

**Town of Green Grove
Wind Energy Facility Licensing Ordinance**

**Be it enacted by the Town Board of the
Town of Green Grove as follows:**

ORDINANCE NO. 2023-0509

Section 1. Title.

This Ordinance may be cited as the Town of Green Grove Wind Energy Facilities Ordinance.

The Town of Green Grove, Clark County, State of Wisconsin ordains as follows:

Section 2. Findings, Purpose and Authority.

2-1 Findings. Wind energy facilities ("WEFs"), while an increasingly important part of a renewable energy portfolio, can have certain adverse impacts. In this regard, the Town finds that the report issued by the National Research Council entitled "Impacts of Wind-Energy Projects," May 2007 ("2007 NRC Report"), addresses several important public health and safety issues relative to wind energy facilities that require regulation by the Town. The Town further finds that the provisions of the "Draft Model Wind Ordinance for Wisconsin: as promoted by the State of Wisconsin's Department of Administration, are inadequate to reasonably protect public health and safety, The Town also finds the Public Service Commission of Wisconsin's delay of the Wind Siting Council's 2019 report of special concern. The Wind Siting Council is expected to meet every five years. These concerns are in regard to the expectations of more recent studies possibly having been conducted in this five-year period that may bring to light more definitive conclusions regarding the health and safety of our community. Reference is made to the reference sheet attached hereto as Exhibit A. With these concerns in mind, the Town Board of the Town of Green Grove finds and declares that:

2-1.1 The Wisconsin State Constitution legally obligates government officials to protect the health, safety and well-being of their community.

2-1.2 Shortsighted planning has often resulted in the creation of problem industries that adversely affect public health and quality of life, compromise aesthetics, and degrade community character. Industrial WEFs are not exempt from those problems, and careful siting and protections are of paramount importance. This Ordinance will contribute to this effort.

2-1.3 Regulation of the siting and installation of wind turbines is necessary for protection of the health, safety, and well-being of neighboring property owners, the general public the local economy, local ecosystems, and regional military facilities.

2-1.4 The findings set forth in this section are cumulative and interactive, and they shall be liberally interpreted in conjunction with one another.

2-1.5 Industrial WEFs have increased significantly in number and can potentially be sited without sufficient regard to their impact on the health, welfare, and safety of residents, especially in small, rural communities.

2-1.6 While wind energy is a semi-renewable energy resource of electricity generation, and under some circumstances it may reduce the use of nonrenewable energy sources, the possible benefits must be balanced against potential negative impacts to local citizens, local economy, local ecosystems, and regional military facilities.

2-1.7 WEFs represent significant potential negative aesthetic and environmental impacts because of their enormous size, lighting, and shadow flicker effects.

2-1.8 WEFs are industrial by their nature and are not compatible with pastoral communities due to their disruption of views and skylines, especially in rural communities (like this) without many high, unnatural structures.

2-1.9 This community has many scenic viewsheds, and some of these would be negatively impacted by industrial WEFs.

2-1.10 This community is surrounded by other communities that share our agricultural and rural residential character.

2-1.11 Construction of WEFs can create traffic problems and damage local roads.

2-1.12 Portions of land within our community are designated as State-regulated wetlands

2-1.13 This community's geology includes erodible soils and high-water tables. This community's geology may be incompatible with certain industrial development. Risks include aquifer and well water contamination via soil overburden infilling on shallow bedrock.

2-1.14 If not properly regulated, installation of WEFs in areas with similar geology have the potential to create numerous additional drainage paths which might allow contaminated ground water to directly enter into the aquifer below. For instance, construction of miles of wide gravel access roads increases the number of drainage paths for the contaminated water to contaminate drinking water for our and other nearby communities.

2-1.15 Installation of WEFs can create drainage problems through erosion and lack of sediment control of facilities and access road sites and harm farmlands through construction methods utilized.

2-1.16 Independent experts have concluded that industrial wind energy turbines can adversely affect meteorology up to fifteen (15) miles away. The resulting changes like lower humidity levels can result in reduced regional agriculture yields.

2-1.17 A WEF may be a significant source of noise and vibration for the community. These can have negative health impacts on nearby residents, particularly in quiet rural areas. These can also negatively affect the quiet enjoyment of the area, properties, and quality of life of residents. According to various medical experts and the World Health Organization, the infrasound component of such noise can be the most problematic.

2-1.18 The WEF's noise and vibration may also negatively affect wildlife. Some noise and vibration impact on wildlife relate to predator-prey behaviors, mating opportunity, and other behaviors that can adversely impact wildlife populations and diversity.

2-1.19 Our community boasts many species of birds and is a habitat for many species of wildlife, both year-round and seasonal.

2-1.20 Independent experts (e.g., ornithologists) have concluded that Industrial Wind Turbines/ ("IWTs") kill large quantities of birds. Especially troublesome are the raptors that are destroyed.

2-1.21 Independent experts (e.g., chiropterologists) have concluded that bats killed by IWTs can result in an appreciable reduction in regional agricultural yields. Estimates have been done for every U.S. County, and these experts have projected that this could adversely affect our local economy by more than 1.2 million dollars a year.

2-1.22 WEFs can cause danger to humans, animals and ecosystems, resulting from ice throw, turbine collapse, oil contamination, and annoyance.

2-1.23 In certain circumstances, WEFs can cause electromagnetic interference with various types of communications, including cell phones, radios, and televisions.

2-1.24 Independent experts have concluded that IWTs can have other adverse health effects on wildlife, livestock, and domestic animals.

2-1.25 WEFs, without proper setbacks, can adversely affect property values, which can cause economic hardship to property owners. Reductions in property values could reduce our community's tax base, resulting in a tax rate increase on all community property owners.

2-1.26 Review of professional and legal literature demonstrates there can be serious legal and economic downsides for landowners entering into complicated and one-sided lease/easement contracts written by WEF developers not available for public review and discussion

2-1.27 WEFs have the potential to adversely interfere with orderly development of our community, including single-family residences and small subdivisions, by making such development unappealing.

2-1.28 The community and its citizens desire to maintain the pastoral, rural nature of this region. WEFs are in conflict with the culture and character of this community,

2-1.29 WEFs need to be regulated for proper removal when no longer in operation.

2-1.30 Due to the unusually broad array of potentially problematic findings, and the lack of scientifically proven net benefits, the Precautionary Principle dictates that our community be particularly conservative and cautionary in its regulation of industrial wind energy and its granting of a license.

2-1.31 In formulation of this Ordinance, many studies have been reviewed and taken into consideration. Other energy ordinances through the U.S. have been analyzed. Experiences of other communities with industrial wind energy have been studied by Members of the Town Board.

2-2 The purpose of this Ordinance is to require the operator of a proposed WEF to be located in the Town of Green Grove to obtain a license from the Town prior to beginning construction activities in order to protect public health and safety, to minimize or prevent potential adverse off-site impacts from on-site and off-site operations, and to promote the general welfare of the people and communities within the Town of Green Grove.

2-3 This Ordinance is adopted under the powers granted to the Town of Green Grove by Wis. Stat. §§ 60.10, 60.22(3), and 61.34, its authority under§ 66.0401 and§ 66.0403, and other authority under the statutes, and its adoption of village powers under§ 60.10(2) (c). Any amendment, repeal or recreation of the statutes relating to this Ordinance made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal, or recreation.

2-4 Wisconsin Courts have recognized that the evaluation of an application for local approval of a WEF requires a case-by-case approach. The Town must receive information about the specifics of a particular proposed WEF and then decide whether a restriction is warranted. Town ordinances may not arbitrarily set a one size fits all scheme of requirements for any WEF.

Section 3. Definitions.

As used in this Ordinance, the following terms shall have the meanings indicated. Words not defined in this Ordinance shall be given their ordinary and common meaning:

Accessory building: A building that is located on the Wind Energy Facility ("WEF") property.

Accessory Equipment: Any equipment serving or being used in conjunction with a Large Wind Energy Facility ("LWEF"). The term includes utility or transmission equipment, power supplies, generators, batteries, equipment buildings, and storage sheds, shelters or similar structures.

Administrative Approval: The Town of Green Grove has the right to review applications and the right to approve or disapprove applications submitted by the Wind Energy Facility.

Blade Glint: The intermittent reflection of the sun off the surface of the blades of one or more wind turbines.

Board: This refers to the Town Board for the Town of Green Grove, Clark County, State of Wisconsin.

Conservation Area: Such areas include natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act 33 USC Sec..1251 et seq,; shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species or habitat for such species; archaeological sites, cemeteries, and burial grounds; important historic sites; other significant natural features and scenic viewsheds; and existing trails or corridors that connect the tract to neighboring areas.

dBa: A-weighted decibels, abbreviated dBA (or dBa or dB(a)), is an expression of the relative loudness of sounds in air as perceived by the human ear. With A-weighting, the decibel levels of low frequencies are reduced compared to the middle and high frequencies (A-weighted energy equivalent sound level). Unless specified otherwise, in this Ordinance dBA means LAeq (energy equivalent sound level).

Electrical Transmission Tower: An electrical transmission structure used to support high- voltage overhead power lines. The term shall not include any utility pole.

FAA: The Federal Aviation Administration or successor agency.

Infrasound: Low frequency sounds that are not ordinarily hearable by humans. All sounds are energy waves, so humans can be affected by infrasound despite not being aware of its presence. The World Health Organization has concluded that health effects due to low frequency components in noise are estimated to be more severe than for community noise in general.

kW: Kilowatt

LWEF (Large Wind Energy Facility): A WEF that has a rated capacity of 100 kW or more.

Maintenance: The cleaning, painting, repair, or replacement of defective parts (including plumbing, electrical, or mechanical work that might require a building permit) in a manner that does not alter the basic design or composition of a structure, such as a wind turbine.

Meteorological Measuring Device: An instrument, such as an anemometer, that measures wind speed. This is often on a tower, typically located at hub-height of the anticipated turbines.

Modification or Modify: Any change, addition, removal, swap-out, exchange, and the like that does not qualify as "Repairs and/or Maintenance" as defined herein is a Modification. Also included is any change, addition, swap-out, exchange, and the like that requires or results in changes and/or upgrades to the structural integrity of a turbine.

Necessary: What is technologically required for the equipment to function as designed by the manufacturer. Anything less will restrict or inhibit the provision of service as intended and described in the Application. Necessary does not mean what may be desired or preferred technically.

Ordinary Maintenance: Actions that ensure that the WEF is kept in good operating condition. Ordinary Maintenance includes inspections, testing and modifications that maintain functional capacity and structural integrity. Ordinary Maintenance does not include Modifications.

Person: An individual, trustee, executor, receiver, other fiduciary, corporation, firm, partnership, association, organization, club, etc., acting as an entity.

Repair: The replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the structure or that would affect or change required existing facilities, a vital element of an elevator, plumbing, gas piping, wiring, or heating installations, or that would be in violation of a provision of law or this Ordinance. The term "Repair" or "Repairs" shall not apply to any change in construction.

Shadow Flicker: The visual effect that results when the blades of an operating wind energy turbine pass between direct and indirect light from the sun and an observer and cast an observable, moving shadow on a person or property in the vicinity.

State: The State of Wisconsin

SWEF (Small Wind Energy Facility): A WEF that has a rated capacity of less than 100 kW. Such a facility is used primarily for on-site consumption, is an accessory use, and consists of no more than one wind turbine and any associated tower, control and/or conversion electronics.

Temporary: Something intended to exist or does exist for fewer than 180 days, except for an anemometer or other meteorological measuring device that is used to test the wind conditions, which are considered temporary when it exists for two years or less.

Utility Pole: A structure owned and/or operated by a public utility, municipality, electric membership corporation, or rural electric cooperative that is designed specifically for and used to carry lines, cables, or wires for telephone, cable television, or electricity, or to provide lighting.

WEF (Wind Energy Facility): An electricity-generating facility whose primary purpose is to supply electricity. This consists of one or more wind turbines and other accessory structures and buildings, including substations, meteorological towers, electrical infrastructure, transmission lines, and other appurtenant structures and/or facilities.

Wind Energy: Wind turbines convert the kinetic energy of moving air (wind) into mechanical power. Note that the term "wind energy" is more technically correct than saying "wind power".

Wind Farm: A marketing term for a LWEF.

Windmill: A wind-driven machine that does not produce electricity.

Wind Turbine: A wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator. Such a system might include a nacelle, rotor, tower, pad transformer, and other appurtenant structures and/or facilities.

Wind Turbine Height: The distance measured from the lowest adjacent grade to the highest point of the structure, including any attachments, such as a lightning protection device or a turbine rotor or tip of the turbine blade when it reaches its highest elevation.

Section 4. License Required

4-1 License Requirement. Except as provided in Section 4-6(a), a Person is prohibited from commencing construction activities on a WEF or operation of a WEF in the Town without first obtaining a license from the Town Board ("WEF license"). The requirements for applying for a WEF license is provided in Section 5.

4-2 License Term. An initial license term may be approved for a maximum of 15 years. A license renewal may be for a term of up to 10 years.

4-3 License Amendment. If the Town has issued a WEF license, the operator may request an amendment to that license during the license term, using the same process as applies to an original license application.

4-4 License Transfer. A WEF license may be assigned or transferred in the manner set forth in Section 9-1.2 hereof.

4-5 License Revocation. A WEF license may be suspended or revoked under the procedures in Section 9-2.4(E).

4-6 License Exclusion.

- (a) Temporary towers may be erected to use a meteorological measuring device to test the wind conditions on the proposed LWEF site. Such towers do not require approval of a WEF License. However, each such temporary pole or tower shall comply with the dimensional requirements stipulated by the Town Board. A copy of an FAA determination report as a result of filing the FAA Form 7460-1, "Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace," shall be submitted prior to submission of any building permits for such a temporary tower. The temporary pole or tower may be any approved height but it must be set back from all property lines, vacant or occupied dwelling units, rights-of-way, and access easements by a distance that is greater than 1.5 times its height. The temporary pole or tower may not have any signs; may not be illuminated (except as required by the FAA or Department of Defense); and must be completely removed within two (2) years of the date that it is erected, unless the Town Board grants a single one (1) year extension.
- (b) An Applicant for a WEF that qualifies as a SWEF may submit a short form application with a reduced fee, in the discretion of the Town Board. If the Board grants such a request, it shall specify the application requirements and fee for such SWEF.

Section 5. Requirement for Applying for a WEF license or Renewal of a WEF Approval.

5-1 Application for a WEF License. The Applicant shall submit an application that contains all required documentation required under Section 6 to the Town Clerk.

5-2 Application for Renewal of a License. The operator shall make a written request to the Town Clerk for a renewal of the license no later than October 1 of the year in which the license will expire.

5-3 Preliminary Review, Preliminary Hearing, and Proposed Decision.

- (a) Preliminary Review. The Town Clerk shall forward an application or a request for renewal to the Town Board for initial review to determine if additional information or expertise is necessary to properly evaluate the application.
- (b) Additional Information. The Town Board may request that the Applicant submit additional information if the Town Board determines that the application or request for renewal is incomplete, or if the Town Board determines that additional information is needed to determine whether the requested approval will meet the requirements of this Ordinance.

(c) Proposed Decision. Upon completion of its review of the application and a review of any report from retained experts, the Town Board shall issue a proposed decision on whether to grant a wind license, with or without conditions, or to deny the application or request.

5-4 Decision by the Town Board.

(a) Notice and Hearing; Proposed Decision. Upon the issuance of a proposed decision under Section 5-3(c), the Town Clerk shall place the preliminary decision of the Town Board on the Town's website and make it available for public inspection at the Town Hall. The Town Board shall set a date for a public hearing on the preliminary decision and, for an application for a WEF license, give Class II public notice and post the notice in the designated posting places at least 15 days prior to the date scheduled for the hearing, and mail the notice to all neighboring landowners. At the public hearing, the Town Board shall take public comment on the proposed decision.

(b) Town Board Final Decision. Following the receipt of public comments at the public hearing and any submitted written comments, the Town Board may make a final decision whether to grant a WEF license or to renew a license, or set a date for a subsequent Town Board meeting during which the Town Board will make a final decision.

(c) Basis of Proposed and Final Decisions. The Town Board shall base its proposed and final decisions on a review of the application, any available retained experts' reports, public comments and information provided at the public hearing, and other relevant information at the discretion of the Town Board, including, without limitation, the items described in Section 7-9 of this Ordinance.

(d) Initial Application. In the case of an application for a WEF license, the Town Board shall grant the license if it determines that the operation of the WEF will be consistent with the standards and the purposes of this Ordinance.

(e) Renewal. In the case of a request for renewal of a license, the Town Board shall grant the request for renewal if it finds that there have been no material violations of the Ordinance or the license which have not been appropriately remedied, the operator has not received multiple or recurring citations or orders for violations of the WEF license or this Ordinance.

(f) Denial. If the Town Board denies an application for a WEF license or denies a request for renewal of a license, the Town Board shall notify the Applicant in writing.

5-5 Developer Agreement. The Town Board may enter into a developer agreement with an Applicant that supersedes in whole or in part the requirements of this Ordinance.

Section 6. Application.

6-1 WEF License Application Process.

Throughout the license process, the Applicant shall promptly notify the Town Board of any changes to the information contained in the license application. Changes that do not materially alter the initial site plan may be administratively accepted. The application for a WEF shall be an electronic digital filing that contains at least the following:

6-1.1 Summary. A narrative overview of the WEF, including its generating capacity.

6-1.2 Inventory. A tabulation describing the:

- A: Specific number, types, and height of each wind turbine to be constructed, including their generating capacity.
- B: Dimensions and respective manufacturers.
- C: Appurtenant structures and/or facilities.

6-1.3 Vicinity map.

Identification of the property on which the proposed WEF will be located

6-1.4 LWEF Site Plan.

A plan showing the:

- A: Planned location of each wind turbine
- B: All property lines within two (2) miles of the property lines of the proposed site.
- C: Each turbine's setback distance from the closest LWEF boundary.
- D: Access road and turnout locations.
- E: Substation(s) and ancillary equipment, buildings, and structures, including permanent meteorological towers.
- F: Electrical cabling from the WEF to the substation(s) and from the substation(s) to where the electricity will leave the site.
- G: Associated transmission lines.
Conservation Areas, including natural areas protected by law, such as wetlands that meet the definition in the Clean Water Act; shoreland areas; water bodies; riparian buffers; populations of endangered or threatened species (Federal or State) or habitat for such species; flyways; archaeological sites, cemeteries, and burial grounds; important local historic sites; existing healthy, native forests consisting of at least one acre of contiguous area; individual existing healthy trees that are at least 100 years old; other significant natural features and scenic viewsheds; existing trails or corridors that connect the tract to neighboring areas.
- I. Location of all structures and properties within the geographical boundaries of any applicable setback.

- J. A landscaping plan that shows proposed screening and buffering of all buildings and other non- turbine structures on the site or sites.
- K. Location of wells, abandoned and active, within a 0.5-mile radius of the project boundary.
- L. The number, location, and purpose of any proposed new wells for the LWEF.

6-1.5 LWEF Misc.

The Applicant shall provide the following information to the Town Board:

- A. A Stand-down Plan for high wind conditions.
- B. Signed copies of all original leases/easements and agreements for this LWEF (not memorandums).
- C. The type, size, and total installed height of all LWEFs.
- D. The rotor material, rated power output, performance history, safety history, and noise characteristics of each make/model of LWEF turbine, tower, and all transmission equipment being used.
- E. The typical length of service of the proposed components.
- F. Any other materials needed to satisfy the requirements of this license.

6-1.6 WEF Air Space Impacts.

A. For all portions of the WEF more than 200 feet tall, the Applicant shall provide a copy of an FAA determination as a result of filing the FAA Form 7460-1, "Notice of Proposed Construction or Alteration of an Object that may Affect the Navigable Airspace."

B. If any portion of a LWEF will be located within five (5) miles of any civilian or military airport runway, or heliport, the Applicant shall demonstrate compliance with all local County, State and Federal airport related laws.

C. The Applicant shall establish to the satisfaction of the Town Board that the LWEF will not adversely impact the restricted air space in the area.

D. The Applicant shall forward this application to the Commanding Officers of all military bases located within 150 miles of the LWEF, in order to provide for review and comment concerning any possible impacts on the operations and mission of each military base. These comments are separate from whatever is in the DOD Clearinghouse documents. This application will not be deemed completed until such time as said review is completed and written comments are received.

- E. The Applicant shall provide a narrative description of all risks to
 - 1. Civil air navigation (including civilian radar).
 - 2. Military air navigation routes, military air traffic control areas, military training routes, military special-use airspace, military radar or other potentially affected military operations, and shall further include documentation that addresses any potential adverse impact on military operations and readiness as identified by the DOD Clearinghouse and any remediation action agreed to the by the Applicant.

3. NEXRAD weather radar systems.
4. Hot Air Balloon rides available to the public within twenty (20) miles of the WEF.
5. Emergency Medical Helicopters.

6-1.7 Noise Impacts.

Applicant will provide a post-construction noise monitoring plan which shall, at a minimum, provide verification from a qualified party that at the WEF boundaries and at proximate residences, WEF noise does not exceed 35 dBA for more than five (5) consecutive minutes during a representative range of operating and atmospheric conditions. Instrumentation to verify this shall meet ANSI or IEC Type 1 standards, and measurement procedures shall comply with relevant portions of ANSI S12.9, Part 3. Each report will include the SCADA/ Power output data at the time of the testing.

6-1.8 Visual Impacts.

The Applicant shall furnish a visual impact assessment to the Town Board, which shall include:

- A. Pictorial representations of "before and after" views from 360-degree viewpoints within two (2) miles of the proposed WEF boundaries, including a drone perspective from the WEF. These will include, but not be limited to, major roads; State and local parks; other public lands; historic districts; preserves and historic sites. The Town Board will provide guidance concerning the appropriate key sites. The Applicant shall provide a map showing the locations of where the pictures were taken and the distance of each location from the proposed WEF.
- B. If any portion of a proposed WEF will be located within one (1) mile of the right-of-way of a Federal or State-designated Scenic Route/By-way, the Applicant shall describe the proposed measures to be taken to minimize the visual impact of the proposed WEF (including shadow flicker and blade glint) upon a Scenic Route/By-way.
- C. The Applicant shall not install any lighting that exceeds the minimum required by the FAA. If approved by the FAA, on-demand lighting (AVWS) is required.

6-1.9 LWEF Impacts on Other Town Municipalities.

If the proposed WEF is within two (2) miles of other neighboring municipalities, the Applicant shall provide written notification of this application to those municipalities.

6-1.10 Maintenance Plan.

The Applicant shall detail the triennial, storm follow-up, and other actions that will be taken to keep the WEF operating quietly, efficiently, and not polluting land, water, or air. This will include (but not limited to) the minimization of: audible sounds, infrasound, vibrations, blade glint, and fluid leaks. The Applicant shall conduct preventive maintenance inspections at least once every year and after any wind event defined gale force (39mph) or greater. Each inspection shall look for such things as metal fatigue, nut loosening, and other potential failures that might impact the public health and safety. Such inspection reports shall be provided to the Town Board within thirty (30) days of the inspection.

6-1.11 Decommissioning Plan.

A description of how the structural and turbine materials will be disposed of and how the site will be restored, as well as:

- A. Anticipated life of the WEF.
- B. Estimated decommissioning costs including contingency costs of at least 20% (in current dollars), as provided by an appropriately experienced licensed engineer.
- C. A verifiable means of determining whether the decommissioning plan needs to be activated due to cessation of use, such as a letter from the electric utility stating that it will notify the Town Board within ten (10) business days if electricity is not received from any turbine within the WEF for any thirty (30) consecutive days.
- D. Method for ensuring that funds will be available for decommissioning and restoration as set forth in 6-7.

6-1.12 Ancillary Materials.

Other relevant studies, reports, certifications, and approvals as may be reasonably requested by the Town to ensure compliance with this Ordinance, or to protect the health, safety and well-being of the Town's citizens or local ecosystems. The inputs of local citizens will be solicited in at least one (1) public hearing on this application.

6-1.13 Testament.

The Applicant will agree to abide by the provisions of this Ordinance.

6-2 LWEF Economic Impact Study.

The Town may hire independent experts (paid for from the Escrow Account: (see 6-5) who will do a thorough, conservative assessment of the LWEF's net economic impact on the community. This will include possible tourism reduction, reduced agricultural yields due to bat takings, property devaluations (and the commensurate loss in tax base), cost to the community due to adverse health effects, higher cost of electricity, etc. This will be compared to any guaranteed incomes from the LWEF.

6-3 LWEF Environmental Impact Study.

An Environmental Impact Study (EIS) may be conducted that includes review comments from citizens in the Town, independent experts, as well as all applicable State and Federal agencies, including at least the:

- A. WI Department of Health,
- B. WI Department of Transportation,
- C. WI Department of Natural Resources,
- D. U.S. Fish and Wildlife Service, and
- E. U.S. Army Corps of Engineers.

As a minimum the EIS shall include the potential impacts on: (i) humans (such as audible and inaudible sounds, vibrations, electromagnetic fields/ ("EMFs"), shadow flicker, blade glint, ice throw, component liberation due to major storms, etc.), (ii) wildlife, livestock and domestic animal populations, including migratory flyways and corridors (same concerns as with humans), (iii) land and vegetation (such as agricultural effects), (iv) wetlands, water bodies, flowing water sources and groundwater (including aquifer impacts due to turbine foundations, etc.), and (v) air (such as changes in humidity). The study area shall include the proposed LWEF, as well as the area at least two (2) miles surrounding the proposed LWEF.

All costs and expenses incurred related to the Environmental tests for the LWEF shall be paid from the Escrow Account (see 6-5). The Town may use the Escrow Account funds to hire independent qualified experts, as needed, to do the following:

1. Provide the location and full description of any of the following: open drainage courses, streams, vernal pools, wetlands, and other important natural areas and site features, including, but not limited to, floodplains, deer wintering areas, Essential Wildlife Habitats, Significant Wildlife Habitats, livestock, Scenic or Special Resources, habitat of rare and endangered plants and animals, natural communities of endangered species (federal or state), unique natural areas, sand and gravel aquifers, wells, and historic and/or archaeological resources.
2. The Applicant must provide a written report from all appropriate State and Federal agencies detailing their evaluation of the proposed LWEF.
3. The Applicant must demonstrate, to the satisfaction of the Town, that the proposed LWEF will not have undue hydro-geological consequences (e.g. with surface or subterranean water resources and storm water runoff), or adverse effects on geological stability; rare, threatened, or endangered wildlife; Significant Wildlife Habitat; Essential Wildlife Habitat; Raptor Habitat; livestock; threatened or endangered plants; and rare or exemplary natural plant communities and ecosystems.
4. The Applicant must provide a cumulative-impact assessment of the LWEF in the context of any other LWEFs within twenty-five (25) miles, including migratory bird, bat and large mammal corridors, and demonstrate that the LWEF is not located in an area that will result in degradation of important wildlife corridors or flyways.
5. Pre-construction and post-construction field studies shall be conducted using the most advanced techniques available. If the pre-construction field studies demonstrate significant adverse effect to birds, bats, game animals, water resources, habitat fragmentation or other ecosystem degradation, the LWEF Applicant shall propose a remediation plan, subject to the Town's approval. The Applicant accepts that some environmental impacts cannot be satisfactorily resolved, and that such situations will be factored into the Town's decision regarding the net benefits of the LWEF.
6. In determining the nature and effectiveness of such remediation plans, the Town will be guided by inputs of its citizens, its own consultants, the appropriate State & Federal agencies, and applicable state and federal laws and regulations. The LWEF Applicant will be responsible for the full cost of implementing any approved remediation plan, under the supervision of the Town and its designated agents.

6-5 LWEF Escrow Account.

The Applicant shall pay to the Town a non-refundable Application Fee (see 7-8). The Town Board and/or Planning Commission reserve the right to obtain engineering, economic impact, environmental impact, or other professional services to aid it in the review of any submitted WEF application. These costs (and other expenses incurred by the Town) are reimbursable only from the Escrow Account, not the Application Fee.

6-5.1 The Applicant shall reimburse the Town for all oversight expenses incurred relating to the LWEF, from application through decommissioning.

6-5.2 These LWEF-related oversight expenses include (but are not limited to) amounts required for Building Permits, Licensing, Re-Licensing, and Decommissioning e.g., administration, engineering, expert health and wildlife evaluations, handling complaints, legal, etc. "Legal" includes reasonable attorney fees for the Town.

6-5.3 Any Escrow Account interest shall stay with the account and be considered new principal.

6-5.4 This Escrow Account will be set up by the Applicant at the time of the LWEF license Application. This Escrow Account will be at a financial institution approved by the Town, solely in the name of the Town, to be managed by the Town Treasurer (or designee). The Applicant will make an initial deposit of \$10,000. An LWEF License Application will not be processed until proof of deposit has been provided by the Applicant. A LWEF License Application determination will not be made until all costs incurred by the Town to date have been reimbursed by the Applicant.

6-5.5 If the LWEF Application is denied, all Escrow Account funds will be returned to the Applicant, less related expenses incurred by the Town. The money will be returned, along with a statement as to these costs, within 30 days of the Application being formally denied, or receipt of a Letter of Withdrawal. License Fees are non-refundable.

6-5.6 This Escrow Account will be funded during the life of the LWEF by the Applicant/Operator. The Applicant/Operator will replenish any Escrow funds used by the Town within 14 days of being sent written notification (and explanation) of said withdrawals. Failure to maintain the Escrow Account at \$10,000 (within 30 days of being given notice) shall be cause for revocation (or denial of renewal) of the LWEF License.

6-5.7 Once the Applicant believes that the Applicant has satisfactorily complied with the decommissioning conditions specified herein, the Applicant will send the Town written notification. The Town then has sixty (60) days to verify to its satisfaction that all decommissioning conditions have been complied with. If there is material non-compliance, the Town will so notify the Applicant and the process starts over. Otherwise, the Town will return all Escrow Account funds to the Applicant, less related expenses incurred by the Town, along with an explanatory statement.

7. After implementation of any remediation plan, the Town will review the situation to determine its effectiveness. Should the Town find the remediation efforts inadequate, the LWEF Applicant will be given sixty (60) days from that finding to resolve the deficiencies. In the absence of a successful resolution, the Town (at its sole discretion) shall have the right to deny the LWEF license.

8. A computer-generated "zone of visibility map" (covering at least a one [1] mile radius from the proposed LWEF) shall be created to illustrate locations from which the proposed installation may be seen, with and without foliage.

6-4 WEF Dimensional Requirements. To provide for at least minimal operational safety for persons and property located outside of a WEF, all WEFs shall comply with the minimums and maximums contained in the following table:

Type of Wind Energy Facility	Minimum Wind Turbine Setback from any Property Line, Public or Private Right of Way and/or Access Easement*	Maximum Wind Turbine Height**
SWEF (up to 100kW)	1.5 feet for each foot of height from any property line and any vacant or occupied dwelling unit on the same property. If the TownBoard determines there will be no significant impact on abutting properties or those across a stream, lake, or other body of water, no such setback is required from the waterward property line for a turbine placed in a body of water, or on a dock or pier.	75 feet
LWEF (100kW or more)	One (1) mile or 10x the turbine height, from facility property lines, whichever is greater.	76 feet or higher

* Such minimum setbacks for a WEF shall be measured from its outermost extension (whether blade tip, nacelle/turbine housing, or tower/pole edge) that is nearest the WEF property line, public or private right-of-way, and access easement.

** Height is measured from the lowest adjacent grade to the highest point of the structure, including any attachments (such as a lightning protection device or a turbine rotor or tip of the turbine blade when it reaches its highest elevation). No portion of any wind turbine blade shall be closer than 25 feet to any portion of the ground that surrounds any WEF.

6-4.1 No LWEF wind turbine shall be permitted to be within five (5) miles of any operating or proposed radar facility (NEXRAD, military, commercial, etc.).

Section 7 Installation and Design.

7-1 LWEF Power Collection.

The electrical connection system from the turbines to a collection point or substation shall, to the maximum extent possible, be placed underground. The power from that collection point or substation may use overhead transmission lines if approved by the Town Board.

7-2 Security.

The Applicant shall submit design plans to verify that the WEF is:

- A. Located, fenced, or otherwise secured so as to prevent unauthorized access.
- B. Made inaccessible to individuals and constructed or shielded in such a manner that it cannot be climbed or collided with.
- C. Installed in such a manner that it is readily accessible only to persons authorized to operate or service it.
- D. The Applicant shall not install any video surveillance at a height exceeding 10 feet from ground level unless otherwise approved by the Town Board.

7-3 The WEF shall:

- A. Be a non-obtrusive color (such as light blue, off-white, or light gray) that blends with the sky, as determined by the Town Board.
- B. Not be artificially lighted, except to the extent required by the FAA or other applicable authority that regulates air safety.
- C. Not contain any signs or other advertising (including flags, streamers or decorative items or any identification of the turbine manufacturer, WEF Applicant and operator). This does not include any identification plaques that might be required by the electric utility or a governmental agency.
- D. Be sited and operated so as to not interfere with television, internet service, telephone (including cellular, broadband, and digital), microwave, satellite (dish), navigational, or radio reception in neighboring areas. The Applicant and/or operator of the WEF shall be responsible for the full cost of any remediation necessary to correct any problems or provide equivalent alternate service, within thirty (30) days of being given notice. This includes relocation or removal of problematic turbine(s), or any other equipment, transmission lines, transformers, and other components related thereto.
- E. Have a leak containment system for oil, hydraulic fluids, and other non- solids that is certified by an expert (such as an engineer, turbine manufacturer, etc.) acceptable to the Planning Board that all such fluids will be captured before they reach the ground. The Applicant shall pay the cost(s) of the expert.
- F. For LWEFs, prepare an incident response plan that ensures that local emergency responders have the necessary equipment and training to effectively handle emergencies such as oil spills, turbine fires, turbine structural damage (or collapse) of equipment, including access to heavy equipment needed for rescue of trapped

personnel. The Escrow Fund will be used to reimburse all local emergency responders for any necessary equipment or training required.

- G. An Applicant shall notify the Town Board of the occurrence and nature of an LWEF emergency within 24 hours of an LWEF emergency.
- H. An Applicant shall establish and maintain liaison with the Town Board and with fire, police, and other appropriate first responders serving the LWEF to create effective emergency plans that include all of the following:
 - A list of all the types of LWEF emergencies that require notification under Par. G,
 - Current emergency contact information for first responders and for the LWEF Applicant, including names and phone numbers.
 - Procedures for handling different types of LWEF emergencies, including written procedures that provide for shutting down the LWEF or a portion of the system as appropriate.
 - Duties and responsibilities of the Applicant and of first responders in the event of an LWEF emergency.
 - An emergency evacuation plan for the area within 0.5 mile of an LWEF, including the location of alternate landing zones for emergency services aircraft.
- I. The Applicant shall review the emergency plan at least annually in collaboration with fire, police, and other appropriate first responders to update and improve the emergency plan as needed.
- J. The Applicant shall distribute current copies of the emergency plan to the Town Board, fire, police, and other appropriate first responders as identified by the Town Board.
- K. The Town Board shall require the Applicant to provide annual training for fire, police, and other appropriate first responders regarding responding to an LWEF emergency until the LWEF has been decommissioned.
- L. An Applicant of an LWEF shall do all of the following:
 - 1. Furnish its operator, supervisors, and employees who are responsible for emergency action a copy of the current edition of the emergency procedures established under this subsection to ensure compliance with those procedures.
 - 2. Train the appropriate operating personnel to ensure they have knowledge of the emergency procedures and verify that the training is effective.
 - 3. As soon as possible after the end of an LWEF emergency, review employee activities to determine whether the procedures were effectively followed.

7-4 LWEF Real Property Value Protection Plan.

The LWEF Applicant shall assure the Town that there will be no loss in real property value, resulting from the installation of the LWEF, within two miles of each wind turbine within their LWEF. To legally support this claim, the Applicant may be asked to consent in writing to a Real Property Value Protection Agreement ("Agreement") as a condition of approval for the LWEF. This Agreement shall provide assurance to non-participating real property owners (i.e., those with no turbines on their property) near the LWEF that they have some protection from LWEF-related real property values losses.

7-5 LWEF Surety for Removal, when Decommissioned.

The applicant shall place with the Town an acceptable letter-of-credit, bond, or other form of security that is sufficient to cover the cost of removal at the end of each WEF turbine's useful life, as detailed in the decommissioning plan. Such surety shall be at least \$200,000 for each wind turbine; provided, however, the Town Board may approve a reduced surety amount that is not less than 125% of a cost estimate that is certified by an engineer, salvage company, or other expert acceptable to the Town Board. This calculation will not take into account any estimated salvage values.

The Town shall use this surety to assure the faithful performance of the decommissioning terms and conditions of the Applicant's plan and this law. The full amount of the bond or security shall remain in full force and effect until all necessary site restoration is completed to return the site to a condition comparable to what it was prior to the WEF, as determined by the Town Board. The Applicant will be responsible for assuring that any subsequent Assigns of the LWEF will provide acceptable surety to the Town prior to any transfer of ownership

7-6 LWEF Liability Insurance.

7-6.1 The holder of a license for an LWEF shall agree to secure and maintain for the duration of the license public liability insurance, as follows:

A. Commercial general liability covering personal injuries, death and property damage: \$2,500,000 per occurrence (\$5,000,000 aggregate), which shall specifically include the Town and its officers, councils, employees, committee members, attorneys, agents and consultants as additional named insureds.

B. Umbrella coverage: \$5,000,000.

7-6.2 The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with at least a Best's rating of "A".

7-6.3 The insurance policies shall contain an endorsement obligating the insurance company to furnish the Town with at least 30 days prior written notice in advance of a cancellation.

7-6.4 Renewal or replacement policies shall be delivered to the Town at least 15 days before the expiration of the insurance that such policies are to renew or replace.

7-6.5 No more than 15 days after the grant of the license and before construction is initiated, the license holder shall deliver to the Town a copy of each of the policies or certificates representing the insurance in the required amounts.

7-6.6 A certificate of insurance that states that it is for informational purposes only, and does not confer sufficient rights upon the Town, shall not be deemed to comply with this Ordinance.

7-7 LWEF Indemnification.

The granting of the Town's LWEF License shall contain an indemnification provision. This clause shall require the Applicant to at all times defend, indemnify, protect, save, hold harmless, and exempt the Town (and affected municipalities), and its officers, Board members, committees, councils, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therefrom, either at law or in equity, which might arise out of, or are caused by delivery, construction, erection, modification, location, equipment's performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said LWEF, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the Town or its employees or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the Town.

7-8 Fees. Non-refundable Fees shall be as follows.

7-8.1 The initial application fee for a WEF shall be \$2,500.00 which shall reimburse the Town for reasonable expenses relating to the review and processing of an application for a wind energy system; provided, however, the fee amount could increase based on the nature and review of the application. The Board may waive part or all of the application fee, in its discretion, for a SWEF.

7-8.2 The Town's fee or reimbursement requirement under Section 7-8.1 shall be based on the actual and necessary cost of the review of the wind energy system application, and shall include the cost of services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts.

7-9 Town Board's License Provisions.

The following are considerations for approval of an application to construct an LWEF.

- A. Information. Information about whether an Applicant has consulted with and received any non-binding recommendations for constructing, operating, or decommissioning the LWEF from a State or Federal agency, and whether the Applicant has incorporated such non-binding recommendations into the design of the LWEF.
- B. Studies. Applicant to cooperate with any study of the effects of LWEFs coordinated by a State agency.

- C. Monetary Compensation. Whether the Applicant of an LWEF has offered an agreement that includes monetary compensation to the owner of a nonparticipating residence, if that property suffers a loss in value as a result of the placement of the WEF.
- D. Aerial Spraying. Whether the Applicant of an LWEF has offered an agreement that includes monetary compensation to a farm operator farming on a nonparticipating property located near a WEF for crop loss from such spray.
- E. Permits. The Applicant must submit to the Town Board copies of all necessary State and Federal permits and approvals.
- F. Annual reports. The Applicant to file an annual report with the Town Board documenting the operation and maintenance of the wind energy system during the previous calendar year.

7-10 Standards for the Town Board's WEF License Application Decision.

The Town Board may disapprove a WEF License Application for a variety of reasons, including but not limited to, the following:

- A. Conflict with safety and safety-related codes and requirements.
- B. The use or construction of a WEF that is contrary to an already-stated purpose of a specific zoning or land use designation.
- C. The operation of an LWEF would be a net economic liability to the community.
- D. The operation of an LWEF would create unacceptable health risks to the public.
- E. The placement and operation of an LWEF that would create unacceptable risks to wildlife and/or regional ecosystems.
- F. The placement and location of a WEF would result in a conflict with, or compromise, or significantly change, the nature or character of the surrounding area.
- G. The operation of an LWEF would create unacceptable interference with any type of civilian or military radar systems.
- H. Conflicts, as determined by the Town Board, with the military's unrestricted ability to use the Restricted Air Space, including no flight hazards and/or use limitations. In addition, the Planning Board will consider whether construction or operation of the proposed WEF would encroach upon or would otherwise have a significant adverse impact on the mission, training, or operations of any military installation or branch of military in the State, and possibly result in a detriment to continued military presence in the State.
- I. Conflicts with any provisions of this Ordinance.

Section 8. WEF Post-License Approval Requirements.

8-1 WEF Certification.

Prior to operation of any approved and constructed WEF, the Applicant must provide a certification that the project complies with applicable codes, industry practices and conditions of approval (where applicable).

8-2 Reservation of Authority to Inspect WEF.

In order to verify that the holder of a license for a WEF and any and all lessees, renters, and/or licensees of it, have placed and constructed such facilities in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, Ordinances and regulations and other applicable requirements, the Town may inspect all facets of said license holders, renter's, lessee's or licensee's placement, construction, and maintenance of such facilities, including all turbines, towers, buildings, and other structures constructed or located on the site.

8-2.1 WEFs shall not begin operation until all approvals required under this Ordinance shall have been obtained and all required certifications are provided.

8-2.2 Following the issuance of any approval required under this Ordinance, the Town Board or its designee shall have the right to enter onto the Site upon which a WEF has been placed, at reasonable times, in order to inspect such WEF and its compliance with this Ordinance.

8-2.3 After undertaking such inspection, the Town Board or its designated representative shall provide notice of any non-compliance with the terms of this Ordinance or the conditions of approval of any license issued hereunder and shall provide the Applicant or Applicant with a reasonable time frame to cure such violation, such time frame to be determined based upon the seriousness of the violation, its actual and/or potential impact upon public safety, and the actual and/or potential impact of the violation upon Town residents and/or local ecosystems.

8-3 WEF Construction Related Damage.

The Applicant of any permitted WEF shall, to the extent practicable, repair or replace all real or personal property, public or private, damaged during the WEF construction.

The Applicant shall reimburse the WI DOT and/or Town (as appropriate) for any and all repairs and reconstruction to roads that are necessary due to the construction or decommissioning of the LWEF. A qualified independent third party or other qualified person, agreed to by the WI DOT and/or Town (as appropriate) and the Applicant, shall be hired to pre-inspect the roadways to be used during construction and/or decommissioning. This third party shall be hired to evaluate, document, and rate the road's condition prior to construction or decommissioning of the LWEF and again 30 days after the WEF is completed or removed.

A. Any road damage during construction that is done by the Applicant and/or one or more of its subcontractors that is identified by this third party shall be repaired or reconstructed to the satisfaction of the WI DOT and/or Town (as appropriate) at the Applicant's expense, prior to the final inspection. In addition, the Applicant shall pay for all costs related to this third-party pre-inspection work prior to receipt of the final inspection.

B. The surety for removal of a decommissioned WEF shall not be released until the Town Board is satisfied that any road damage that is identified by this third party during and after decommissioning that is done by the Applicant and/or one or more of its contractors or subcontractors has been repaired or reconstructed to the satisfaction of the WI DOT and/or Town at the Applicant's expense. In addition, the Applicant shall pay for all costs related to work of this third party's inspection prior to receipt of the release of the surety.

8-4 LWEF Noise Impacts.

Independent acoustical experts have determined that 35 dBA is a reasonable proxy to protect nearby citizens from harmful infrasound. As such, no part of the LWEF shall produce noise above 35 dBA LAeq for more than five (5) consecutive minutes, as measured at any WEF property line or residence. Each occurrence by individual turbines shall be a separate violation of this Ordinance, and the penalties (see 9-2) shall be cumulative.

If noise levels exceed 35 dBA for more than five (5) consecutive minutes, as measured at any WEF property line or residence, the problem turbine(s) shall be shut down within one business day of being directed to do so by the Town Board or their designee. The problem turbine(s) shall remain shut down until it can be demonstrated to the satisfaction of the Town Board (or their designee) that those turbines can be operated so as to not exceed 35 dBA for more than five (5) consecutive minutes, as measured at all WEF property lines, or proximate residences.

8-5 LWEF Environmental Monitoring:

The Applicant will permit post-construction environmental studies deemed appropriate by the Town Board. These will be funded by the Escrow Account. Post-construction field studies will include scientific assessments of regional nesting failures, and territory abandonment of special status species like raptors species, within two (2) miles of the LWEF. When these assessments are being done, only researchers involved with these studies will be legally allowed to touch carcasses. LWEF personnel who move carcasses without written Town approval will be subject to a fine pursuant to this Ordinance, as wind turbines do kill endangered and other highly protected species. During the life of the project every bird or bat carcass, or crippled bird or bat found anywhere within the LWEF, must be reported to the Town by the Applicant within seven (7) days.

8-6 LWEF Decommissioning:

The Town Board will review the projected Decommissioning costs every five (5) years. The LWEF Applicant will adjust their security to any changes from the original calculation. If the State Building Codes official condemns any portion of an LWEF, or if no electricity is generated from any turbines for three (3) consecutive months, the LWEF Applicant and/or property owner shall have three (3) months to remedy the safety issues or complete the decommissioning of the WEF, according to the approved plan.

8-6.1 The Town Board may grant extensions of time for repair and/or maintenance, for good cause, such as the need to back-order parts that are not currently available from the supplier or the need to repair an LWEF damaged by a storm.

8-6.2 Decommissioning shall include the complete removal of turbines, buildings, electrical components, cabling, roads, and any other associated facilities and/or structures, including below-ground items (e.g., foundations), to a depth of eight (8) feet below grade.

8-6.3 Disturbed earth shall be graded and re-seeded, unless the landowner requests in writing that the access roads or other land surface areas not be restored.

8-7 WEF Complaints:

The Town shall set up a procedure for filing and handling WEF complaints. The WEF Applicant shall initially be given a reasonable opportunity to resolve all complaints. The cost of such resolution shall be borne by the WEF Applicant. If resolution is not made in a reasonable time (as determined by the Town), the Town may utilize its Escrow Account to attempt to resolve any LWEF issues. The Town may establish a monitoring committee to oversee resolution of complaints regarding LWEFs.

8-8 LWEF Lease Agreements.

The Applicant shall legally file the entire lease document and a record of all signed leases shall be maintained by the Town Board.

Section 9. Miscellaneous.

9-1 Fiscal Responsibility.

9-1.1 The Town Board may, at its discretion, request the most recent annual audited financial report of the licensee prepared by a duly licensed Certified Public Accountant during the review process. If such a report does not exist, the Town Board may, in its sole discretion, require a suitable alternative to demonstrate the financial responsibility of the Applicant and its ability to comply with the requirements of this Ordinance.

9-1.2 No transfer of any LWEF, or license, or the sale of more than 30 percent of the stock of such entity (not counting sale of shares on a public exchange) shall occur without written acceptance by such entity of the obligations of the licensee under this Ordinance and the terms of the license and any related Developer's Agreement. Any such transfer shall not eliminate the liability of any entity for any act occurring during its ownership or status as licensee.

9-2 Inspection, Enforcement Procedures, and Penalties

9-2.1 Inspection. The Town Board, a retained expert, or another authorized representative of the Town, may make inspections or undertake other investigations to determine the condition of a WEF in the Town to safeguard the health and safety of the public and to determine compliance with this Ordinance, upon showing proper identification and providing reasonable notice.

9-2.2 Violations. The following are violations under this Ordinance:

- A. Engaging in construction, installation, or operation of a WEF without a Wind Energy Facilities License granted by the Town Board or a developer agreement or both.
- B. Failure to comply with the applicable minimum standards and other terms of this Ordinance.
- C. Making an incorrect or false statement, including in the information and documentation submitted during the licensing process or during an inspection by the Town or its duly appointed representative, or a representative of another regulatory agency.
- D. Failure to comply with any conditions of an approval or license, or any agreements entered into as a condition of approving a license.
- E. Failure to take appropriate action in response to a notice of violation or citation, or other order issued by the Town.

9-2.3 Hearings.

- A. Any person affected by a notice, order, or action under this Ordinance, or upon denial of an application for a license or license renewal, may request a hearing on the matter before the Town Board, provided such person files with the Town Clerk a written petition requesting the hearing and setting forth his or her name, address, telephone number, and a brief statement of the reason for requesting the hearing. Such petition shall be filed within 30 days of the date the notice, order, or action under sub. (4) is served or within 30 days of the date of the approval or denial of a license or an application for a renewal. Upon receipt of the petition, the Town Clerk may set a time and place for a hearing before the Town Board and, if a hearing is scheduled, shall give the petitioner and other interested parties written notice thereof.
- B. After a hearing under par. A, the Town Board, by a majority vote of the members present, shall sustain, modify or withdraw the notice, order, or action, or grant or deny the license or license renewal, depending on its findings as to whether the provisions of this Ordinance have been complied with. The petitioner shall be notified within 10 days, in writing, of such findings.

- C. The proceedings of the hearing, including the findings and decision of the Town Board and the reasons therefore, shall be summarized in writing and entered as a matter of public record in the office of the Town Clerk. Such record shall also include a copy of every notice and order issued in connection with the case.

9-2.4 Remedies. *The Town Board may take any appropriate action or proceeding against any person in violation of this Ordinance, including the following:*

- A. Issue a stop work order.
- B. Issue a notice of violation and order that specifies the action to be taken to remedy a situation.
- C. Issue a citation.
- D. Refer the matter to legal counsel for consideration and commencement of legal action, including the assessment of forfeitures under sub. (6) and injunctive relief.
- E. Suspend or revoke the Wind Energy Facility License under sub. (5) in the event there are repeated exceedances of the standards or conditions incorporated into a Wind Energy Facility License or developer agreement.

9-2.5 License Suspension or Revocation. After giving notice and holding a hearing, the Town Board may suspend or revoke a Wind Energy Facility License for a violation under this Ordinance.

9-2.6 Penalties:

- A. Any person or entity who violates this Ordinance may be assessed a forfeiture of not less than \$500 per violation nor more than \$5,000 per violation and/or be subject to injunctive relief. Each day a violation exists is a separate violation.
- B. Any person or entity who violates this Ordinance shall pay court costs and reasonable attorney's fees associated with a forfeiture assessed under section 9-2.6A and for any action for injunctive relief sought by the Town. The remedies provided herein shall not be exclusive of other remedies.

9-2.7 Non-Waiver. A failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town's right to take action on any present or future violation(s).

Section 10. Severability, Interpretation, and Abrogation

10-1 Severability.

- A. Should any section, clause, provision, standard, or portion of this Ordinance be adjudged unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction, the remainder of this Ordinance shall remain in full force and effect.
- B. If any application of this Ordinance to a particular parcel of land, WEF or project is adjudged unconstitutional or invalid by a final order of a court of competent jurisdiction, such judgment shall not be applicable to any other parcel of land not specifically included in said judgment, unless specifically required by the court.

10-1.2 The provisions of this Ordinance shall be liberally construed in favor of the Town and shall not be construed to limit or repeal any other power now possessed by or granted to the Town.

10-1.3 This Ordinance is not intended to repeal, annul or interfere with any easements, covenants, deed restrictions or agreements created prior to the effective date of this Ordinance.

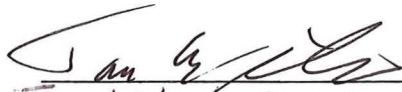
Section 11. Effective Date. Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. § 60.80.

Section 12. Applicability. The requirements of this Ordinance shall apply to all WEFs proposed, operated, modified or constructed after the effective date of this Ordinance.


Signatures appear on following page

ADOPTED May 9th, 2023


TOWN OF GREEN GROVE



Tom Wilcox Town Board Chairperson



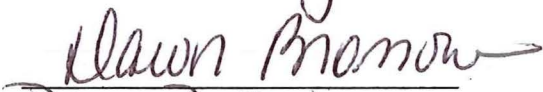
Greg Weiler Supervisor



John Hoover Supervisor

Supervisor

Attested to as of May 9th, 2023



Dawn Brannon Town Clerk

50

**Town of
Green Grove
Zoning
Ordinance**

Adopted April 9th, 2001 and is in effect from this day forward.

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Introduction

Section 1.0

1.1 **Authority:** The Town of Green Grove, Twn 28N.R1W, Clark County, Wisconsin, under authority of Section 60.61, of the Wisconsin Statutes hereby ordains and enacted the following Ordinance.

1.2 **Title:** This Ordinance shall be known as and shall be cited as: Town of Green Grove Zoning Ordinance.

1.3 **Purpose and Intent:** This Ordinance is established to promote the health, safety, and general welfare: To regulate and restrict height, number of stories and size of building and other structures, the percentage of lot which may be occupied, the size of yards, courts and other open spaces and land for trade, industry, residence and other purposes: and for the said purposes to divide the Town of Green Grove, Clark County, Wisconsin into districts of such number, shape and area as are deemed best suited to carry out the said purposes: To provide a method for its administration and enforcement and to provide penalties for its violation.

1.4 **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, written agreements, other existing government ordinances, rules, regulations or permits previously issued under existing ordinances and regulations. Where restrictions of this Ordinance are greater it shall govern.

1.5 **Interpretation:** The Provisions of this Ordinance shall be held to be minimum requirements: 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.

1.6 **Severability:** 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.

1.7 **Repeal:** All other ordinances or parts of ordinances of the Town of Green Grove inconsistent or conflicting with this Ordinance to the extent of inconsistency only are hereby repealed.

1.8 **Effective Date:** This Ordinance shall be effective after a public hearing, adoption by the Town Board and publication is provided by law.

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DEFINITIONS

Section 2.0

For purposes of this ordinance, certain terms are defined as follows: Words used in the present tense include the future: words in the singular number include the plural number, and words in the plural number include the singular number, the “building “ includes the word “structure” and the word ‘shall” is mandatory and not directory. The word “person” includes an individual, all partnerships, associations and bodies political and corporate. The word “parcel” includes the word “plot” or “lot” or “tract.” The word “used” or “occupied” is applied to any land or building shall be construed to include the words “intended”, arranged”or designed to be used or occupied”.

Accessory Building. A subordinate or supplement building, the use of which is incidental to that of the main building on the same lot or the use of the premises on which it is located and is a secondary, customary and traditional structure or building.

Accessory Farm Buildings. Farm buildings except the main dwelling unit.

Accessory Use. A use customarily incidental and accessory to the principle use of a lot or parcel or building or structure on the same lot or parcel as the principal use.

Agriculture. The use of the land for beekeeping, dairying, egg production, floriculture, fish farming, forest and game management, grazing livestock:livestock raising, orchards, plant greenhouses and nurseries, poultry raising, raising of grain, grass, mint and seed crops, raising of fruits, nuts, berries, sod farming and vegetable raising.

Alley. A way which affords only a secondary means of access to abutting property.

Animal Unit. A unit of measure used to determine the total number of single animal types or combinations of animal types, as specified as s.NR 243.11, table 2 which are fed, confined, maintained or stabled in an animal feeding operation. For the purposes of this Ordinance, one animal unit is equivalent to one head of beef or slaughter cattle weighing more than 1000 pounds. The term animal unit means a unit of measurement for any animal feeding operation calculated by adding the numbers: the number of slaughter and feeder cattle multiplied by 1.0 plus the number of mature dairy cattle multiplied by 14 plus the number of swine weighing over (approximately 55 lbs) multiplied by .04, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0. For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds, excluding household pets, (See Exhibit A in this Ordinance).

Apartment. A Portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

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Applicant. Any person or agent that person who applies for a permit under this Ordinance.

Aquaculture. Farming of aquatic plant or animal species.

Basement. The underground portion of a building or structure.

Boarding House. A building other than a hotel where meals lodging and meals are furnished for compensation for three or more persons not members of a family.

Board of Adjustment. A (3) three member committee initially appointed by the Town Board after the initial terms of one, two and 3 years successors shall be appointed or elected.(s.60.65 Wis. Statutes)

Building. Any structure used, designed or intended for the protection , shelter, enclosure or support of person, animals or property.

Building, Alteration of. Any change or rearrangement of the supporting members (such as bearing walls, beams, columns or girders) of a building, an addition to a building, or movement of a building from one location to another.

Building, Height of. The vertical distance from the average elevation of the finished grade at the building line to the vertical distance from the top of the building roof.

Building, Principal. The building of primary importance on a parcel of land in contrast to those which are accessory or of secondary importance. In the case of a house and attached garage, the entire structure, including the house and garage shall be considered the principal building.

Camping Trailer. A vehicle with a collapsible or folding structure designed for human habitations and towed upon a highway by a motor vehicle.

Cemetery. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes including columbariums, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such a cemetery. All new cemeteries shall be approved by the Town Board prior to burial of human remains or cremations.

Church A building for public or religious services, especially Christian.

Clinic - An establishment for medical examination and treatment of patients, but without provisions for keeping such patients over-night on the premises. For purposes of the Ordinance a doctors, dentists or veterinarian's office in a residence, when it complies with the requirement of this Ordinance relating to such office shall not be considered a clinic, but any doctors, dentists or veterinarians office which is not part of their home or the office of two or more doctors, dentists or veterinarians whether in a residence or not shall be considered a clinic.

Club (Service) - 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.

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Conditional Uses - A use either public or private, which because of its unique characteristics cannot be properly classified as an “approved” use in a particular district or districts. In each case after due consideration by the Zoning Committee of the impact of such use upon neighboring land and of the public need of the particular use at the particular location, such conditional use” may or may not be granted after all procedures are followed as described in the Ordinance.

District - A portion of the territory of the unincorporated Town of Green Grove, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Dwelling Unit Any room or group of rooms located within a dwelling and forming a single habitable unit, with facilities which are used or intended to be used for living, sleeping, cooking and eating.

Dwelling “Dwelling” means any building that contains one or two dwelling units. “Dwelling unit” means a structure or that part of a structure which is used or intended to be used as home, residence or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.

Dwelling, Multiple A building or portion thereof used or designated as a residence for three or more families as separate housekeeping units, including apartments, hotels and townhouses.

Essential Services. Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wire, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including building which are necessary for the furnishing of adequate service by utilities or municipal departments for the general health, safety or welfare.

Expressway - A divided arterial highway with controls on public and private access and generally with interchanges at major intersections.

Family - One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity or sorority house.

Farm. An area which is used for the growing of the usual farm products such a vegetable, fruit trees and grain and the storage of such products on the area, as well as for the raising thereon of the usual farm poultry and farm animals. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the produce; provided however that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

Fence. An enclosure or barrier between parcels.

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Floodplain That land which has been or may be hereafter covered by floodwater during the regional flood. The floodplain includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

Floor Area/Living Space. Total gross area on all floors as measured to the outside surfaces of exterior walls, excluding crawl spaces, garages, carports, breezeways, attics without floors and open porches, balconies and terraces.

Forest Industries. The cutting and temporary storage of forest products, the operation of portable sawmills, and production of maple syrup and sugar.

Foundation (Permanent). Stacked and cemented block, formed concrete or trenched poured concrete wall and or footing extending 48" below ground level.

Freeway. An expressway with full control of access and with grade separations at all intersections.

Fur Farm A tract of land or buildings devoted in whole or part to the raising of fur-bearing animals.

Garage Private. An accessory building or space for the storage of vehicles.

Garage Public - A building or portion of thereof used for the housing or care of motor vehicles for the general public or where such vehicles are equipped or repaired, serviced, hired, sold or stored. This may include premises commonly known as "gasoline stations" or "service stations."

Garage, Storage. Any building or premises used for storage and where no motor vehicles are serviced, repaired, hired or sold.

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Habitable Structure. Any structure or portion of a structure used or intended to be used for the permanent or intermittent human occupancy.

Hearing notice: A publication or posting meeting the requirements of Ch.985 Statutes.

Home Occupation - Any occupation for gain or support conducted entirely within a building by resident occupants, which is customarily incidental to the principal use of the premises; does not exceed twenty (20%) of the area floor and no article is sold or offered for sale except such as is produced by home occupation . A household occupation includes such uses as babysitting/daycare, millinery, dressmaking, canning, laundering and crafts but does not include the display of any goods nor such occupations as barbering , beauty shops, dance schools, real estate brokerage or photographic studios.

The following provisions are conditions of use for home occupations.

- (1) Only those occupations that by their nature can be carried out safely in homes without generating any nuisance or hazards are allowed.

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- (2) Such operations shall not have more than one principal and one assistant involved in the operation other than family members living on the premises.
- (3) Home occupations may not occupy more than twenty (20%) percent of the total floor area of the house.
- (4) Activities which involve the manufacture, storage , utilization, processing or storage of inflammable and explosive materials shall not be carried out.
- (5) No operation producing any form of glare or heat shall be carried out as home occupations.
- (6) Home occupations shall not produce noise or sound that may be heard in the adjacent property.
- (7) No odors or vibrations may emanate from home occupations.
- (8) No activity shall emit radioactive or electrical disturbances outside the premises that are dangerous or may adversely affect the use of neighboring premises.
- (9) Garage and auction sales shall be restricted to the conditions if any, established by the Town Board.

Hospital Unless otherwise specified the term “hospital” shall be deemed to include a sanitarium, sanatorium, preventorium, rest home, nursing home, convalescent home, community based residential facility, animal hospital or any other place for the diagnosis, treatment or other care of ailments. This shall be limited to places for diagnosis, treatment or other care with provisions for keeping such patients overnight on the premises.

Hotel-Motel An establishment for transient guests having sleeping rooms without individual cooking facilities for more than five (5) persons for compensation and may or may not provide meals.

Human Habitation The act of occupying a structure as a dwelling or sleeping place, whether intermittently or as a principal residence.

HUD Department of Housing and Urban Development

Interchange A grade-separated intersection with one (1) or more direct connections for vehicular travel between the intersecting streets/roadways or highways.

Junk Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, an inoperable motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans or bottles.

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Junk yard/Salvage Yard An open space where waste, used, or second-hand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled. A “junk Yard” also includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings or material stored and used in conjunction with the primary use of that zoning district.

Kennel Any structure or premises on which three or more dogs, cats or other household pets over 4 months of age that are either permanently or temporarily boarded, bred or sold.

Landing Strip An airport that is listed as “Personal by Owner Only” on an application to the Wisconsin Department of Transportation, Bureau of Aeronautics for airport charts as “Private Restricted.”

Land use Permit A permit required for any permitted, accessory, temporary, unclassified or unspecified use.

Living Space /Floor Area See Floor Area/Living Space Definition

Loading/Unloading Area A completely off-street/road space on the same parcel for loading or unloading of freight carriers, having adequate ingress and egress to a public street/road or alley.

Lodging House A building other than a hotel, where lodging only is provided for compensation for not more than 12 persons not members of the family.

Lot A parcel of land.

Manufactured Home A home built entirely in the factory under a federal building code administered by the Department of Housing and Urban Development (HUD) is classified as a “Manufactured Home.” These homes are constructed to meet the Federal Manufactured Home Construction and Safety Standards Act (HUD Code) which have been in effect since June 15th , 1976. The Federal standards regulate manufactured housing design, construction, strength, durability, transportability, fire resistance, energy efficiency and quality. The HUD Code also sets performance standards for the heating; plumbing, air conditioning, thermal and electrical systems. It is the only national building code. Structurally manufactured homes may be factory constructed as either a single section or as multiple sections. The section(s) is(are) then transported to the site and installed. Terms such as “Modular Home”, “Panelized Home”, “Pre-Cut Home” are considered manufactured homes and are defined in this Ordinance. The State Statutes (Section 101.91) define “Manufactured Home” as either one of the following:

- a. A structure, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.
- b. A structure which meets all the requirements of par. (a) except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 to 5425(s. Wis. Statutes 101.91 (2) (a)(b).

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Manufactured Home Park An approved and developed parcel of land that provides a minimum of eight (8) developed and qualified sites for placement of manufactured homes that has met all the regulatory requirements of Wisconsin Administrative Code 65 (currently has jurisdiction of manufactured home parks). Any permanent or temporary dwelling unit or residence, including manufactured homes of less than 1200 square feet are qualified sites for placement in a manufactured home park.

Mobile Home “Mobile Home” means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction which has an overall length in excess of 45 feet. “Mobile Home” includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems and all other equipment carrying a manufacturer's warranty. (s. 101.91v(1) Wis. Statutes)

Modular Home Factory built homes constructed to state, local or regional codes where the home will be located are called Modular Homes. Just like the Manufactured Homes, Modular Homes are multi -sectioned units that are transported to the site and installed.

Motor Home A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling.

Nonconforming Use A building or premises lawfully used or occupied at the time of the passage of this Ordinance or amendment which use of occupancy or premises does not conform to the regulations of this Ordinance or any amendments when Ordinance passed.

Non-Metallic Mining The removal of rock, slate, gravel, sand, top soil or other natural material from the earth by excavating, stripping, leveling or any other process.

Occupancy Pertains to and is the purpose for which a building is used or intended to be used . A change of occupancy is not intended to include a change of tenants or proprietors.

Occupancy Permit A permit to allow use of a structure after all inspections and requirements are in compliance with the Ordinance.

Owner “Owner” means any person having a legal or equitable interest in the dwelling. “Owner” does not include any person whose legal or equitable interest in the dwelling is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a 3rd party.

Panelized Home. Panelized Homes are defined as homes where panels (flat units that represent a whole wall with windows, doors wiring and outside siding) are constructed in the factory and then transported to the site and assembled. Panelized homes must meet the state or local building codes of where they are sited.

Parcel: A piece of land.

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Parcel, Corner A parcel abutting on two or more street/roadways at their intersection, provided that the interior angle of such intersection is less than 135 degrees.

Parking Lot A structure or premises containing five (5) or more parking spaces open to the public.

Parking Space Any off-street/road space available for the parking of a motor vehicle(s).

Paved Road A street/road which surface has been improved per County Specifications with rolled asphalt, tar, oil or concrete.

Permanent Lasting; intending to last; not for a short time only.

Permit Document to allow a specific use. Necessary permits require with enactment of this Ordinance includes but may not be limited to a Land Use Permit - Sanitation Permit - Building Permit-Variance-Conditional Use Permit-Driveway Access and Culvert Permit-Occupancy Permit-Temporary Use Permit. These permits depend upon the nature of the undertaking.

Permittee Any person to whom a permit is issued under this Ordinance.

Person An individual or group of individuals, corporation, partnership, association, municipality or state agency.

Planned Unit Development (PUD) A parcel of land that contains or will contain substantially different character that of surrounding areas. It may also be referred to as a planned area development.

Planning & Zoning Committee. A five (5) person committee appointed by the Town Board for the purpose of drafting a land use and zoning ordinance.

Pre-Cut Home Pre-Cut Homes are another type of factory-built housing. Materials for this type of home are factory-cut (pre-cut) to design specifications, transported to the site and then assembled. Pre-cut homes included kit, log and dome homes. These homes are built to meet either local or state building requirement codes.

Principal Building or Use The building or use of primary importance on a parcel of land in contrast to those buildings or uses which are accessory to the main building or use.

Private Sewage System /Private On-Site Waste Treatment System (POWTS) For the purpose of this Ordinance a private sewage system shall have the same definition as contained in s145.01 (12) or what is referenced under the Clark county Ordinance governing such systems.

Professional Home Offices and other Occupational Offices Offices used but not limited to by the following listed below that do not exceed one - half ($\frac{1}{2}$) of the area of only one (1) floor of the residence and only one (1) non-residential person is employed at the office. These offices are not to be used for the actual physical service work or employment for retail or wholesale customers unless specifically approved by the Town Board.

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- a. Residences of the following persons primarily involved in the following repair work or employment where they have established a home office:
1. Carpenters
 2. Plumbers
 3. Electricians
 4. Painters
 5. Well drillers
 6. Masons
 7. Drywallers
 8. Air Condition and refrigeration contractors
 9. Excavating contractors
 10. Furnace and heating contractors
 11. Related home, appliance and structure repair services
 12. Trucking operation with less than three (3) commercial trucks
- b. Residences of the following persons primarily involved in the following occupational service or employment where they have established a home office:
1. Barbers
 2. Beauticians
 3. Real estate agents
 4. Insurance agents
 5. Stock brokers
 6. Computer services
 7. Appraisal services
 8. Photographers
 9. Assessor services
 10. Tree, landscape and agriculture services
 11. Tax and accounting services
 12. Travel agents
 13. Home health services
 14. Janitor serves
 15. Mail order services
 16. Music training services
 17. Speciality items and printing services
 18. Taxidermist
 19. Small engine repair services
 20. Auctioneer services
 21. Attorney services
 22. Health care services
 23. Veterinary services
 24. Other similar retail services provider s as determine by the Zoning Committee

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Recreational Travel Home A portable vehicular structure designed as a temporary dwelling for travel, recreation and vacation use that does not fall within the definition of manufactured home or modular unit or mobile home.

Residence Primary/Seasonal dwelling place.

Restaurant A space within a building for preparing, cooking and serving food for compensation.

Right-of-Way A parcel of land on which a public highway, power line, railroad, etc is built.

Roadside Stand A structure, not to exceed 300 square feet, not permanently fixed to the ground or fully enclosed, to be used for selling a product.

School A place or establishment where instruction is given.

Seasonal Use Habitation of a dwelling unit as defined in this Ordinance for not more than 120 days counted inclusively during an one calendar year.

Setback A minimum horizontal distance from the front, back or side of the parcel: the right-of-way line of the roadway or the centerline of the roadway, as designated in this Ordinance, to the front wall, back wall, or sidewall of the building , exclusive of permitted projections.

Sign A structure or device , except those placed by the public authorities for public purposes, on which advertising is displayed or attention is directed to advertising on the same or any other structure by any means visible to the eye.

Street/Road A public or private property or travelway which is subject to public easement or right-of way for use as a thoroughfare which may either provide the principal means of pedestrian and /or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicle traffic or both and which is twenty-one feet or more in width.

Street/Road Arterial A public street/road or highway intended to be used primarily for fast or heavy through traffic. Arterial streets/roads and highways shall include freeways and expressways, a well as major thoroughfares, highways and parkways.

Structure Anything that has shape, form and or utility.

Structural Alterations Any change in the supporting members of a structure such as bearing walls, columns, beam or girders, foundations and poles.

Subdivision Subdivision is the division or redivision of land into fewer lots, parcels, sites or divisions for the purpose of sale, lease, or transfer of ownership into fewer lots, parcels or sites.

Survey A boundary measurement of a parcel of real property.

Temporary Lasting for a short time only; used for the time being, not permanent.

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Temporary Structure A removable structure not designed for human occupancy nor for the protection of goods or chattel (Personal Property) and not forming an enclosure.

Town Unincorporated Town of Clark County.

Town Board The Board of Supervisors of the Town of Green Grove.

Travel Trailer (See Recreation Travel Trailer)

Tourist Camp or Court A parcel of land, open to the public, where temporary accommodations are provided either free or for a fee.

Unclassified or Unspecified Not specifically or definitely named or stated in this Ordinance.

Unnecessary Hardship A circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.

Variance A departure from the terms of The Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the variance will be in fundamental harmony with surrounding uses.

Vision Clearance Triangle An unoccupied triangular space at the intersection of highways or streets/roads with other highways or streets or at the intersection of highways or streets/roads or railroads. Such a vision clearance triangle shall be bounded by the intersecting highway, street/road or railroad right of way lines and setback line connecting points located on such right of way lines by measurement from their intersection as specified in this Ordinance.

Wetlands "Wetlands" means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Yard The space on a parcel not occupied by a permanent structure.

Zoning The separation or division of a municipality into districts, the regulation of buildings and structure in such districts in accordance with their construction and the nature and extent of their use and the dedication of such districts to particular uses designed to serve the General Welfare.

Zoning Administrator An individual officially designated to administer the Town Zoning Ordinance.

Zoning Committee The Town Green Grove Zoning committee consisting of 5 (five) individuals for the purpose of administering the ordinance, also known as the Planning and Zoning Committee. The Zoning Administrator shall not be included in that Committee.

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Zoning Ordinance Zoning Ordinance divides Town, City village or County into separate residential, commercial and industrial districts thereby preserving the desirable characteristics of each type of setting.

GENERAL PROVISIONS AND EXCEPTIONS

Sections 3.0

3.1 Jurisdiction The jurisdiction of this Ordinance shall include all lands within the Town of Green Grove, Clark County, Wisconsin, outside the limits of incorporated cities and villages.

3.2 Compliance

- A. No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, demolished, converted or structurally altered without full compliance with the provisions of this Ordinance and all other applicable local, county, states and federal regulations.
- B. The Ordinance does not prevent any entity from taking action against a nuisance under the appropriate laws of the State of Wisconsin.
- C. The open storage of junk, salvage, debris or unlicensed inoperable vehicles is prohibited where the storage, as determined in writing by the Town Board, is likely to cause a potential public health or safety concern, a potential public nuisance or likely to cause environmental pollution. The burial of human remains shall be prohibited outside of an approved cemetery.
- D. Nonconforming Use/Structure. The existing lawful use of a structure or premises which is not in conformance with the provisions of this Ordinance shall be called nonconforming and may continued subject to the following conditions:
 - 1. A non-conforming structure used for a conforming use shall not be enlarged or structurally altered except that a non conforming structure, which is only non-conforming by reason of height or setback requirements, used for a conforming use, not in need of repair, may be enlarged or structurally altered if the resulting structure does not increase the non conformity; does not create additional non-conformity; would not violate any other law, rule or regulation, and does not otherwise pose a threat to the public health, safety or welfare. A land use Permit must be obtained from the Zoning Administrator before commencing the enlargement or alteration.
 - 2. When a non-conforming structure used for a conforming use is damaged, needs repairs and/or is destroyed, it may be repaired, restored or replaced to its original building, footprint, or the repaired, restored or replaced to its original building footprint or the repaired, restored or replacement structure shall be in compliance with the provisions of the Zoning Ordinance. A Land Use Permit must be obtained from the Zoning Administrator before commencing the repair, restoration or replacement.

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3. If the nonconforming use of any building is discontinued for a period of twelve (12) months, any further use of the building or premises shall conform to the regulation for the district in which it is located.
 4. Changes and Substitutions - Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status of a legal conforming use and become subject to all conditions required by the Board of Adjustment.
 5. Non-Conforming Lots - A non-conforming lot is a lot that existed before the effective date of the Ordinance and does not meet the minimum standards of the Zoning Ordinance for the size or width.
 - a. A non-conforming lot may be developed provided that:
 1. The lot is in separate ownership from abutting lands: or the lot is in a subdivision created and recorded prior to at the date of Zoning Ordinance adoption, is not in common ownership with other lots in the subdivision, and **has at least one acre of net project area.**
 2. The proposed use conforms to the other requirements of the Ordinance and any sanitary code requirements.
 - b. A structure on a non-conforming lot if damaged or destroyed may be repaired or replaced provided that:
 1. The structure is repaired or rebuilt on the original footprint.
 6. Ordinary Maintenance:
 - a. The provisions of this section do not limit ordinary maintenance.
- E. To promote the public health, safety and general welfare of the Town of Green Grove and to limit potential public nuisances, the establishment of any enterprise, business, use or structure other than a single residential structure must have prior written approval by the Town of Green Grove Zoning Committee.
- F. Visual Clearance Triangle:
- A. At every street/road junction there will be a visual clearance triangle distance of 75 feet as illustrated in Exhibit B attached to this ordinance. Within this triangle nothing over 2 ½ feet above grade of the road /street shall be permitted. Open fences and agriculture crops are exempted from this requirement.
 - B. At every street/road/railroad crossing there will be a visual clearance triangle distance of 300 feet as illustrated in Exhibit B attached to this ordinance. Nothing over 2 ½ feet above the grade of the road/street shall be permitted. Open fences and agriculture crops are exempted from this requirement.
- G. Conflict of Provision
- A. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

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3.3 Site Restrictions.

Unsuitable land. - No land shall be used or structure, sign or building erected where the land is held to be unsuitable by the Town Zoning Committee for such use or structure, sign or building by reason of potential flooding, wetlands, inadequate drainage, adverse rock formation, unfavorable topography, polluted soil or groundwater or any other feature likely to be harmful to the health, safety, property, aesthetic and general welfare of the Town and its residents or likely to cause a potential public nuisance. The Town Zoning Committee in applying the provisions of the section, shall, after a public hearing, in writing, recite the particular facts upon which it bases its determination and order that the property is not suitable for certain uses, building, signs or structures and specifically for the uses, buildings, signs or structures by the applicant as proposed. The applicant as owner of the property or the agent of the applicant shall, after receipt of the written determination and order, have the right within (30) thirty days after the receipt of the order to present written evidence to the Zoning Committee contesting such claim of unsuitability if the applicant so desires. Thereafter the Zoning Committee may within thirty (30) days of receipt of the notice of this evidence, maintain, modify, amend or withdraw its determination and order of unsuitability. The Town Board, after a public hearing may in writing, on its own motion, maintain modify, amend or order a withdrawal of the order of unsuitability of the Zoning Committee but such action may occur only within sixty(60) days after receipt of the evidence provided by the applicant to the Zoning Committee. No land use permit shall be issued by the Zoning Administrator if a written order of unsuitability by the Zoning Committee or Town Board exists negating the proposed uses, buildings, signs or structures as unsuitable on the property of the applicant. An applicant may reapply for a new determination and order from the Zoning Committee only after six (6) months has lapsed since the date of the submittal of the prior application to the Zoning Administrator.

- B. No well will be drilled within 1000 feet of the following properties in the Town of Green Grove. Section 16-NE-NE (40 acres) Section 22 W ½ of NW-NE and NW-NW (100 acres) Section 23 NW-SW (2.75 acres) and Section 23 N700' of East 623' of SW-SW (10.01 acres) as delineated in Exhibit C.
- C. All parcels shall abut upon a public street/road and each parcel shall have minimum frontage and area as set forth in this Ordinance.
- D. All permanent/seasonal residences and commercial building sites shall be located on a minimum of a (5) five acre parcel and only one permanent/seasonal residence shall be located, erected, or moved on to a minimum of a (5) five acre parcel.
- E. No land Use Permit shall be issued by the Town Zoning Administrator for a parcel that abuts a public street /road without a minimum of 250 feet of road frontage except for the end of a dead end road.
- F. A sanitary permit shall be obtained from Clark County Planning and Zoning Department Prior to any Town of Green Grove land use permits being issued.

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- G. A Wisconsin Uniform Building permit shall be required prior to the construction, addition or moving of any family residential dwelling within the Town of Green Grove.
- H. All buildings and structures on lots butting navigable waters shall be in keeping with setbacks set forth in the Clark County Shoreland/Wetland Zoning Ordinance.
- I. A (5) five acres residential parcel may have a maximum of two access driveways with a minimum width of a 24 foot culvert with a diameter to provide adequate water flow, to be determined by the Town Board in writing, for each driveway entrance.
- J. Any driveway access for a Town road access shall require a permit approved by the Town Board in writing, unless the Town Board deems the driveway access point unsafe. Those areas of the Town of Green Grove that are located with access to Federal, State, and County roads will comply to the Statutes that regulate those areas.

3.4 Use Restrictions

- A. Approved Uses. Only those approved uses specified for a district, their essential services, accessory uses and the uses specified in paragraphs (B) through (E) shall be permitted in a district.
- B. Conditional Uses may be permitted when approved by the Zoning Committee in accordance with provisions of Section 3.12.0.
- C. Unclassified or Unspecified Uses may be permitted by the Zoning Administrator after the Zoning Committee has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.
- D. Utilities: To protect the public for health, safety and general welfare, all dwelling units and residences shall have an adequate sewer, septic, electric and water systems as determined by the Town Zoning Administrator. These systems are to be installed and maintained during any permanent, temporary or seasonal habitation of a dwelling unit or residence. The Town Zoning committee may waive this provision due to temporary failure of a system or for any other valid reason. No permanent, temporary or season privy shall be allowed on any parcel without the Town Zoning Administrator's approval in writing.
- E. Dumping of solid Waste is prohibited.

3.5 Temporary Uses.

- A. Camping Trailers and Recreational Mobile or Travel Vehicles may be used for temporary use for not more than 14 days in a (6) six month period and then be removed from the premises unless they are parked /stored on a parcel of land where a permanent/seasonal residence dwelling is occupied. Said vehicles cannot be parked in the setback areas. No mobile homes shall be installed in the Town on any temporary or permanent basis.

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- B. Uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator. A temporary permit for a camping trailer, motorhome or travel trailer to be inhabited during the construction or razing of a permanent home may be issued by the Zoning Administrator with an expiration of one year from the date of issuance of the Building Permit. If, within (1) one year of the date of issuance of a Temporary Use Permit, the proposed construction or preparation of land for use has not commenced, such permit shall expire, except that the Zoning Administrator may grant one renewal of such permit for a period not to exceed one (1) year upon the showing of valid cause. No habitation shall be permitted within an incomplete dwelling in excess of two years, unless an additional extension for a period of one year is granted by the board of adjustment. Prior to such a Temporary Permit being issued all septic, electric and water systems must comply with the requirement of those services.

3.6 Joint Use No part of any parcel, yard, parking area or other space require for a structure or use shall be used for any other structure or use.

3.7 Area Regulations.

- A. After adoption of this Ordinance, no parcel area shall be so reduced that the minimal size dimensional and yard requirements mandated by this Ordinance cannot be met. Parcels existing and of record prior to adoption of this Ordinance, but of substandard size, may be devoted to uses permitted in the district in which located.
- B. If two or more substandard parcels with continuous frontage have the same ownership as of the effective date of this ordinance, the parcels involved shall be considered to be an individual parcel for the purposes of this ordinance.
- C. Parcels created after adoption of the Ordinance shall meet minimum area requirements of the ordinance.
- D. Land used to meet minimum area requirements in the creation of any lot may not be sold, given, transferred or conveyed in any way, manner or method for the purposes of meeting minimum area requirements for the creation of additional lots.

3.8 Height Regulations

- A. Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, moved, enlarged, demolished or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
- B. Excessive Height Permitted. Heights of the following structure may exceed Ordinance limits for penthouses, stack, lookout tower, water towers, spires, radio and television aerials, masts, antennae, conveyor and /or other equipment requirements for non-metallic mineral extraction, and any other necessary mechanical devices.

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Churches, schools, hospitals, sanitariums and other other public and quasi-public buildings may be erected to a height not exceeding 75 feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (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

In airport safety zones the maximum height of any object located within five hundred (500) feet of either side of the centerline of a landing strip, and extended to a distance of two (2) miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip except for field crops and fences under four (4) feet high. All utilities shall be placed underground when located at the end of the landing strip.

- C. Height Restriction Exemptions. Farm buildings and related farm structures not for human habitation are hereby exempted from height regulations of this ordinance.

3.9 Front, Side and Rear Yard Regulation

- A. No part of a yard or other open space provided around any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space required for another building.
- B. No automobile parking lot, stockpile, waste or salvage pile, equipment storage yard or other accumulation of material or equipment in the open shall be stored or placed in minimum setback requirement of the front, side and rear yard.
- C. There will be no buildings allowed in a setback area.

3.10 Manufactured Home Parks

- A. Purpose. Manufactured home parks are established
1. To provide regulations and standards for the development of a safe, healthy and well designed community for permanent living in manufactured homes.
 2. To provide appropriately located areas within specific zoning district sites for manufactured home living developed at reasonable density consistent with sound standards of public health and safety.
 3. To ensure adequate light, air, access and open space for each manufactured home living unit.
 4. To regulate the manufactured home park such that it will complement the land use policy of the zoning district.
- B. Application and Initiation.
1. A manufactured home park license may be applied for as a Conditional use as provided under Section 3.12.0 of this Ordinance only for those districts, which specifically state that manufactured home parks are allowed as a Conditional Use. A manufactured home park for purposes of this ordinance shall include residential dwelling units with total square footage less than 1200 square feet.

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C. Special Regulations, All Manufactured Home Parks.

1. Manufactured Home Parks shall conform to the requirement of the State of Wisconsin Regulatory Agencies controlling manufactured homes and single and two family dwelling units or residences.
2. In addition to State Statutes, the Town Zoning Committee may require specific conditions regarding the development of a manufactured home park as appears reasonable and necessary to the general welfare of the potential occupants of a manufactured home park.

3.11.0 Planned Unit Development

3.11.1 Planned unit development (PUD) zoning provisions permit large lots or a large parcel of land to be developed in a more flexible manner than allowed by the Zoning ordinance. A planned unit development may allow a mix of land uses such as residential, commercial and conservancy and to develop the parcel at greater densities such as subdivisions or other land uses with more design flexibility than otherwise allowed by the Zoning ordinance. PUD provisions often require developers to compensate for the impact of their projects by setting aside significant and usable open space. Providing infrastructure needed to service the development or offering other community facilities and services.

- A. This PUD shall have no definite and measurable boundary until a specified planned unit development shall be approved by the Town Board upon the recommendation of the Zoning Committee. Plans for the proposed development shall be submitted to the Zoning Committee and shall show location, size and proposed use of all structures and land included in the area involved. The plans may provide a combination of single and multiple -family residential development as well as other compatible uses.
- B. The following criteria shall be applied to every proposed PUD as a basis for determining its consistency with the letter and spirit of this Ordinance.
 1. Its compatibility with the site, with particular emphasis on the preservation of natural features and the use of open space.
 2. Its overall compatibility with existing land uses in the vicinity and the probable future uses in the vicinity.
 3. The internal compatibility of the various land uses proposed to be included within the PUD.
 4. Its compatibility with existing and probably future transportation facilities in the vicinity and its tendency to increase the demand upon those facilities.
 5. The provision of adequate internal circulation facilities including streets, sidewalks and parking facilities within the PUD.
 6. Its compatibility with existing and future provisions of public utility services such as sewer and water facilities and its tendency to increase the demand upon those facilities.

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7. Its compatibility with existing and future public services, such as schools, police protection, fire protection, street/road maintenance, etc, and its tendency to increase the demand upon those services.
8. The provision of adequate open space, the provision of public access to streams and bodies of water, the preservation of environmental and aesthetic values and the provision of adequate and appropriate arrangements for the continuing preservation of the aforesaid features, including legal restrictions and other legal devices and provisions of adequate and appropriate institutional arrangements for continued maintenance.
9. The long term economic stability of the proposed development and its economic impact on other properties in the vicinity.
10. The presentation of an adequate and practical implementation schedule for completion of the development, whether by stages or all in one period, in order to ensure that the adverse results of failure to complete the development may be effectively avoided.
11. All land uses in the Planned Unit Development shall be conditional uses.

3.12.0 Conditional Uses

3.12.1 Purpose of Conditional Uses. The formulations and enactment of a comprehensive zoning ordinance is based on the division of the entire town into districts: each of which are permitted specified uses that are mutually compatible.

In addition to permitted compatible uses, however, it is recognized that there are other uses in a given district, but which because of the potential including neighboring uses or public facilities, need to be carefully regulated with respect to location or operation for the protection of the community. Such uses are classified in this Ordinance as "Conditional Uses" and fall into two categories.

- A. Uses either municipally operated or operated by utilities or uses traditionally affected by public interest.
- B. Uses entirely private in character which because of their peculiar location need, the nature of the service they offer to the public, and their possible undesirable influence on the neighborhood, may have to be established in a district, or districts in which they cannot reasonably be allowed as an unrestricted permitted use under the zoning regulations.

3.12.2 Initiation of Conditional Uses.

- A. Any conditional use permit application may be initiated by petition of any firm, person, agent of that person or corporation. If the property has more than one owner, all the owners or their authorized agent shall join in filing the application.
- B. Conditional use permits may be granted by action of the Zoning Committee provided that the procedure prescribed in the following paragraphs of this section is followed.

3.12.3 Application for Conditional Uses

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An application for a Conditional use Permit shall be filed on a prescribed form with the Town Zoning Administrator. The applicant shall include a written statement and adequate evidence showing that the proposed conditional use will conform to the standards set forth in this ordinance plus the following information and material:

- A. Name, address, telephone number, fax number and/or e-mail if available of the applicant and the name, address, telephone number, fax number and email if available of the agent of the applicant.
- B. Sworn statement that the applicant is the owner or the authorized agent of the owner of the property for which change is proposed and that all statements included in the application are true and complete to the best knowledge of the applicant or the agent.
- C. Address and legal description of the property and the proper Town Zoning District where it is now located.
- D. An accurate scale drawing of the site and the surrounding area for a distance of at least three hundred (300) feet from each boundary of the site showing the location of property lines and rights of way (any highway, road, street and railroad and public utilities).
- E. Name, Address, telephone number, fax number and email if available of any adjacent property owners.
- F. Any additional public or private land use restrictions or covenant on the property known to the applicant or the agent of the applicant.
- G. The application shall be accompanied by a fee as determined by the Town Board. This fee is to defray the cost of giving notice, investigation and other administrative processing.
- H. Any approval shall be by the Zoning Committee but only after the following : 1: the applicant has submitted a copy of all proposed building plans to the Zoning Committee 2) the applicant has submitted a written plan for the site including a)the proposed type of enterprise b)the proposed vehicle access locations c) the likely dates and hours of operation d) the likely number and type of vehicles accessing the site on a daily basis e) the likely number of person employed at the site. f) the potential negative and positive impacts on adjacent landowners g) the potential negative and positive impacts on the environment in the Town and County h) the potential of the site for expansion of the enterprise. i.)the likely square footage of all the buildings and improvements j.) need for any Federal, State, County and Town approvals and the specific approvals needed k) the likely commencement and completion dates for construction of all buildings and improvements l.) the suitability of the proposed site for proper drainage, proper erosion control, proper non-point source pollution control and proper groundwater and surface water protection m) the potential public health and safety concerns and public nuisance concerns to be associated with the site and the proposed enterprise n) the likely market value of the the property, including buildings and improvements o) additional information as may be required by the Town Zoning Administrator.

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3.12.4 Hearing of Application of Conditional Use.

The Zoning Administrator shall refer a copy of the application for a Conditional Use to the Zoning committee at least ten(10) days prior to the public hearing.

The Town Zoning committee shall schedule a public hearing within 30 days of receipt, in proper form, of an application, statement and fee for Conditional Use. Notice by a class 1 Notice, published under Chapter 985 Wis. Stats. shall be provided prior to the public hearing date. The applicant shall pay the cost of the publication upon filing the application and upon payment of the application fee. The public hearing shall be transcribed by tape recorder or the recording device prescribed by the Zoning Committee. Failure to provide proper notice by the publication of the public hearing or failure to provide written notice to the adjacent landowner shall NOT invalidate the required public hearing nor invalidate the findings and actions of the Zoning committee.

The Zoning Committee shall make a written report with its findings and recommended order for approval, disapproval or approval on conditions or denial of the application within 45 days after the first scheduled public hearing date. No application shall be recommended for approval by the Zoning Committee and no Conditional use permit issued to the application or the agent of the applicant by the Zoning Committee unless the Zoning Committee specifically finds, in writing, the following conditions are present:

1. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
2. That the uses, values and enjoyment of the other property in the neighborhood for the purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public street/roadways.
6. That the conditional use shall conform to all applicable regulations of the district in which it is located.
7. That the proposed use does not violate floodplain regulation governing the site.
8. That when applying the above standards to any new construction of a building, structure or sign or an addition to any existing building structure or sign or addition at its location does not defeat the purposes and objectives to the zoning district.

The Zoning Committee shall issue a Conditional use Permit, or shall deny such issue or shall issue the Conditional use Permit upon written acceptance by the applicant or by the agent of the application of the conditions established by the Zoning Committee upon the issuance of the permit.

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Prior to the granting of any Conditional Use Permit, the Zoning Committee may stipulate in writing, such conditions and restrictions upon the establishment, location of the construction, maintenance and operation of the Conditional Use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements of this Ordinance. In all cases in which Conditional Uses are granted, the Zoning Committee shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for :

1. Landscaping
2. Type of construction
3. Construction commencement and completion dates
4. Sureties
5. Lighting
6. Fencing
7. Operation control/remediation controls/ removal of controls
8. Hours of operation
9. Traffic circulation
10. Deed restrictions
11. Access restrictions
12. Setbacks and yards
13. Compliance with local, county, state and federal agency licenses, permits or approvals.

Upon issuance of the Conditional Use Permit, the failure of the applicant to fully comply within a reasonable length of the time as determined by the Zoning Committee with any and all of the written conditions of the Conditional use Permit shall be specific grounds for the Town Board to find by written order noncompliance with the permit as issued and to revoke by order of the Conditional Use of the applicant.

Notice of the action taken by the Town Zoning Committee, including any report, recommendations and conditions shall be sent to the applicant or to the agent of the applicant at their last known address by U.S. Mail within 30 days after the final order decision date of the Zoning Committee.

3.13.0 Variance

3.13.1 Purpose of Variance

The Board of Adjustment shall determine and may vary the regulations of this Ordinance in harmony with its general purpose and intent only in specific instances where the Board makes a finding of fact based upon the standards hereinafter prescribed, that there are practical difficulties in carrying out the strict letter of the regulations of this Ordinance, and that the granting of a variance will not merely serve as a convenience to the applicant but is necessary to alleviate some demonstrable difficulty or unnecessary hardship.

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3.13.2 Initiation of Variance

- A. Any variance may be initiated by petition of any firm, person, or corporation. If the property has more than one owner, all the owners or their authorized agents shall join in filing the application.
- B. Variances may be granted by action of the Board of Adjustment provided that the procedure prescribed in the following paragraphs of this section are followed.

3.13.3 Application for Variance

An application for a Variance shall be filed on a prescribed form with the Zoning Administrator. The applicant shall include a statement in writing and adequate evidence showing that the proposed variance will conform to the standards set forth in this ordinance, plus the following information and material.

- A. Name, address, telephone number, fax number and e-mail address, if available, of the applicant and the name, address telephone number, fax and email address of the agent of the applicant.
- B. Sworn statement that the applicant is the owner or the authorized agent of the owner of the property for which the change is proposed.
- C. Address and description of the property.
- D. An accurate scale drawing of the site and the surrounding area for a distance of at least three (300) feet from each boundary of the site showing location of property lines and right-of-way (Any highway, road, street, and railroad and public utilities).
- E. Name, address, telephone number, fax number and email address, if available, of adjacent property owners.
- F. The application shall be accompanied by a fee as determined by the Town Board. This fee is to defray the cost of giving notice, investigation and other administrative processing.

3.13.4 Hearing of Application of Variance

Upon receipt in proper form of the application, statement, and fee, the Board of Adjustment shall hold at least one (1) public hearing on the proposed variance. A notice under Chapter 985 of the Wisconsin State Statutes shall be given. A record of the public hearing shall be filed with the Town Clerk and in the Town Zoning Office.

3.13.5 Time Limitations

- A. Public Hearing Notice. The Board of Adjustment shall schedule a public hearing within 45 days of receipt, in proper form, of a petition for a Variance.

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- B. Board of Adjustment Decision. The Board of Adjustment shall make a decision to approve, approve with changes, or deny a petition for a Variance within 45 days of the scheduled public hearing. Any action to deny shall be stated in writing with reasons for that denial.
- C. The notice of the action taken by the Board of Adjustment shall be sent to the petitioner by U.S. Mail within 30 days of said decision.

3.13.6 Standards and Guidelines

For a variance to be granted, the applicant must prove their situation meets all three standards: unnecessary hardship; unique property limitations; and public interest protected and those standards must be met in view of all of the evidence presented. A variance is not warranted if the physical character of the property allows building, alteration and/or development that is in compliance with the zoning ordinance. The following standards shall be addressed by the Board of Adjustment in determining whether a variance is to be granted:

- A. Unnecessary hardship. The application of the zoning ordinance to the site, property or buildings will cause an unnecessary hardship.
 - 1. An unnecessary hardship occurs when the strict application of the zoning ordinance denies the applicant all reasonable use of the property as a whole.
 - 2. A variance shall not be granted where the reason for obtaining a variance is to alleviate personal inconvenience, construction errors or self-created hardships.
 - 3. A variance shall not be granted where the reason for obtaining a variance is to obtain a more profitable use of the property or other economic reasons.
 - 4. The hardship cannot be one that would have existed in the absence of the zoning ordinance.
- B. Unique Property Limitations. Unique physical characteristics of the property prevents the applicant from developing in compliance with the zoning ordinance.
 - 1. Physical features may limit the use of the property include but are not limited to , wetlands, soil type bedrock type and depth, groundwater depth and steel slopes
 - 2. Unique property limitations are unique or special conditions or exceptional circumstances on the land in question due to lot size or shape, topography, or other physical features or circumstances, which the applicants or the owners of the property since the enactment of the Ordinance have had no control over and which do not generally apply to other properties in the same zone or vicinity. The property must qualify for the variance, not the situation of the applicant.
 - 3. Existing violations on other properties of variances previously granted including variances improper granted are not grounds for a variance. Applications for a variance must be individually evaluated based on all of these standards and guidelines as applied to the property in question.
 - 4. Variances shall not be granted for property features that affect many properties in the same way nor shall a variance have the effect of a rezoning or an amendment to the Ordinance.
- C. Public Interest protected. Granting of a variance must not harm the public interest.

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1. A variance must not violate the purpose, intent or objectives of the zoning ordinance.
2. The granting of a variance shall not be based on the number of persons for or against it or the lack of opposition or support, but shall be based solely upon the equities of the situation involved and the interest of the public at large.
3. If granted, the variance can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

D. In addition, the Board of Adjustment must considered the following guidelines:

1. Variances may be granted in the form of an area or dimensional variance. However, use variances shall be specifically prohibited under the zoning ordinance. No variance shall have what effect of permitting any use in a district that is prohibited in that district.
2. The use of the property and/or buildings in question must presently either conform to the zoning ordinance or be a legal non-conformity, to even be considered for a variance. An application that would bring the property into compliance may be considered.
3. Variances may not be granted for the purpose of altering the sanitary requirements of the Clark County Sanitary Code.
4. In those areas located within the floodplain, a variance cannot permit filling and development contrary to the purpose and intent of the Clark County Floodplain Ordinance; cannot permit a lower degree of flood protection in the floodplain district than the flood protection elevation; cannot permit any change in established flood elevations or profiles; cannot allow any residential, commercial, institutional or park basement or crawlway to be located below the 100-year recurrence interval flood elevation; further, that the variance for a the proposed action cannot require an amendment to the floodplain zoning ordinance; and furthermore, that the variance would not have the effect of granting or increasing a use of property which is prohibited in the floodplain district or any action contrary to the provisions of Chapter NR116 of the Wisconsin Administrative Code.

Section 3.14.0 Administration for Ordinance

3.14.1 Zoning Committee

- A. Designation. By authority so stipulated in Chapter 60.61(4) of the Wisconsin Statutes, the Town Board shall appoint a committee of five (5) who will be known forthwith as the Town of Green Grove Zoning Committee. Members of the Committee will hold office until replaced by the Town Board. All members of the committee shall be legal residents and eligible voters in the Town of Green Grove, Clark County Wisconsin. The members shall serve without compensation unless the Town Board shall order or vote to compensate such members at the time of their appointment.

3.14.2 Zoning Administrator

- A. Designation. There is herewith created the Office of Zoning Administrator for the administration and enforcement of the provisions of this Ordinance. The office may be a

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part-time position as the Board in its discretion shall determine. The Zoning Administrator shall fulfill the duties of the Office of the Administrator and shall be appointed by the Town Board for a term of two years. The Town Board will appoint a Zoning Administrator Deputy and will provide him/her with appropriate training to fulfill the duties of the Zoning Administrator when he/she is unable to perform his/her duties.

- B. Duties . In administering and enforcing the Ordinance, the Town Zoning Administrator shall perform the following duties under the direction of the Town Zoning Committee.
1. Advise applicants as to the provisions of this ordinance, and assist them in preparing permit applications provided by him /her. It is highly recommended that prior to any entity securing property or entering into any enterprise is the Town of GreenGrove to contact the Zoning Administrator to become familiar with the regulations of this Ordinance and to become aware of all necessary permits that are required.
 2. Issue permits after inspection and approval by himself/herself of the properties of compliance with this ordinance, and approval of the majority of the Zoning Committee.
 3. Keep records of all permits issued, inspections made, work approved and other official actions.
 4. Issue Land Use Permits - Building Permits - Occupancy Permits.
 5. Issue Driveway Access and Culvert Permits or any other Permits deemed necessary when authorized by the Town Board in writing.
 6. To take such account as may be necessary for the enforcement of the regulations provided therein; to attend all meetings the Town Board Zoning Committee or Town Board shall direct.
 7. Make a quarterly and annual report of his/her activities to the Town Board of Supervisors and to the Zoning Committee.
 8. Maintain the Official Zoning Map of the Town of Green Grove and update it upon zoning changes.
- C. Powers. The Zoning Administrator shall have the authority including but not limited to the following:
1. Access to any structure or premises for the purpose of performing their duty between 8:00 a.m.and 8pm by the permission of the power or upon issuance of special inspection warrant in accordance with s66.0113 or its successor provision.
 2. Upon reasonable cause or question as to proper compliance, to revoke any permit issued by the Zoning Administrator and to issue cease and desist order requiring the cessation of any buying, moving , alteration or use which is in violation of the provisions of this Ordinance.

3.14.3 Land Use Permits

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- A. Required: No building, sign, or structure, including trailers/mobile/manufactured homes shall hereafter be constructed, enlarged, altered (enlarging or decreasing floor area), demolished or moved within any area subject to the is Ordinance until a Land Use Permit has been issued. No permitted uses, temporary uses, accessory uses or unspecified or unclassified uses shall occur in the Town of Green Grove without a Land Use Permit.
- B. Application: Application for permits shall be made in writing to the Zoning Administrator upon a form furnished by the Administrator. Included with the written application shall be a certified survey for all division of land less than 40 acres or other lands the Zoning Administrator deems necessary. The Town Board on its own motion may require a public hearing by the Zoning Administrator prior to issuance of the land Use Permit. The Zoning Administrator may place conditions on issuance of the permit to protect public health and safety and to ensure compliance with the Ordinance.
- C. Termination: Where a permitted use, temporary use, accessory use or unclassified use does not continue in conformity with the original approval of the land use permit; it shall be terminated by action of the Town Zoning Committee in writing.
- D. Permit Fee: Application for permits or certificates prepared under the regulation of this Ordinance shall be accompanied by a fee set by the Town Board. All permit fees will be assessed a late penalty fee for any building structure or sign requiring a permit under this Ordinance when construction commences prior to a land use permit being issued. Current fee schedules are kept on file with the Town Clerk and Zoning Administrator.
- E. Lapse of Permit: A land use permit issued according to the regulations of this Ordinance shall lapse and be void unless construction of the framework of the building, sign or structure has been completed within one (1) year from the date of issuance of the permit and the building, sign or structure itself has been completed with two (2) years of issuance of such permits.

3.14.4 Building Permits

- A. Any required sanitary permit shall be obtained from the Clark County Planning and Zoning Department prior to any Green Grove building permits being issued.
- B. A Wisconsin Uniform Building Permit shall be required for the construction, addition or moving of any building within the Town of Green Grove; any building under 32 (see amendment March 13, 2007 changed from 32 sq ft to 120 sq ft.) square feet such as a dog house, bird house, etc will not require a building permit.
- C. Application for a Building permit shall be made to the Zoning Administrator in writing and on a form designed to give pertinent information relative to any such proposed construction, reconstruction, remodeling or moving project.
- D. After the application has been filled with Zoning Administrator and an inspection of all written plans has been made to the satisfaction of the Zoning Administrator and that the proposed work to be done is in every way in compliance with this Ordinance and the Laws of the State of Wisconsin a Building Permit shall be issued by the Zoning Administrator.

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- E. Any such Building Permit so issued shall show the owner (s) of such property upon which such proposed construction is to take place, describe the property as recorded in the Town assessment roll, and show the amount of cost or estimated cost of the proposed construction, reconstruction, remodeling or moving project.
- F. The Zoning Administrator shall issue a notice to the Town Clerk whenever a building permit is issued. Such notice shall be made by the Zoning Administrator on a form furnished by the State and shall contain all required information that is pertinent to the construction for which the Building Permit has been issued.
- G. An Occupancy Permit will be issued upon the Zoning Administrator's determination that compliance with the Ordinance has been met.

3.14.5 Enforcement Violation and Penalty

- A. Enforcement: The Zoning Administrator shall report all violations of the Ordinance and action thereof to the Town Zoning Committee. The Zoning Administrator may sign a complaint and violation to any attorney retained by the Town to prosecute said violation.
- B. Citations: Pursuant to s66.0113 Wis. Stats. Or its successor provision , the Town Board has authorized at its option the use of citations for enforcement of this Town Zoning Ordinance. The Town Zoning Administrator or Town Chair shall have the authority, with approval of the Town Board to issue citations under this Ordinance. The Town of Green Grove shall calculate the total amount of the citation by adding together as follows:
 1. The forfeiture amount as established below.
 2. The penalty assessment under 165.87 or its successor provision (s.165.87 has been renumbered in part and replaced in part to: s.757.05 (2)(a) s. 16.964(4) s. 757.05(1)
 3. The jail assessment under 302.46 or its successor provision.

The specific forfeiture amounts for violating the below noted particular sections of this Ordinance shall be as follows:

Section 3.2 {A} {C} {F}	\$150.00 forfeiture	(Compliance)
Section 3.3 (A) through J)	\$100.00 forfeiture	(Site Restrictions)
Section 3.4 (D)(E)	\$100.00 forfeiture	(Use Restrictions)
Section 5	\$100.00 forfeiture	(Temporary Use)
Section 3.6	\$100.00 forfeiture	(Joint Use)
Section 3.9 (A)(B)(C)	\$100.00 forfeiture	(Yard Regulations)
Section 3.14.3 (A)(E)	\$150.00 forfeiture	(Land Use Permits)
Section 3.14.4 (A)(B)(G)	\$100.00 forfeiture	(Building Permits)
Section 5.3	\$100.00 forfeiture	(Setbacks)
Section 5.4	\$100.00 forfeiture	(Frontage)
Section 5.5	\$100.00 forfeiture	(Height Restrictions)
Section 5.6(A)(B)	\$100.00 forfeiture	(Lot Size)
Section 5.7 (A)(B)	\$100.00 forfeiture	(Residential Sq. Footage)

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Section 5.8 (A)	\$100.00 forfeiture	(Utilities & Septic)
Section 5.9 (A)	\$100.00 forfeiture	(Driveway & Culvert)
Section 5.11	\$100.00 forfeiture	(Animal Units)
Section 6.4 (A-D)	\$100.00 forfeiture	(Commercial Setback)
Section 6.5 (A)	\$100.00 forfeiture	(Commercial Frontage)
Section 6.6 (A)	\$100.00 forfeiture	(Commercial Height)
Section 6.7 (A)	\$100.00 forfeiture	(Commercial Lot Size)
Section 6.8 (A)	\$100.00 forfeiture	(Commercial Sq. Ftg)
Section 6.9 (A)	\$100.00 forfeiture	(Commercial Loading/Unloading)
Section 6.10 (A)	\$100.00 forfeiture	(Commercial Location)
Section 6.11 (A)	\$100.00 forfeiture	(Commercial Driveway)
Section 8.1	\$150.00 forfeiture	(Signs – General)

C. Double Fee Provision A double fee shall be charged by the Zoning Administrator for any act requiring insurance of a permit should the act commence prior to issuance of the permit.

D. Second Offense Penalty. A double fee shall be charged by the Zoning Administrator for any second offense violation.

E. Violations: Penalties:

Failure to comply with any of the requirements of this Ordinance shall constitute a violation , and any person upon conviction thereof shall be fined not less than two hundred (\$200.00) nor more than five (5%) of the cost of the finished project for each offense, or imprisonment in the County Jail for a period of not more than six (6) months, or both. Proceedings may be commenced by warrant, arrest, or summons. Each day the violation continues shall be considered a separate offense. Any expenses incurred in these actions will be borne by the violators(s).

Any structure or sign erected, moved, altered, enlarged, demolished or maintained and any use of a site contrary to the provisions of this Ordinance shall be and hereby declared to be unlawful and a public nuisance. An attorney retained by the Town shall immediately institute necessary legal proceedings of the abatement, removal, and enjoyment thereof in the manner provided by law, shall take such other steps as may be necessary to accomplish these ends and shall apply to the court of competent jurisdiction to grant such relief as will remove or abate the structure, sign or use and restrain or enjoin the person, firm, corporation, or organization from erection,, moving altering, or enlarging the structure or sign or using the site contrary to the provisions of this Ordinance.

3.14.6 Board of Adjustment

1. The Town Board shall appoint. If a zoning ordinance has been adopted under s. 60.61, the Town Board shall establish and appoint a Board of Adjustment.
2. Membership. The Board of Adjustment consists of three (3) members. Not more than one Town Board supervisor may be a member of the Board of Adjustment. The initial terms of the members of the Board of Adjustment are one (1), two (2), and three (3) years respectively, starting from the first day of the month following the appointment. Successors shall be elected or appointed at the expiration of each term and their term of

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office shall be 3 years until their successors are elected or appointed. Members of the Board of Adjustment shall reside within the Town. The board shall choose a chair. Vacancies shall be filled by the Town Board for the unexpired term of any member whose office becomes vacant. The Town Board may compensate the members of the adjustment board.

3. Powers and Duties. The Town Board may authorize the board of Adjustment to , in appropriate cases and subject to appropriate conditions and safeguards, permit variances to the terms of the zoning ordinance under s.60.61 consistent with the ordinance's general purpose and intent and with applicable provisions of the ordinance. This subsection does not preclude the granting of conditional uses by the Town Zoning Committee designate under s. 60.61 (4) or the Town Board , in accordance with regulations and restrictions adopted under s. 60.61.
4. Procedure. The Town Board shall adopt regulation for the conduct of the business of the Board of Adjustment consistent with ordinances adopted under s.60.61. The Board of Adjustment may adopt rules necessary to implement the regulations of the Town Board. Meetings of the board shall be held at the call of the chairperson and other times as the board may determine. The chairperson, or in his or her absence, the acting chairperson, may administer oaths and compel the attendance of the witnesses. The board shall keep minutes of its proceedings showing the vote of each member upon each question , or if absent, indicating the fact and shall keep records of its examinations and other official actions all of which shall be immediately filed in the office of the board and shall be a public record. In any action involving a historic property, as defined in s.44.31 (3), the board shall consider any suggested alternative or recommended decision submitted by the landmarks commission or the Zoning Committee.
5. Exercise of the County Board of Adjustment Powers. Boards of Adjustment under Town Zoning Ordinances shall have the powers and duties provided for boards of adjustment under s. 59.694 and shall carry out their duties in the manner provided for Boards of Adjustment by s.59.694.
6. Powers of Board. The Board of Adjustment shall have all the following powers:
s.59.694(7).

To hear and decide appeals where it is alleged there is error in an order, requirement, decision or determination made by an administrative official in the enforcement of s.59.69 or of any ordinance enacted pursuant thereto. s59.694(7)(a).

To authorize upon appeal in specific cases variances from the terms of the Ordinance that will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship and so that the spirit of the Ordinance shall be observed and substantial justice done.
s59.694.(7)(c).

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ZONING DISTRICTS

Section 4.0

4.1 Definitions of Boundaries of Districts

- A. In unsubdivided property, unless otherwise indicated on the “Zoning Map of the Town of Green Grove” or in the legal description, the district boundary lines are the centerlines of the streets/roads, highways, railroads, section lines or quarter section, eighth section or sixteenth section lines of such lines extended.
- B. Whenever dimensions are shown on the “Zoning map of the Town of Green Grove”, they shall govern.
- C. In subdivided lands where district boundaries are shown as adjacent and parallel or approximately parallel to street/road lines, such district boundary lines shall be assumed to be the parcel lines of the parcels abutting such streets/roads.
- D. When district boundary lines are shown on the “Zoning Map of the Town of Green Grove” as being adjacent to streets/roads, highways or railroads, it is intended that such district boundary lines shall be assumed to abut the right of way of such street/road, highway or railroad.
- E. District boundaries shall normally be parcel lines, section lines, $\frac{1}{2}$, $\frac{1}{4}$, $\frac{1}{8}$, or $\frac{1}{16}$ section lines centerlines of street/roadways, highways, railroads, boundaries of lakes, rivers and streams, as shown in Description of Properties, 2001 Assessment Roll, town Green Grove.

Questions regarding the exact location of district boundaries shall be decided by the Town Zoning Committee. Decisions may be reviewed on appeal to the Board of Adjustment as provided in Section 314.6 of the Ordinance.

- 4.2 Established Districts. In order to regulate and restrict the location of trades and industry and the location of buildings designed for specific uses and to regulate and limit the bulk of buildings thereafter erected or altered, to regulate and limit the density of population, to protect the environment, to prevent public nuisance, to eliminate potential land use conflicts and for the purpose of promoting the health, safety and general welfare, the Town of Green Grove, outside the limit of incorporated villages and cities is hereby divided into the following districts:

A/R Agriculture/Residential	(Section 5.0)
CI Commercial	(Section 6.0)
W Conservancy District	(Section 7.0)

- 4.3 Zoning Map This map is designated as the official “Zoning Map of the Town of Green Grove, Clark County, State of Wisconsin”. This map and land descriptions

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are made a part of this Ordinance. All notations, references and other information shown upon the said "Zoning Map " and land descriptions shall be as much a part of this Ordinance as if the matter and things set forth by said map and land descriptions were fully described herein.

The official "Zoning Map of the Town of Green Grove, Clark, Cont, State of Wsiconson:, together with a copy of the Ordinance, shall be kept at the Town Zoning Administrator's Office and the Green Grove Town Hall and will be available for public inspection during office hours or by appointment with the Town Clerk or Zoning Administrator.

A/R AGRICULTURE/RESIDENTIAL DISTRICT

Section 5.0

5.1 Purpose

- A. To discourage disassociated residential development on lands that are used for agricultural pursuits and open space uses.
- B. To give primary consideration to agricultural pursuits and related agri-industry.
- C. To permit non-agricultural uses that acquire land areas so as not to detract or adversely affect agricultural pursuits of the rural area.
- D. To discourage residential development other than those who desire to associate and identify with a rural agricultural community accepting its relevant and known environmental conditions.

5.2 Approved Uses

- A. Agricultural use including dairying, livestock and poultry raising, nurseries, maple syrup processing, greenhouses and other similar enterprises or uses, except other agriculture uses operated with the use of garbage, sewage or other solid waste for a feed supply.
- B. Aquaculture
- C. Raising and harvesting forest products
- D. Single family dwelling/Permanent/Seasonal Residence
- E. Professional Home Office or Home Occupations
- F. Town of Green Grove Municipal Buildings
- G. Roadside stands.
- H. Signs as permitted in section Eight (8)
- I. Extractions of non-metallic minerals and resources of less than 500 cubic yards for duration of extraction indigenous to the Town of Green Grove. Such natural mineral resources may be processed on the premises where extracted, including the washing and grading of sand and gravel, rock crushing, the erection of building and installation of machinery and equipment necessary thereto , provided within two (2) years of cessation of

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the operation or at the exhaustion of the resource, restoration shall occur subject to the approval of the Town of Green Grove Zoning Committee.

- J. Churches - Public and parochial Schools - Public and Religious Cemeteries

5.2.1 Conditional Uses

- A. Utilities, including telephone, wireless communications, cable and power line and necessary appurtenant structures.
- B. Sawmills
- C. Fur farms when located not less than one thousand (1,000) feet from an residential building other than that of the owner of the premises, his agent or employee. The setback from the center of the road is 200 feet.
- D. Planned Unit Development.

5.3 Setbacks

- A. Minimum front setback is 75 feet from the center of the road
- B. Minimum side setback is 50 feet from the property line.
- C. Minimum rear setback is 50 feet from propertyline.
- D. Setback for driveways is a minimum of 10 feet between the property line and near the edge of the driveway.
- E. All new residential structure or expansion of existing residential structure shall be at least 500 feet from an existing working farmstead structure including manure pit or storage facility, and in the same context, any new farmstead structure or any new expansion of a farmstead structure including a manure pit or storage facility must be 500 feet from an existing residential home; the primary farmstead residence of the owner or leaseholder of the farm is excluded from this requirement.

5.4 Frontage

Minimum road frontage is 250 feet except for the end of the dead-end road.

5.5 Height Restrictions

- A. Maximum height for a new structure to be 35 feet; farm buildings and related farm structure not for human habitation, are hereby exempted from the height regulations of this Ordinance.

5.6 Lot Size

- A. All single dwelling/permanent/seasonal residences must have a minimum of five acres.
- B. All single dwelling/permanent/seasonal residences shall be titled to the parcel owner.

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5.7 Residential Square Footage

- A. The minimum 1200 square feet of living space persingel family dwelling/permanent/seasonal residence must be 1200 square feet or more located on a single qualified permanent foundation.
- B. No building permit for any structure for which a building permit is required, shall be issued unless the exterior architectural appeal and function plan of the proposed structure will be similar to and compatible with the immediate neighborhood or the character of the applicable zoning district. In particular , residential/seasonal homes and the main business structure shall have minimum width of 20 feet per side, not including appurtenances such as porches and garages, to be deemed compatible with a residential district.

5.8 Approved septic, water and electrical system

- A. All single dwelling/permanent/seasonal residences shall be required to have a separate and approved septic, separate and approved water and separate and approved electrical system.

5.9 Driveway Access and Culvert Permit

- A. Driveway access and culverts permits must be approved by the Town Board Chairman prior to installation.

5.10 Manufactured Home Outside of Manufactured Home Parks

- A. A building permit shall be issued for a manufactured home when it meets the same criteria set forth in this Ordinance. In addition, all manufactured homes shall have the following criteria:
 - 1. No mobile home will be allowed.
 - 2. The unit is placed on a permanent foundation with adequate anchorage to prevent damage by winds up to 60 mph. Such foundation shall totally enclose the lower portion of the unit and be of fireproof material.

5.11 Animal Units

- A. Not to exceed 1.4 animal units per acre of land, available for proper animal waste disposal, owned/rented in the Town of Green Grove and land owned /rented adjacent to the Town Of Green Grove. See attached chart attached to this Ordinance as Exhibit A as specified in s. NR243.11, table 2 on animal units.

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5.12 Animal Waste

- A. Animal waste storage facilities must meet the standards of the County Animal Waste Management ordinance.

Commercial - C-1

Section 6.0

6.1 Purpose

- A. The C1 District is intended to provide an area of the business and commercial needs of the community.

6.2. Approved Uses

- A. Sale or resale of products and services. Any commercial use may be permitted except those that are dangerous or generate a high degree of noise, smoke, traffic or air or water pollution that would create a public nuisance.
- B. Automotive Body Shop
- C. Graphic Design and Painting
- D. Tavern
- E. Repair Shop
- F. Retail Shop

6.3 Conditional Uses

- A. Sand and/or Gravel Pits
- B. Manufactured Home Parks
- C. Planned Unit Development

6.4 Setbacks

- A. Minimum front setback is 150 feet from the center of the road
- B. Minimum side setback is 150 feet from property line
- C. Minimum rear setback is 150 feet from property line
- D. Setbacks for driveways is a minimum of 10 feet between the property line and the near edge of the driveway.

6.5 Frontage

- A. Minimum road frontage is 250 feet

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6.6 Height Restrictions

- A. Maximum height for a new structure to be 35 feet

6.7 Lot Size

- A. All commercial establishments shall be located on a minimum of five (5) acres.

6.8 Square Footage

- A. Buildings will require a minimum of 1000 square feet except accessory buildings with issuance of a required and approved land Use Permit issued by the Zoning Administrator. In particular, the principle business structure shall have a minimum of 20 feet per side, not including appurtenances such as porches and garages, to be deemed compatible with a commercial district.

6.9 Loading/Unloading Area

- A. Sufficient space for the loading or unloading of vehicles shall be provided on the premises in connection with any commercial or industrial use so that the street/roads shall at **all times** be free and unobstructed to the passage of all traffic.

6.10 Location of Commercial Establishments

- A. All Commercial establishments in the Town of Green Grove will be located on County Paved roads or paved frontage roads (paved roads to meet specification of Clark County) adjacent to State Highway 29.

6.11 Minimum Width for Driveway Entrance

- A. Minimum width of a 24 foot culvert with a diameter to provide adequate water flow, to be determined by the Town Boards in writing, is required for commercial drive driveway entrances.

CONSERVANCY DISTRICT -W

Section 7.0

7.1 Purpose

- A. The W District is intended to preserve the natural state of scenic areas in the community and to prevent spread of residential development, and to prevent marginal lands so as to prevent potential hazards to public and private property.

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7.2 Approved Uses

- A. Green spaces
- B. Wetlands
- C. Parks
- D. Ballfield
- E. Forestry
- F. Grazing livestock
- G. Wildlife preserve, refuges and habitat development

7.3 Conditional Uses

- A. Sewage disposal pumping Areas
- B. Hiking, bicycling, ATV, pedestrian and snowmobile trails
- C. Public outdoor playgrounds
- D. Utilities including telephone, wireless communications, cable and power line necessary appurtenant structures.

SIGNS

Section 8.1

8.1 General

No signs or billboards shall be permitted in any District except as specifically permitted herein.

At no time shall signs be permitted within a Visual Clearance Triangle.

No sign shall be illuminated by an source of light that is not shielded to prevent glare or illumination of residential property other than that of the sign owner; nor shall the glare of anylight source be so directed as to impair the safety of moving vehicles, No signs, except of public nature normal to public right-of-way without approval in writing from the Town Zoning Committee.

The following signs are permitted when located no less than 15 feet from the public right-of-way line:

- A. Customary professional and home occupation signs and “for Rent” or “For Sale” signs, not exceeding (four) 4 square feet in area.
- B. Signs not to exceed 32 square feet with a maximum height of 15 feet.
- C. Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation
- D. One announcement sign or bulletin board of an appropriate nature, identifying a hospital, school, church or other similar facility or institution, not exceeding 20 square feet in area.

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- E. Temporary signs of not more than 20 square feet in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Signs shall be removed at the conclusion of the event.
- F. Signs, which have become unsafe or unsightly, shall be repaired or removed by the sign owner or the owner of the property upon which the sign stands upon notice of the Zoning Administrator. The owner of any sign classified as illegal, deteriorated or dilapidated, or abandoned which has not been brought into compliance or removed within the time specified by the Zoning Administrator may be ordered by the Town Zoning Committee to be removed. The expenses of such removal will be placed on the tax rolls as a special assessment upon the property from which the sign was removed. The owner of any sign classified as illegal, deteriorated or dilapidated, or abandoned may appeal such determination to the Board of Adjustment as provided in Section 3.14.6.

8.2 Special Provision

Signs lawfully existing at the time of the adoption or amendments of this Ordinance may be continued although the use, size or location does not conform to the provisions of this Ordinance. If any legally established nonconforming sign is damaged, exceeding 50% of its replacement value, it shall not be rebuilt and must be removed. Nonconforming signs will be removed by the end of the fifth year of said date of the enactment of this ordinance.

Amendments - Changes to Ordinance

Section 9.0

9.1 Amendments - Changes to Ordinance

After the Town Board has adopted this zoning ordinance, the Town Board may amend, alter, supplement or change the boundaries or regulations established in the ordinance if public hearing is held on the revisions. The Town Board shall give notice of any proposed revisions by a Class 2 notice under Chapter 985 Wis. Stats. The Town Board shall allow any interested person to testify at the public hearing. If any proposed revision under this ordinance would make any challenge in an airport affected area s.62.23 (6)(am) 1.b Wis.stats, the Town Board shall mail a copy of such notice to the owner or operator of the airport bordered by the airport-affected area.

A petition to amend, alter, supplement or change the zoning ordinance shall be made on a form provided by the Zoning Administrator. A petition for amendment must be filed with the Town Clerk. It may be made by a property

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owner in the area to be affected by the amendment, by the Town Board in any town in which the ordinance is in effect or by the Zoning Committee. The Town Clerk shall immediately refer it to the Town Board for its consideration, report and recommendations. A report of all petitions filed shall be made by the Town Clerk to the Town Board at its next succeeding meeting.

A proposed amendment, supplement or change to this zoning ordinance must be adopted by not less than three-fourths vote of the the Town Board prior to or at the public hearing noted above and the protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered or the protest is signed and acknowledge by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

A proposed amendment, supplement or change to this zoning ordinance must be adopted by not less than a two-thirds vote of the Town Board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under s.62.23 (6)(am) 1.b. Wis Stats and if a protest against the proposed revision is presented to the Town Board prior to or at the public hearing noted above by the owner or operator of the airport bordered by the airport affected area.

In the paragraph, “comprehensively revise” means to incorporate numerous and substantial changes in the zoning ordinance.

The Town Board may, by a single ordinance, comprehensively revise this zoning ordinance. The ordinance shall be adopted under the procedure in this section san pursuant to s.60.61 (4)(60) Wis. Stats or its successor provision.

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Amendments to Town of Green Grove Ordinance

2002

Section 5.0 A/R Agriculture/Residential District

Page 28 Section 5.2.1 **Conditional Uses**

(add)

E. Landing Strips (effective June 11, 2002)

1. Grassy strips as a landing strip for non-commercial activity. Upon sale of the property the existing conditional permit is voided.

Page 28 Section 5.3 **Setbacks** (effective June 11, 2002)

(add)

F. All structures or expansion of structures shall be at least 300 feet from the ends of a landing strip, and said structures shall be at least 150 feet from the sides of a landing strip. Conversely, a landing strip shall have its ends at least 300 feet from any structure and its sides at least 150 feet from any structure.

November 8, 2005

Page Section 3.15 **Pond Containment Structures**

(add)

All pond containment structures greater than 150 cubic feet require a building permit. In the case of an earthen structure the horizontal setback distance is the distance from the high water mark to the property line.

Page Section 3.3 **Site Restrictions**

(add)

K. Paving through the setback area to the backside of the road ditch on town roads is allowed. An access driveway that meets a county, state or federal highway can be paved through the setback area. Where the driveway meets the highway will be regulated by that government entity. Mineral soil applications such as clay, sand, rock, granite are exempt from building permit requirements.

Amendments to Town of Green Grove Zoning Ordinance

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Page Section 3.14.4 **Building Permits**

(change)

A Wisconsin Uniform Building Permit shall be required for the construction, addition or moving any building with the Town of Green Grove, any building under 120 sq. ft such as a dog house, bird house, etc will not require a building permit.

March 13, 2007

Page Section 5.2 A **Approved Uses**

(change)

- A. Agriculture use including dairying, livestock and poultry raising, nurseries, maple syrup processing, greenhouses (small portable greenhouses are exempt from permits; larger permanent greenhouses need a building permit. One time permit only if they are taken down yearly and reset yearly, this should be recorded by the Zoning Administrator) and other similar enterprises or uses, except other agriculture use operated with the use of garbage, sewage or other solid waste for a feed supply.

Page Section 1.14.4 **Building Permits**

(change)

- B. A Wisconsin Uniform Building Permit shall be required for the construction, addition or moving of any building within the Town of Green Grove, any building under 120 square feet such as a dog house, bird house, etc shall not require a building permit.

Page Section 5.7 (A) **Residential Square Footage**

(change)

- A. The minimum 1200 square feet of living space per single family dwelling/permanent/seasonal resident must be 120 square feet or more loathed on a single qualified permanent foundation.

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Page Section 3.14.4 (D) **Building Permits**
(change)

D. After the application has been filed with Zoning Administrator and inspection of all written plans has been made to the satisfaction of the Zoning Administrator that proposed work to be done in every way in compliance with this ordinance and the laws of the State of Wisconsin (UDC Code, inspection are the responsibility of the homeowners not the Township), the Zoning Administrator shall issue building permits.

Effective May 13, 2008

Section 5.2 Approved Uses

(add)

K. Mixed agriculture and small business establishments may be considered for location on non-paved roads, upon meeting existing zoning regulations.

Section 5.9 Driveway Access and Culvert Permit

(add)

B. All Single dwelling /permanent/seasonal residences shall be required to have a separate driveway which leads onto and off of a public road.

Section 6.4 Setbacks

(change)

- A. Minimum front setback is 150 feet from the center of the road.
- B. Minimum side setback is 150 feet from the property line.
- C. Minimum rear setback is 150 feet from the propertyline.

Section 6.11 Minimum Width for Driveway Entrance

(change)

A. All commercial establishments in the Town of Green Grove will have a minimum driveway width of 30 feet, to accommodate business traffic and emergency vehicle access. Culvert size will be approved by the Town Chairman or the Clark County Highway Commissioner, in writing, to provide for adequate water flow.

Natural Resources

NR 243

NR 243.11

NR 243.11
NR 243.11

Applicability. Any person who owns or operates a large animal feeding operation shall be required to file an application for a permit with the department. The total number of animal units for a subcategory shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from table 2, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each subcategory. Based on the application and the provisions of this subchapter, the department shall determine whether a permit needs to be issued.

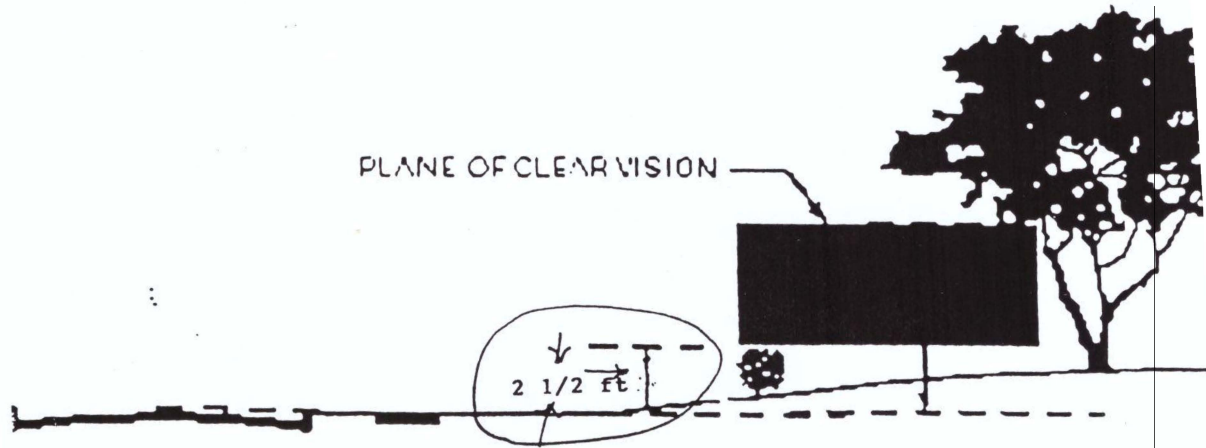
TABLE 2
Number of Animal Types Equivalent to 1000 Animal Units
and Animal Equivalency Factors

Number Equivalent To 1,000 Animal Units	Subcategory of Animal Types	Animal Equivalency Factor	Number Equivalent To 1,000 Animal Units	Subcategory of Animal Types	Animal Equivalency Factor
700	DAIRY CATTLE: Milking and Dry Cows	1.4	10000	SHEEP: Per Animal	0.1
910	Heifers (800 to 1200 lbs)	1.1			
1670	Heifers (400 to 800 lbs)	0.6		HORSES Per Animal	2.0
5000	Calves (under 400 lbs)	0.2	500		
	BEEF CATTLE: Steers or Cows (1000 lbs to Mkt)	1.0	5000	DUCKS: Per Bird (Wet Lot)	0.2
1000			100000	Per Bird (Dry Lot)	0.01
1250	Steers or Cows (600 to 1000 lbs)	0.8		CHICKENS: Layers	0.01
2000	Calves (under 600 lbs)	0.5	100000	Broilers	0.005
700	Bulls	1.4	200000		
	SWINE: Pigs (55 lbs to Mkt)	0.4	65000	TURKEYS: Per Bird	0.018
2500	Pigs (up to 55 lbs)	0.1			
10000	Sows	0.4		COMBINED ANIMAL UNITS:	
2500	Boars	0.5		Calculated Total	
2000			1000		

History: Cr. Register, February, 1984, No. 338, eff. 3-1-84.

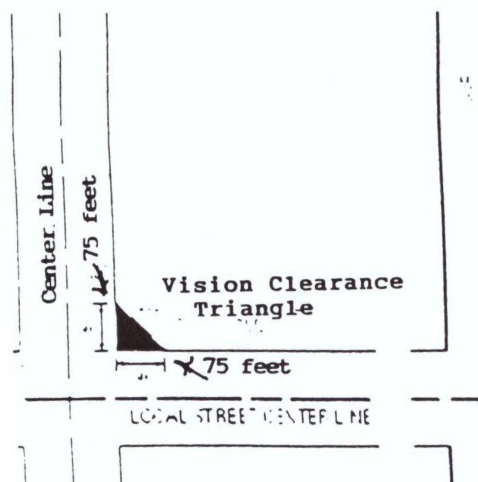
Exhibit A

VISION CLEARANCE TRIANGLE (CROSS SECTIONAL VIEW)



VISION CLEARANCE TRIANGLE

Road/Street Junction
TWO LOCAL STREETS INTERSECTING



Road/Street/Railroad Junction
STREET INTERSECTING A RAILROAD

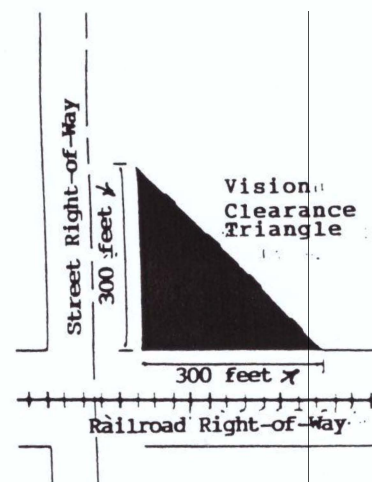


Exhibit B

GREEN GROVE

1.20N. - 16.



See Page 49

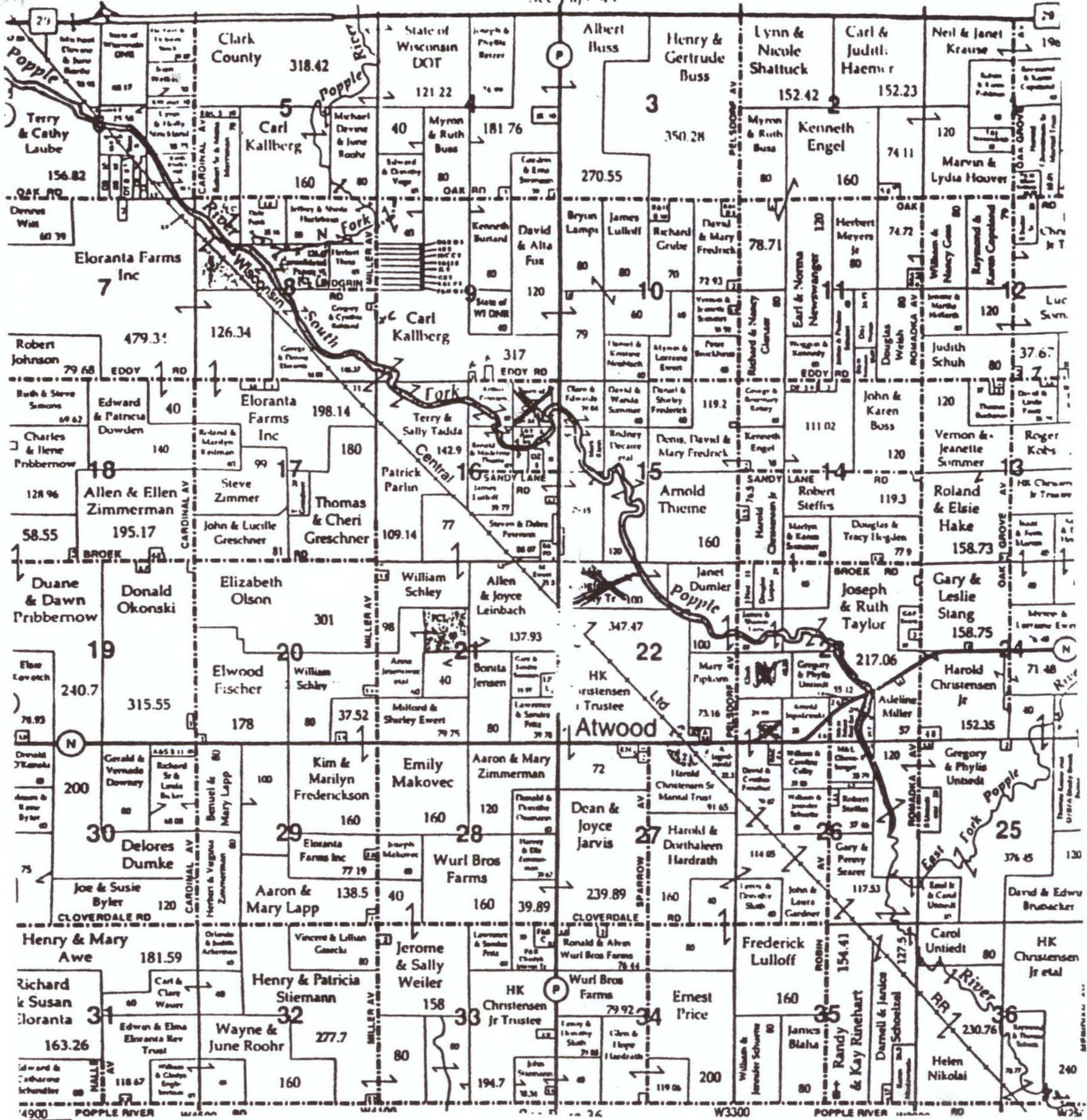


Exhibit C. No well will be drilled within 1000 feet of properties marked with an X.