harmful wild animal to run at large or to be released from captivity within the town. Any exotic or wild animal or harmful wild animal running at large shall be subject to seizure, detention, and disposal.

## **26.09 PENALTY PROVISION**

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$500.00 plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

## **26.10 SEVERABILITY**

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If any provision of this ordinance or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

**26.11 EFFECTIVE DATE**

The town clerk shall properly post or publish this ordinance, as required under s 60.80, Wis. Stats. and will take effect upon its publication.

Adopted October 8, 2008

**ORDINANCE 2015-01**

**AN ORDINANCE CREATING ARTICLE XXVII TOWN OF WRIGHTSTOWN ZONING CODE  
REMOVAL OF SNOW AND ICE FROM SIDEWALKS.**

The Town Board of the Town of Wrightstown having provided a Class 2 notice and having heard interested parties as required Article XXI Section 1.09, ordains as follows:

SECTION 1: Article XXVII REMOVAL OF SNOW AND ICE is hereby created to read as follows:

**Article XXVII REMOVAL OF SNOW AND ICE**

**27.01 SIDEWALKS TO BE KEPT CLEAR.**

The owner or occupant of any lot or parcel abutting any public property or right of way shall remove or cause to be removed all snow and ice which may have fallen or accumulated upon the any sidewalk in front or adjacent to such premises from the entire paved area of the sidewalk within 24 hours after the same has ceased to fall or accumulate, provided that when ice has so formed that it cannot be removed, the owner or occupant shall keep the same sprinkled with a material which will prevent the sidewalk from being dangerous to pedestrians.

**27.03 DEPOSIT OF SNOW AND ICE ON STREETS**

No person shall deposit snow or ice from premises under their ownership or control or the sidewalk abutting thereto onto any street or highway in the Town without a permit from the Town of Wrightstown.

**27.02 REMOVAL BY TOWN/COLLECTION OF COST OF REMOVAL**

If the owner or occupant fails to remove the snow or ice as required by Section 27.01 of the Wrightstown Zoning Code, the Town of Wrightstown or deposits snow on a street or highway as prohibited by 27.02 of the Wrightstown Zoning Code, the Town of Wrightstown shall have the snow or ice removed or sprinkled or both as required in this section and shall tax the cost thereof against the property as a special tax.

**27.04 COLLECTION OF THE COST OF REMOVAL BY THE TOWN**

Annually before October 1st The Town Board shall determine the cost for removal of snow and ice from a sidewalk and the cost of delivery and application of materials on the sidewalk, the cost of removal of snow and ice from a street or highway. The cost of those services will be calculated on an actual time and material basis. If the Town has performed snow and ice removal or material spreading, the Town Clerk shall bill the owner of the property fronting or adjacent to the sidewalk or portion of the street involved, the cost of the service based on the cost determined by the Town. If the bill so generated is not paid within thirty (30) days of date of invoice, the Town Clerk shall cause the cost to be levied against the property as a special tax.

SECTION 2 The determination of cost for removal of snow and ice from a sidewalk, the cost of delivery and application of materials on the sidewalk and the cost of removal of snow and ice from a street or highway for use until October of 2015 shall be determined and announced at the meeting when the public hearing is held on this ordinance.

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**SECTION 3** This ordinance shall take upon its passage and publication according to law, effective March 1, 2015.

**Fees:** \$40 minimum charge per occurrence plus \$.50 per linear foot.

Adopted this 11<sup>th</sup> day of February, 2015.

**TOWN OF WRIGHTSTOWN  
BROWN COUNTY WISCONSIN  
ORDINANCE 2015-02**

**AN ORDINANCE CREATING ARTICLE XXVIII AGRICULTURAL -  
FARMLAND PRESERVATION (AG-FP) ZONING AND AMENDING  
ARTICLE V, ESTABLISHMENT OF ZONES OF THE TOWN OF WRIGHTSTOWN  
ZONING ORDINANCE.**

The Town Board of the Town of Wrightstown having provided a Class 2 notice and having heard interested parties as required Article XXI Section 1.09 of the Town of Wrightstown zoning ordinance , ordains as follows:

**SECTION 1: ARTICLE XXVIII AGRICULTURAL - FARMLAND PRESERVATION (AG-FP) TOWN OF WRIGHTSTOWN ZONING ORDINANCE is hereby created to read as follows:**

**A. DEFINITIONS. For purposes of the AG-FP zoning district only, the following definitions shall apply:**

**(1) “Accessory use” means any of the following land uses on a farm:**

- (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- (c) A farm residence, including normal residential appurtenances.
- (d) 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 par. (a) or (c).
  - 3. It employs no more than 4 full-time employees annually .
  - 4. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

**(2) “Agricultural use” means 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.

**(3) “Agriculture-related use” means 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:**



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- (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district.
  - (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
  - (c) Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
  - (d) Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
  - (e) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
- (4) “Common ownership” for purposes of the farmland preservation ordinance 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, 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.
- (5) “Contiguous” means 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.
- (6) “Farm” means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
- (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.
- (7) “Farm residence” means a single-family or two family residence that is the only residential structure on the farm.
- (8) “Gross farm revenue” means 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 land owner.
- (9) “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
- (10) “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
- (11) “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (12) “Prime farmland” means 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 par. (a), which is identified as prime farmland in the county’s certified farmland preservation plan.

**(13)** “Prior nonconforming use” means a land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

**(14)** “Protected farmland” means land that is any of the following:

- (a) Located in a farmland preservation zoning 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 s. 93.73, Wis. Stats.
- (d) Otherwise legally protected from nonagricultural development.

**B. LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT; GENERAL.** Only the following land uses are allowed in a farmland preservation zoning district:

- (1) Uses allowed under Section C and D without a conditional use permit.
- (2) Uses allowed under Section E with a conditional use permit.
- (3) Prior nonconforming uses, subject to... Wis. stats. 60.61(5) and Article XVII of this ordinance, Towns General Zoning Authority, Nonconforming uses.

**C. PERMITTED USES.** The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

- (1) Agricultural uses
- (2) Undeveloped natural resource and open space areas.
- (3) 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.
- (4). Accessory Uses: Accessory uses as defined herein, except those specifically deemed Conditional Uses as provided at Section D 2 b (5) An activity or business operation that is an integral part of or incidental to, an agricultural use.
- (6) A farm residence, including normal residential appurtenances such as a pool, deck, or patio.

**D. CONDITIONAL USES.**

**(1) General.**

- (a) The Town Board may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. A conditional use may be permitted following a public hearing and decision by the Town Board **in compliance with the terms hereof.**
- (b) Before issuing a conditional use permit under par. (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 ordinance.

**(2) Conditional Uses.**

- (a) The Town Board may issue a conditional use permit for the uses under par. D.(2)(b) if all of the following apply:
  - 1. The use supports agricultural uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

2. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
3. 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.
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 Conditional Uses

1. Riding stables and/or boarding facilities (such use must also comply with § 91.01(1) Wis. Stats.)
2. Farmstead food processing facilities (such use must also comply with § 91.01(1) Wis. Stats.)
3. Farmstead retail outlets (such use must also comply with § 91.01(1) Wis. Stats.)
4. On-farm fuel or agrichemical storage facilities (such use must also comply with § 91.01(1) Wis. Stats.)
5. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
6. A dairy plant that processes or handles milk from farms.
7. A meat slaughter establishment.
8. A food processing plant that processes raw agricultural commodities received from farms.
9. 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.
10. 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.
11. A sawmill or other facility that processes wood or other forest products received directly from farms.
12. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
13. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
14. A facility that is primarily engaged in providing agronomic or veterinary services to farms.

**(3) Compatible Infrastructure.**

- (a) The Town Board may issue a conditional use permit for a proposed use under par. (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 par. (a):

1. Transportation uses, including rail facilities, and agricultural aeronautic facilities.
2. Communication uses, including cell towers, antennae and broadcast towers.

**(4) Government and Nonprofit Community Uses.**

(a) The Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town Board 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

**F. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.**

(1) Except as provided in sub. (2), the Town Board may not rezone land out of a farmland preservation zoning 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 farmland preservation zoning district
- (b) The rezoning is consistent with any comprehensive plan, adopted by the Town of Wrightstown, which is in effect at the time of the rezoning.
- (c) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (e) By March 1 of each year, the Town of Wrightstown shall report to DATCP the total acres rezoned during the preceding year together with a map identifying the rezoned areas.

(2) Subsection (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 farmland preservation zoning ordinance 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.

**G. LOT REQUIREMENT**

- (1.) Area - thirty five (35) acres minimum.
- (2.) Zoning lot frontage - two hundred (200) feet minimum.

**H. HEIGHT REGULATIONS**

- (1.) Residential Dwellings - thirty five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

**I. BUILDING SETBACKS**

	<b>Principal Structure</b>	<b>Accessory Building</b>
Front Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	75 feet minimum - farm buildings, 25 feet minimum - nonfarm buildings
Rear Yard	25 feet minimum	75 feet minimum - farm buildings, 25 feet minimum - nonfarm buildings
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

**J. BUILDING SIZE**

- 1) Minimum size of a residential dwelling shall be one thousand four hundred (1,400) square feet ground floor area for a one story dwelling For two story dwelling, nine hundred (900) square feet on first floor and five hundred (500) square feet for the second floor.
- (2) A frost wall or basement is required under all residential structures.

**K. ACCESSORY BUILDING**

- (1) Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

**L. PARKING**

- (1) Parking shall conform to the requirements as set forth in Article XII, Off-Street Parking Requirements.
- (2) Driveways and parking areas shall be a minimum of ten (10) feet off lot lines.

**M. SIGNS**

- (1) Signs shall be regulated as set forth in Article XI Sign Regulations.

**N. OTHER REQUIREMENTS**

- (1) Existing nonconforming residences located in the AG-FP District at the time of the passage of this ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Section 59.97 (10) of the Wisconsin Statutes or paragraphs 1, 2, 3, and 4 of Article XVII Nonconforming Uses.
- (2) Farm dwellings constructed after January 1, 2014, which remain after farm consolidation shall be separated from the farm parcel on a lot containing a minimum of one and one half (1 ½) acres and two hundred (200) feet of lot frontage and shall have its zoning designation changed to A-R Agriculture Residential.
- (3) Other structures or buildings allowed within the AG-FP District shall meet the requirements of the district and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.
- (4) Any use of property for livestock (excluding dogs cats and rabbits) requires a lot of a minimum size of five (5) acres.
- (5) Wetland restoration that involves the excavation, removal, addition of or relocation on site of, more than two hundred (200) cubic yards of earth, and has been approved by the WDNR and Brown County Land Conservation, after meeting the requirements of Art. XIV B.1, C.1, 5, and 6, may be allowed on 35 acres or more.

**SECTION 2. ARTICLE V, ESTABLISHMENT OF ZONES SECTION A ZONE DISTRICT OF THE TOWN OF WRIGHTSTOWN ZONING ORDINANCE is hereby amended to read as follows:**

**A. ZONE DISTRICT**

1. For the purpose of this ordinance, the Town of Wrightstown, Brown County, Wisconsin is hereby divided into the following zoning districts:

R-1 Residential  
A-R Agricultural-Residential  
AG General Agricultural  
AG-FP Agricultural-Farmland Preservation  
T-R Transitional Residential  
B-1 Community Business District  
I-1 Limited Industrial District

**SECTION 3 Article XXIV Telecommunications Antennas and Towers; Section D Paragraph 1 on permitted uses, is hereby amended to read as follows:**

**D. PERMITTED USES.**

1. General. The uses listed in this Section D. are deemed to be permitted uses and

Town of Wrightstown Zoning Ordinance

shall not require a Conditional Use permit. Nevertheless, all such uses shall comply with Section C. of this article and all other applicable articles. Only telecommunication towers that qualify under s. 91.44(1)(f) may be permitted in the AG-FP district

**SECTION 4 Article XXV WIND ENERGY SYSTEM; Section 5 on Zoning is hereby amended to read as follows:**

**5. ZONING**

A. Except as provided in B, Wind Energy Systems may be constructed and operated as a conditional use in any zoning district and may be considered either as a principal or accessory use of the property. A different existing principal or accessory use on the same lot shall not preclude the installation of a Wind Energy System on such lot. Wind Energy Systems that are constructed and installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

B In the Farmland Preservation District a Wind Energy System use is permitted only as an accessory use subject to Sections 91.01(1) and subject to the requirement that the energy produced must be primarily used on the farm and not sold back to the grid.

**SECTION 5 All ordinances in conflict herewith are hereby repealed.**

**SECTION 6 ORDINANCE adopted this 14 day of October, 2015;  
This ordinance shall take upon its passage and publication according to law.**

\_\_\_\_\_/s/\_\_\_\_\_  
William Verbeten, Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Ronald Diny, Supervisor

\_\_\_\_\_/s/\_\_\_\_\_  
Jesse Juedes, Supervisor

Attest to:  
\_\_\_\_\_/s/\_\_\_\_\_  
Donna Martzahl, Clerk