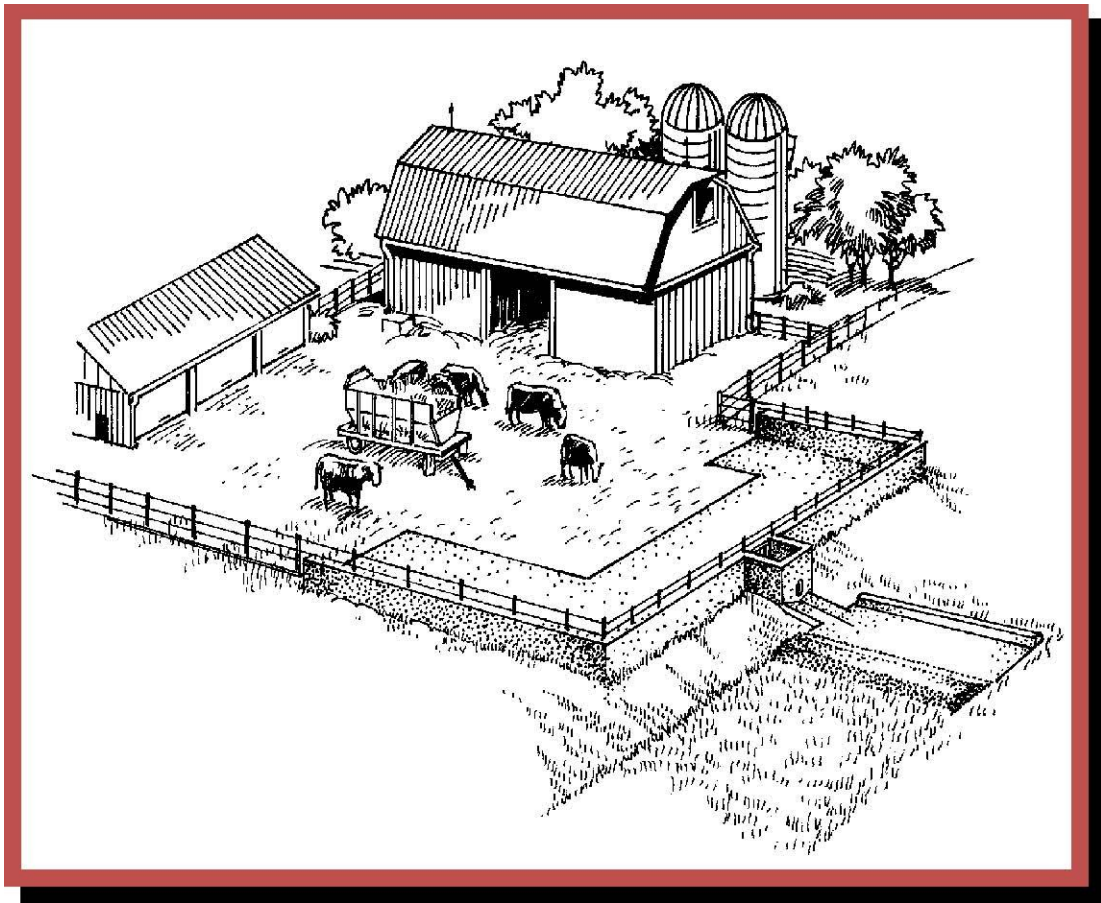


# TOWN OF CHESTER



# ZONING ORDINANCE

DRAFT

**ZONING ORDINANCE, TOWN OF CHESTER, DODGE COUNTY, WISCONSIN**

Adopted by Town Board – December 9, 1997  
Amended by Town Board – March 12, 2002  
Amended by Town Board – September 14, 2010  
DATCP Certification Date – July 6, 2017  
Town Adoption Date – September 12, 2017  
County Adoption Date – November 14, 2017  
DATCP Recertification Date- (Pending)

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1.0 **INTRODUCTION**

THE TOWN BOARD OF THE TOWN OF CHESTER DO ORDAIN AS FOLLOWS:

AN ORDINANCE PROVIDING ZONING REGULATIONS FOR THE TOWN OF CHESTER, DODGE COUNTY, WISCONSIN.

1.1 Authority

These regulations are adopted under the authority granted by Section 60.62 of the Wisconsin State Statutes and amendments thereto. The Town Board of the Town of Chester, Dodge County, Wisconsin having been granted village powers pursuant to Section 60.10(2) of the Wisconsin State Statutes.

1.2 Purpose

The purpose of this Ordinance is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town of Chester.

1.3 Intent

It is the general intent of the Ordinance to regulate and restrict the use and development of all structures, lands and water; to regulate and restrict lot coverage, population distribution and density, tree cutting, dredging and lagooning in shoreland areas and the size and location of all structures, so as to: lessen congestion, and promote safety from fire, flooding, panic and other danger; provide adequate light and air; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; prevent water pollution; protect spawning grounds, fish and aquatic life and otherwise further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town; and implement the Town's comprehensive master plan and plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties of 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 easement, covenants, deed restrictions, agreement, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

1.5 Interpretation

The provisions of this Ordinance shall be interpreted and applied as minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation of 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, such judgment shall not affect the remainder of this Ordinance.

1.7 Repeal

All other Ordinances or parts of Ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.8 Title

Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, TOWN OF CHESTER, DODGE COUNTY, WISCONSIN."

1.9 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the Town Board, approval by the Dodge County Board of Supervisors and publication or posting as required by law.



2.0 **GENERAL PROVISIONS**

2.1 Jurisdiction

The jurisdiction of this Ordinance shall include all land and waters within the boundaries of the Town of Chester lying outside the limits of incorporated cities and villages. In those areas under the dual jurisdiction of the Town of Chester and Dodge County, both ordinances shall be in full effect and all requirements shall be met.

2.2 Compliance

No structure, land or water shall hereafter be used and no structure, or part thereof shall hereafter be located, erected, moved reconstructed, extended, enlarged, converted or structurally altered except for normal repairs of existing structures, without a Land Use Permit and without full compliance with the provisions of this Ordinance and all other applicable Town, County and State regulations. Minor structures shall be exempt.

Where the terms and objectives of this Ordinance have been substantially addressed and fulfilled by the Wisconsin Department of Natural Resources where concurrent jurisdiction with this Ordinance exists, so as to avoid duplication of effort, the terms of this Ordinance shall not be imposed.

2.3 Zoning Administrator

There is hereby created the office of Zoning Administrator of the Town of Chester.

2.4 Land Use Permits

Applications for a Land Use Permit shall be made to the Zoning Administrator on forms furnished by his or her office and shall include the following where applicable:

**Names and Addresses** of the applicant, owner of the site or agent for the owner.

**Description of the Subject Site** by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure, existing and proposed operation or use of the structure or site; number of occupants or employees; and the zoning district within which the subject site lies.

**Sketch** showing dimensions of the lot and locations of proposed and existing buildings from the lot lines, center line of abutting highways and the highwater mark of abutting water course.

**Additional Information** as may be required by the Zoning Administrator.

**Fee** in the amount as set by the Town Board.

Any application for a Land Use Permit shall be granted or denied in writing by the Zoning Administrator within forty-five (45) days. If denied, the reasons for such denial shall clearly appear upon the face of the notification of denial. The permit shall expire within twelve (12) months unless substantial work has commenced. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

## 2.5 Certificate of Zoning Compliance

No land or building, or addition thereto, constructed after the effective date of this Ordinance and no addition, alteration, reconstruction, extension, enlargement, conversion or structural alteration to a previously existing building shall be occupied or used for any purposes unless in conformity with the plans and specifications upon which the Land Use Permit was issued. A Certificate of Zoning Compliance may be issued by the Zoning Administrator upon request. Every Certificate of Zoning Compliance shall state that the use or occupancy complies with all the provisions of this Ordinance.

**Application for Certificate of Zoning Compliance.** Every application for Certificate of Zoning Compliance for a new use or change in use of land or building shall be made directly to the office of the Zoning Administrator on forms provided by his or her office.

**Issuance of Certificates of Zoning Compliance.** No Certificate of Zoning Compliance for a building or portion thereof, constructed, after the effective date of this Ordinance, shall be issued until construction is substantially completed, and the premises inspected and certified by the office of the Zoning Administrator to be in conformity with the plans and specifications upon which the Land Use Permit was issued.

**Issuance of Certificates of Nonconforming Uses.** Any person, firm or corporation having a legal or equitable interest in a property which is nonconforming as to standards may request a Certificate of Zoning Compliance. The applicant shall present documentary proof that said use was a permitted use at the time it originated and was made nonconforming by the adoption of this Zoning Ordinance or amendment thereto. After verifying the use in question is in fact a nonconforming use, the Zoning Administrator shall issue a Certificate of Zoning Compliance stating the use in question and the zoning of the property.

## 2.6 Site Restrictions

**All Principal Structures** shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.

**No Land Use Permit** shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that site from which the required dedication has not been secured.

**Minimum Area and Width.** Except as otherwise specifically required or permitted the minimum lot area shall be two (2) acres and a minimum lot width of 200 feet at the road and 200 feet along a navigable waterway.

**Side Yards.** There shall be a 10 foot side yard for each principal structure.

2.7

Use Restrictions

The following use restrictions and regulations shall apply:

**Principal Uses.** Only those principal uses specified for a district, their essential services and the following uses shall be permitted in the district.

**Accessory Uses** and structures are permitted in any district, but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade or industry.

**Conditional Uses** and their accessory uses are those which require review, public hearing and approval by the Town Plan Commission. The only conditional uses and structures permitted by this Ordinance shall be those enumerated in the Schedule of District Regulations.

**Unclassified or Unspecified Uses** may be permitted by the Board of Appeals after review and recommendation by the Town Plan Commission and provided that such uses are similar in character to the principal use existing in the district, and that no material detriment to adjoining property will result.

**Temporary Uses** such as real estate field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Zoning Administrator through the issuance of a Certificate of Zoning Compliance for a period not to exceed six (6) months. This temporary certificate may be renewed semi-annually but in no case shall the effective time span of the Certificates exceed two years.

2.8

Reduction of Joint Use

No lot, yard, parking area, building area or other space shall be reduced in area or dimension, so as not to meet the provisions of this Ordinance.

2.9

Pet and Animal Regulations

In platted residential subdivisions no animals other than household pets shall be allowed.

In all zoning districts, household pets shall be allowed provided that not more than four (4) dogs are kept on any one premise. However, offspring of permitted household pets may be kept and sold from the premises for a period of up to eight (8) months.

On parcels less than three (3) acres in area, the number of animals kept on any one premise shall not exceed the ratio of one animal unit for each acre of land owned or leased.

2.10 Violations

It shall be unlawful to construct any structure or building or to use any structure, building, land or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Plan Commission, Town Board, Zoning Administrator or any property owner who would specifically be damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance.

2.11 Penalties

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500) and cost of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

2.12 Official Zoning Map

A certified copy of the Official Zoning Map is adopted and approved with the text of this Ordinance. Said map and any certified amendments or changes thereto are as much a part of this Ordinance as this text and shall have full force and effect on the adoption of this Ordinance.

2.13 Outdoor Storage of Inoperable or Unlicensed Vehicles

Any motor vehicle without a current, valid license or which is incapable of being driven, shall not be stored on any premises except in a properly authorized salvage yard, within an enclosed structure or unless it is not visible from a public road or adjacent dwelling. This provision shall apply to any vehicle subject to the above provisions regardless of when it was placed on the premises, but shall not apply to farm vehicles and equipment.

The Dodge County Circuit Court may, upon the petition of and at the request of the Town, order removal of the violating vehicle(s), at Town expense. The Town shall then invoice the property owner for all such costs incurred. If that invoice is not paid within thirty (30) days, the Town may place the amount of the invoice on the tax rolls as special assessment against the property in question.

3.0 **ZONING DISTRICTS**

3.1 Establishment

For the purpose of this Ordinance, the following primary use districts are hereby established within the Town of Chester.

**Primary Use Districts**

- |    |     |   |                           |
|----|-----|---|---------------------------|
| 1. | FP  | - | Farmland Preservation     |
| 2. | CO  | - | Conservancy               |
| 3. | AG  | - | General Agricultural      |
| 4. | R-1 | - | Single Family Residential |
| 5. | RC  | - | Recreational              |
| 6. | C-1 | - | Commercial                |
| 7. | I-1 | - | Industrial                |

3.2 Zoning Map

A certified copy of the Official Zoning Map shall be adopted and approved with this text as a part of this Ordinance and shall bear upon its face the attestation of the Chairman of the Town of Chester and shall be available to the public in the office of the Town Clerk.

District RegulationsFarmland Preservation District (see Section 13)CO - Conservancy

The primary purpose of this district is for uses compatible with protecting, preserving and enhancing the lakes, rivers, wetlands, floodplains and other significant natural areas within the Town, such as wooded areas of environmental importance, archaeological sites of significant importance or other areas of which the public has interest in preserving.

Uses and structures may be subject to the Dodge County Land Use Code, where applicable.

A. Permitted Uses

1. Agricultural use provided no farm buildings are constructed,
2. Harvesting of any wild crop such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds;
3. Hiking trails, bridle paths and walkways, including those built on pilings;
4. Hunting and fishing preserves, waterfowl blinds;
5. Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl and fish;
6. Piers and docks;
7. Parks, picnic areas and similar uses;
8. Sustained yield forestry;
9. Telephone and electrical power transmission lines;
10. Wildlife ponds.

B. Conditional Uses

1. Boat houses;
2. Dams;
3. Filling, drainage or dredging;
4. Relocation of any watercourse;
5. Removal of top soil or peat;
6. Utilities.

C. Area, Height and Yard Requirements

Lot:	See Section 2.6		
Height:	40 Feet Maximum		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	Minimum 10 Feet
	Street	-	See Section 5.0

All Conditional Use Permits to be granted only upon a finding by the Plan Commission that such use or structure will not restrict a floodway or destroy the storage capacity of a floodplain.

## **AG - General Agricultural District**

The purpose of this district shall be to promote an area for uses of a generally agricultural nature on lands of good agricultural quality.

### **A. Permitted Uses**

1. Agricultural use;
2. Road side stands for the sale of farm products produced on the premises;
3. Telephone and electrical power transmission lines and necessary accessory structures;
4. Single Family Dwellings existing as of the date of adoption of this Ordinance and additions thereto.

### **B. Conditional Uses**

1. Aircraft landing fields and hangers;
2. Animal confinement facilities;
3. Bed and breakfast establishments;
4. Churches;
5. Commercial greenhouse, landscape and nursery business;
6. Dog kennels;
7. Duplexes subject to the provisions of Section 4.11 of this Ordinance;
8. Farm machinery repair;
9. Farms operated for the disposal or reduction of garbage, sewage or any other waste material;
10. Governmental and cultural uses such as town halls, fire and police stations, community centers, libraries, parks and playgrounds, public and private schools;
11. Home occupations;
12. Livestock sale barns;
13. Mobile home parks;
14. Quarries; earth borrow pits; mineral extraction;
15. Self-service storage facility;
16. Single Family Dwellings subject to the provisions of Section 4.11 of this Ordinance;
17. Storage and sale of seed, feed, fertilizer and other products essential to agricultural operation;
18. Trap and skeet shooting facilities;
19. Utilities;
20. Veterinary clinics;
21. Any similar use subject to the approval of the Town Board.

### **C. Area, Height and Yard Requirements**

- Lot: Minimum 35 acres, except for uses which are conditionally allowed shall conform to the minimum lot size requirement set forth in Section 2.6. For provisions regarding existing substandard size parcels, Section 8.5.
- Height: 40 Feet Maximum
- Yards: Rear - Minimum 25 Feet  
Side - Minimum 10 Feet, except if abutting land is zoned AG General Agricultural then a 30 foot buffer yard is required.  
Street - See Section 5.0

**R-1 - Single Family Residential District**

The primary purpose of this district shall be to promote an area of a generally exclusive single family residential nature.

A. Permitted Uses

1. Single family dwellings and accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, provided that no such accessory buildings may be used as dwelling units;
2. Telephone and electrical power distribution poles and lines and necessary accessory equipment and structures.

B. Conditional Uses

1. Churches;
2. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds;
3. Home occupations;
4. Golf course;
5. Public, parochial and private elementary and secondary schools;
6. Planned unit developments;
7. Utilities;
8. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements

- Lot: Width and area of all lots to be determined in accordance with Section 2.6
- Height: 40 Feet Maximum
- Yards: Rear - Minimum 25 Feet  
Side - Minimum 10 Feet, except if abutting land is zoned AG General Agricultural then a 30 foot buffer yard is required.  
Street - See Section 5.0



## **RC - Recreational District**

The purpose of this district is to allow a variety of recreational uses on a permitted basis and more recreational businesses on a conditional basis.

### **A. Permitted Uses**

1. Boat launching;
2. Boat rentals;
3. Sale of bait and sporting goods and supplies;
4. Orchards and related retail stores;
5. Public and private parks;
6. Vegetable stands;
7. Uses permitted in the R-1 Residential District.

### **B. Conditional Uses**

1. Antique dealers and sales;
2. Beauty salons and beauty parlors;
3. Bed and Breakfast Establishments;
4. Bowling alleys;
5. Golf courses and golf driving ranges;
6. Hiking trails and bridle paths;
7. Motels and resorts;
8. Convenience stores;
9. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business;
10. Restaurants;
11. Riding stables and riding academies;
12. Skating rinks;
13. Taverns;
14. Mobile home parks, trailer courts and campgrounds, recreational camps and commercial recreation activities;
15. Uses conditionally allowed in the RD - Rural Development District;
16. Any similar use subject to the approval of the Town Board.

### **C. Area, Height and Yard Requirements**

Lot:	Width and area of all lots to be determined in accordance with Section 2.6		
Height:	40 Feet Maximum		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	Minimum 10 Feet, except if abutting land is zoned AG General Agricultural then a 30 foot buffer yard is required.
	Street	-	See Section 5.0

## **C-1 - Commercial District**

The purpose of this district shall be to promote an area for retail and service oriented establishments.

### **A. Permitted Uses**

1. Agricultural use;
2. Parking lots;
3. Personal and business service establishments, excluding motor vehicle and farm equipment repair, with no more than 3,500 square feet of floor space;
4. Professional offices with no more than 3,500 square feet of floor space;
5. Retail businesses, excluding motor vehicle and farm equipment sales, with no more than 3,500 square feet of floor space;

### **B. Conditional Uses**

1. Retail businesses, professional offices and personal and business service establishments exceeding 3,500 square feet in floor space;
2. Contractors storage yard;
3. Farm equipment sales and service;
4. Hospitals, clinics and nursing homes;
5. Motor vehicle sales and service;
6. Residential quarters for the owner, commercial tenant, employee or caretaker located in the same building as the business;
7. Self-service storage facility;
8. Uses conditionally allowed in the RD - Rural Development District;
9. Any similar use subject to the approval of the Town Board.

### **C. Area, Height and Yard Requirements**

Lot:	Width and area of all lots to be determined in accordance with Section 2.6		
Height:	40 Feet Maximum		
Yards:	Rear	-	Minimum 25 Feet
	Side	-	Minimum 10 Feet
	Street	-	See Section 5.0

### **D. Off-Street Parking Requirements**

Off-street parking shall be provided in accordance with Section 5.6 of this Ordinance.

## **I-1 Industrial District**

The purpose of this district shall be to promote an area for manufacturing and industrial operations.

### **A. Permitted Uses**

1. Manufacturing establishments engaged in the fabrication, processing, assembly or packaging of a product which is not specified as a conditional use in the Industrial District;
2. Agricultural use;
3. Automobile repair facilities;
4. Contractors office and/or storage yard;
5. Farm machinery sales, service and storage facilities;
6. Feed mills, granaries and elevators;
7. Food storage warehouses;
8. Freight yards and trucking terminals;
9. Gas stations;
10. Governmental uses such as but not limited to, police or fire stations, community centers or buildings used for the storage or repair of road maintenance equipment;
11. Nurseries, greenhouses and landscaping businesses;
12. Parking lots;
13. Printing and publishing establishments;
14. Processing and packaging of food products;
15. Processing and packaging of recyclable materials;
16. Recycling collection point;
17. Self-service storage facility;
18. Telephone and electrical power distribution poles and lines;
19. Warehousing, except the storage of chemicals, explosives, flammables and radioactive materials;
20. Wholesale establishments;
21. Retail sale of products if accessory to and in the same structure as the principal use.

### **B. Conditional Uses and Structures**

1. Manufacturing, processing, packaging or storage of chemicals, explosives, batteries, asphalt, cement, flammables, paint, poison, rubber, dyes, plastics and radioactive materials;
2. Airports, aircraft landing fields and hangers;
3. Salvage yards and storage of inoperable vehicles;
4. Dumps and waste disposal areas;
5. Farms operated for the disposal of sewage, rubbish or any waste material;
6. Incinerators;
7. Mineral extraction, quarrying;
8. Oil and coal refineries;
9. Planned unit developments;
10. Sanitary landfill operations;
11. Sewage treatment facilities;
12. Utilities;
13. One single family residence or watchman's quarters per site for the owner or proprietor, caretaker/watchman and their family, which is incidental to a permitted or conditional use;
14. Any similar use subject to the approval of the Town Board.

C. Area, Height and Yard Requirements

Lot Size:	Width and area of all lots to be determined in accordance with Section 2.6		
Height:	Maximum 60 feet		
Yards:	Rear	-	Minimum 25 feet
	Side	-	Minimum 10 feet
	Street	-	See Section 5.0

In addition, all new structures or extensions to existing structures shall be located a minimum distance of 50 feet from any zoning district boundary line.

D. Off-Street Parking Requirements

Off-street parking shall be provided in accordance with Section 5.6 of this Ordinance.

E. Site Plan Approval Requirement

To encourage a business and industrial use environment that is compatible with the character of the surrounding area, land use permits for permitted and conditional uses shall not be issued without prior review and approval or conditional approval of the site plan by the Plan Commission. Said review and approval shall be concerned with surrounding land uses, signs, general layout, building plans, building materials, ingress and egress, traffic congestion, parking, loading and unloading areas, screening and landscaping plans, lighting and provisions for utilities including surface drainage.

4.0 **CONDITIONAL USES**

4.1 Permit

The Town Plan Commission may authorize the Zoning Administrator to issue a Conditional Use Permit for conditional uses after review and a public hearing, provided that such conditional uses or structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive or otherwise adverse to the environment or the value of the area.

4.2 Application

**Applications** for Conditional Use Permits shall be made to the Zoning Administrator on forms provided by him or her. Such applications shall be forwarded to the Plan Commission by the Zoning Administrator. Such applications shall include where applicable;

**Names and Addresses** of the applicant, owner of the site, architect, professional engineer, contractor and all opposite and abutting property owners of record.

**Description of the Subject Site** by lot, block and recorded subdivision, certified survey map number or by metes and bounds; address of the subject site; type of structure; number of employees; proposed operation or use of the structure or site; and the zoning district within which the subject site lies.

**Sketch** showing all of the information required under Section 2.4 for a Land Use Permit and existing and proposed landscaping.

**Additional Information** as may be required by the Plan Commission or by the Zoning Administrator.

**Fee** in the amount as set by the Town Board.

**All Permits** issued to the original applicant of the property shall be valid for a 2 year period and are non-transferable.

4.3 Review and Approval

In reviewing a Conditional Use Permit, the Town Plan Commission shall evaluate the proposed use on:

1. The maintenance of safe and healthful conditions;
2. The prevention and control of water pollution including sedimentation;
3. Existing topographic and drainage features and vegetation cover on the site;
4. The location of the site with respect to floodplains and floodways of rivers or streams;
5. The erosion potential of the site based upon degree and direction of the slope, soil type and vegetation cover;
6. The location of the site with respect to existing or future access roads;
7. The need of the proposed use for a shoreline location;
8. Its compatibility with use on adjacent land;

9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal system;
10. Structures or improvements within the agricultural transition and prime agricultural districts shall be consistent with agricultural uses.

#### 4.4

##### Conditions

The Town Plan Commission may attach such conditions, in addition to those required elsewhere in this Ordinance, that it deems necessary in furthering the purpose of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance. Such conditions may include, without limitation because of specific enumeration, specifications for:

type of shore cover;  
increased setback and yards;  
specified sewage disposal and water supply facilities;  
landscaping and planting screens;  
hours of operations;  
operational control;  
sureties;  
deed restrictions;  
locations of piers, docks, parking and signs;  
type of construction or any other requirement necessary to fulfill the purpose and intent of this Ordinance.

In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a Land Use Permit, the following information:

1. A plan of the areas showing contours, soil types, highwater mark, groundwater conditions, bedrock, slope and vegetative covers.
2. Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
3. Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
4. Specifications for areas of proposed filling, grading or dredging;
5. Other pertinent information necessary to determine if the proposed use meets the requirements of this Ordinance.

The Town Plan Commission is evaluating each application, may request assistance from other local, county, state or federal agencies.

#### 4.5

##### Public Hearings

Public hearings on applications shall be held by Town Plan Commission. There shall be a published Class One (1) notice as provided in Chapter 985 of the Wisconsin Statutes. The Commission shall notify all abutting or opposite property owners as listed by the developer in the original application of the time, date and subject matter of the hearing.

#### 4.6 Compliance

Compliance with all other provisions of this Ordinance, such as lot width and areas, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all conditional uses except as modified by this Section. Variances shall only be granted as provided in Section 9.0.

#### 4.7 No Permit

No permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, odors, noise, vibration, lighting, health hazards or possibility of accidents.

#### 4.8 Planned Unit Development

Planned unit developments (PUD) are allowed as conditional uses in all zoning districts except any Agricultural District and the Conservancy District. PUD is intended to permit the development of planned developments containing not less than ten (10) contiguous acres under one ownership or control.

Within such planned communities, the location of all residential, commercial, industrial, governmental uses, school sites, parks, playgrounds, recreation areas, parking areas and other open spaces shall be controlled in such a manner as to permit a variety of housing accommodations and land uses in orderly relationship to one another.

1. The procedure for obtaining a permit for the development of a PUD shall be as outlined in Sections 4.1, 4.2 and 4.3 of this Ordinance, except that the following requirements shall also apply;
  - a. The applicant shall provide proof that the site under consideration contains a minimum land area of not less than ten (10) acres under one ownership or control. Additional land area may be added to an existing PUD if it is adjacent or forms a logical addition to an existing PUD. The procedure for an addition shall be the same as if an original application were filed, and all of the requirements of this article shall apply except the minimum acreage requirement of ten (10) acres.
  - b. The applicant shall furnish twelve (12) copies of a preliminary plan, prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the proposed general layout, the general location of the various types of land uses, the proposed densities of population in the residential areas, a major thoroughfare plan, a public utility plan if public utilities are proposed or required, a storm drainage plan and a plan showing the location of recreation spaces, parks, schools and other public or community uses.
  - c. Following approval of the preliminary plan by the Town Plan Commission, the applicant shall furnish twelve (12) copies of the final plan prepared or certified by a surveyor or engineer duly authorized by the State to practice as such, showing the layout of all major and local thoroughfares and local streets, the location of

all buildings, parking areas, pedestrian ways, utility easements, lot lines, open spaces, parks, recreation areas, school sites, playgrounds, the proposed use of all buildings and the metes and bounds of all dedicated areas and lots. The applicant shall also furnish a proposed deed of dedication including restrictions safeguarding the use of open spaces and preventing encroachment upon open spaces between buildings. The applicant shall furnish a deed, or deeds, to land determined by the Town to be needed for public elementary and intermediate school purposes. When the final plan and deed of dedication shall have been approved by the Town Plan Commission as being in conformity with this section and with any changes or requirements of the Town Plan Commission on the preliminary plan and it has been determined that the applicant has complied with the requirements of the (Dodge County Subdivision Control Ordinance whether or not it is a subdivision) it shall be approved for recordation and recorded. Thereafter, no modification may be made in any final plan except by an amended final plan submitted in accordance with this Ordinance.

2. In granting a permit for the development of a PUD the Town Plan Commission shall make the following determinations:

- a. That the uses shall be as shown on the preliminary plans as required by Section 4.4(1);
- b. That the location of all structures and designated building envelopes shall be as shown on the final plans as required by Section 4.4(1). Building envelopes must be protected by adequate covenants, running with the land, conveyances or dedications;

The proposed location and arrangement of structures shall not be detrimental to existing or prospective adjacent dwellings or to the existing or prospective development of the neighborhood. Open spaces between structures shall be protected where necessary by adequate covenants, running with the land, conveyances or dedications. There shall be no minimum lot size, no minimum setback lines, no maximum percentage of lot coverage and no minimum lot width in a PUD.

- c. That the owner and contractors have been bonded to make the required improvements within a reasonable length of time.



#### 4.9

#### Mobile Home Parks

In granting a permit for the development or improvement of a mobile home park the Town Plan Commission shall make the following determinations:

1. The minimum size of a mobile home parks shall be ten (10) acres.
2. The maximum number of mobile homes shall be ten (10) per acre.
3. Minimum dimensions of a mobile home site shall be fifty (50) feet wide by 85 feet long.
4. All drives, parking areas and walkways shall be hard surfaced.
5. In addition to the requirements of Section 5.0 of this Ordinance, there shall be a minimum yard setback of forty (40) feet at all exterior lot lines of the mobile home park.
6. It shall conform to the requirements of Chapter 77, Wisconsin Administrative Code which shall apply until amended and then apply as amended.
7. No mobile home shall be rented for a period of less than thirty (30) days.
8. Each mobile home site be separated from other mobile home spaces by a yard not less than fifteen (15) feet wide.
9. There shall be two (2) surfaced automobile parking spaces for each mobile home.
10. Unless adequately screened by existing vegetative cover it shall be screened by:

A temporary planting of fast growing material, capable of reaching a height of fifteen (15) feet or more and a permanent evergreen planting, the individual trees to be such a number and so arranged that within ten (10) years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet.

#### 4.10

#### Trailer Courts and Campgrounds

Prior to granting a permit for the development or improvement of a trailer court or campground the Town Plan Commission shall make the following determinations:

1. The minimum size of a travel trailer park or campground shall be five (5) acres.
2. The maximum number of travel trailers or campsites shall be fifteen (15) per acre.
3. Minimum dimensions of a travel trailer site or campsite shall be twenty-five (25) feet wide by forty (40) feet long.
4. Each travel trailer site or campground be separated from other travel trailer spaces or campsites by a yard not less than fifteen (15) feet wide.
5. There shall be one and half (1½) automobile parking spaces for each trailer site and one (1) for each campsite.
6. In addition to the requirements of Section 5.0 of this Ordinance, there shall be a minimum yard setback of forty (40) feet from all exterior lot lines of the travel trailer park or campground.
7. It shall conform to the requirements of Chapter 78, Wisconsin Administrative Code which shall apply until amended and then apply as amended.
8. The screening provisions for mobile home parks are met.

4.11

Residential Uses In The General Agricultural District

In granting a Conditional Use Permit for residential uses in the General Agricultural District, the Commission shall make the following determinations:

1. The proposed residential use will not adversely affect agricultural operations in surrounding areas or be situated that future inhabitants of such residence might adversely be affected by agricultural operations in surrounding areas;
2. That the site(s) of the proposed residential use is not well suited for agricultural use by virtue of wooded areas, topography, shape of parcel, soil characteristics, and similar factors;
3. That the site(s) proposed for residential use is particularly well suited for such use as indicated by rolling topography, wooded areas, soil types, vistas, proximity to lakes or streams, or other similar factors, proximity to school bus routes, traffic access and safety and adequacy of area schools to accommodate increased enrollment that might result from such development.
4. The proposed residential use would be in conformance with the Town of Chester Comprehensive Plan.

4.12

Salvage and Junk Yards

No junk or salvage yards shall be permitted in the Town of Chester unless they comply with the following requirements:

1. No salvage or junk materials shall be located within five hundred (500) feet of the centerline of all Federal, State or County Trunk Highways or the boundary of a public park, or within three hundred (300) feet of the centerline of all Town roads unless written permission is first obtained from the Town Plan Commission;
2. No salvage yard shall present a nuisance to public health;
3. All junk and salvage materials shall be screened by natural objects, plantings fences or other appropriate means so as not to be visible from the highway, road, adjacent properties or park;
4. A fifteen (15) foot fire lane shall be maintained as follows: No junk or salvage materials shall be located closer than fifteen (15) feet to any object screening the salvage or junk yard;

4.13

Filling, Draining Or Dredging Of Wetlands in a Conservancy Zoning District

The applicant shall submit the following information with an application for a permit to the Town Plan Commission:

1. Plans for the project prepared by a registered engineer showing and including the following:
  - a. a description of the general and specific nature and extent of the project;
  - b. a scaled, accurate map of the area of the project showing contours if appropriate, soil types, highwater marks, nature of vegetative cover and specification of the location and extent of proposed filling, dredging and/or drainage.
2. An impact study which includes an assessment of the impact of the project on:
  - a. wildlife on the site as well as in the general area;
  - b. erosion, sedimentation, siltation, drainage and water quality on the site as well as in the general area;
  - c. flood storage and water retention capacity;
  - d. vegetation;
  - e. scientific, educational and historic values on the site and/or in the area; and,
  - f. a thorough statement of the need and justification to drain, fill and/or dredge the wetland in question.

A copy of all submitted information shall immediately be sent to the local office of the Department of Natural Resources along with a request for comment. The Plan Commission shall await the Department of Natural Resources reply for fifteen (15) days before making a decision.

4.14

Natural Water Flow

All natural water flow, control of or management of shall comply with State Statute 88\*90.

5.0 **SETBACKS, ACCESS AND OFF-STREET PARKING**

5.1 Highway and Road Setbacks

For the purpose of determining the distance structures shall be setback from highways and roads, the following setbacks shall apply unless the yard regulations or modifications in this ordinance allow a lesser yard or setback requirement.

This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at intersections shall be obstructed.

5.2 Highway and Road Setback Distances

The setback distance shall be as follows:

**Town Roads** - Minimum seventy-five (75) feet from the centerline of the road or 42 feet from the edge of the right-of-way, whichever distance is greater.

**State or County Highways** - Minimum one hundred (100) feet from the centerline of the highway or sixty-seven (67) feet from the edge of the right-of-way, whichever distance is greater.

5.3 Building Setbacks from the Water

For lots that abut on navigable water:

5.31 There shall be setbacks from both the streets and water.

5.32 All buildings and structures, except piers, wharves and boathouses shall be setback at least seventy-five (75) feet from all points along the normal highwater line and two (2) feet above the normal highwater elevation unless otherwise specified by this Ordinance. Gazebos, decks and open porches may be allowed as close as 35 feet from the ordinary highwater mark if constructed in accordance with the Dodge County Land Use Code.

5.33 The Zoning Administrator shall determine the normal highwater elevation or line where not established.

5.34 A setback from water less than the setback required may be permitted where there are at least five (5) existing main buildings within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case the setback shall be the average of the nearest main buildings on each side of the proposed site or if there are no buildings on one side, the average of the setback from the main building on one side, and the required setback.

5.4 Loading Requirements

In all districts adequate loading areas shall be provided so that all vehicle loading, maneuvering or unloading does not project into traffic lanes.

5.5

Driveways

All driveways installed, altered, changed, replaced or extended after the effective date of this Ordinance shall meet the following requirements:

**The Width of Driveway Openings** for vehicular ingress and egress shall be approved by the Zoning Administrator.

**Vehicular Entrances and Exits** shall not be less than two hundred (200) feet from any other driveway entrance or exit along the same side of a town road and shall have adequate sight distance. The Zoning Administrator may allow less than the required two hundred (200) feet of driveway separation due to unusual or exceptional circumstances, providing traffic safety is not significantly compromised.

**Driveway Locations** along town roads shall be approved by the Zoning Administrator.

5.5.1

All new or replacement culvert must be of CMP construction and a minimum of 30 feet long and 15 inches in diameter and be supplied with end walls. At least one 25 feet in length and 18 feet in width segment of road surface shall be provided for each 500 feet of driveway length to provide for the safe passage of meeting vehicles. At the end of a driveway, a 25 foot minimum radius turn-around shall be constructed, or some other method used to allow vehicles to turn around shall be provided as determined by the Zoning Administrator.

5.6

Off-Street Parking

Each use shall provide the following minimum off-street parking spaces. Each parking space shall be at least two hundred (200) square feet in area.

**Dwellings** - Two (2) spaces for each dwelling unit.

**Restaurants, Taverns and Similar Establishments** - One (1) space for each fifty (50) square feet of floor space devoted to patrons.

**Motels and Resorts** - One (1) space for each unit.

**Retail Business and Service Establishments** - One (1) space for each two hundred (200) square feet of floor area.

**Industrial Uses and Warehouses** - One (1) space for each two (2) employees on the premises at a maximum employment on the main shift.

**Convenience Stores** - One (1) space for each two hundred (200) square feet of floor area; plus two (2) spaces for each gas pump.

**Any Use Not Specifically Named** - shall be assigned to the most appropriate classification by the Zoning Administrator.

**Combinations** of any of the above uses shall provide the total of the number of spaces required for each individual use.

**Location** of off-street parking shall be on the same lot as the principal use, or on a lot adjacent to the principal use.

6.0 **MODIFICATIONS**

6.1 Height

The district height limitations stated elsewhere in this Ordinance may be exceeded, but such modification shall be in accord with the following:

**Architectural Projections**, such as spires, belfries, parapet walls, domes, flues, and chimneys, are exempt from the height limitations of this Ordinance.

**Special Structures**, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, smoke stacks, and flag poles, are exempt from the height limitations of this Ordinance.

**Essential Services**, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this Ordinance.

**Communication Structures**, such as radio and television transmission and relay towers, aerials, and observation towers, shall not exceed in height three (3) times their distance from the nearest lot line. In addition, no tower or structure or any projecting aerial shall exceed 500 feet in height in any area of the Town.

**Agricultural Structures**, such as barns, silos, and windmills, are exempt from the height limitations of this Ordinance.

**Public or Semi-Public Facilities** such as schools, churches, hospitals, monuments, libraries, governmental offices and stations, may be erected to a height of sixty (60) feet.

6.2 Yards

The yard requirements stated elsewhere in this Ordinance may be modified as follows:

**Architectural Projections**, such as chimney flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed two (2) feet.

**Accessory Uses and Detached Accessory Structures** in aggregate, shall not exceed 960 square feet in platted residential subdivisions or on individual residential lots of one (1) acre or less.

Detached accessory structures shall not be closer than ten (10) feet to the principal structure; shall not exceed twenty (20) feet in height and shall not be closer than three (3) feet to any lot line. However, if abutting land is zoned AG General Agricultural, there shall be a 30 foot buffer yard provided.

**Essential Services**, including underground, surface and overhead essential service facilities, but not including wireless communication facilities, may be located within any setback, provided that the owner who wishes to locate such structures within the street setback along roads and highways shall remove all new construction, additions and replacements at the owner's expense, when necessary for the improvement of the road or highway.

**Landscaping and Vegetation** are exempt from the yard requirements of this Ordinance.

6.3 Additions

Additions in the street yards to existing structures shall not project beyond the average of the existing street yards on the abutting lots or parcels.

6.4 Average Street Yards

The required street yards may be decreased to an average of the street yards of the abutting structures on each side, if within two hundred (200) feet of the proposed structure.

7.0 **SIGNS**

7.1 Permit Required

No signs shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without obtaining a sign permit, except those signs allowed under Section 7.2.

7.2 Signs Allowed in all Zoning Districts Without a Sign Permit

The following signs are allowed in all zoning districts without a sign permit, but are subject to the following regulations:

**Signs Over Show Windows or Doors of a Nonconforming Business Establishment** announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.

**Agricultural Signs** pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on all sides for any one farm.

**Real Estate Signs** not to exceed eight (8) square feet in display area on any one side nor sixteen (16) square feet in display area on all sides which advertise the sale, rental or lease of the premises upon which said signs are temporarily located and limited to one such sign for each premises.

**Name, Occupation and Warning Signs** not to exceed four (4) square feet in display area on any one side nor eight (8) square feet in display area on all sides; limited to one such sign for each premises.

**Bulletin Boards** of public, charitable or religious institutions, not to exceed twelve (12) square feet in display area on all sides; limited to one such sign for each premises.

**Memorial Signs**, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

**Official Signs**, such as traffic control, parking restrictions, information and notices.

**Temporary Signs** or banners when authorized by the Zoning Administrator for a period not to exceed 90 days.

**No Such Sign** mentioned in Section 7.2 shall be located closer than two (2) feet from any public road right-of-way or exceed ten (10) feet in height. These requirements shall not apply to Official Signs.



### 7.3

#### Signs Allowed in all Zoning Districts with a Sign Permit

The following signs are allowed in all zoning districts providing a sign permit has been issued and shall be located a minimum of forty (40) feet from the edge of the traveled way or two (2) feet from the road right-of-way, whichever distance is greater:

**Off-Premise Directional Signs** which contain only the name of the establishment, logo or directional information useful to the traveler in locating the site, such as mileage, route numbers or exit numbers providing that:

- a. No more than two such signs relating to any one establishment shall be located in the approaching direction along any one highway.
- b. Such sign shall be located within five (5) air miles of the subject site.
- c. No two directional signs facing the same direction of travel shall be spaced less than one mile apart. However, more than one sign may be placed on the same support provided the total square footage does not exceed the allowable area.
- d. No such sign shall be located within three hundred (300) feet of a highway interchange, intersection at grade, rest area or wayside.
- e. No such sign shall exceed ten (10) feet in height.
- f. No such sign or signs in aggregate if facing the same direction of travel, shall exceed twelve (12) square feet in display area.

**On-Premise Identification Signs** for residential subdivisions, parks, multi-family dwelling units, mobile home parks, industrial parks, schools, hospitals and for community identification not to exceed twenty-four (24) square feet in display area on all sides; limited to one such sign for each premises; and shall indicate only the name and/or address of the premises, logo, slogan, motto or other information pertinent to identifying the premises. Community identification signs may include service club organization symbols as part of the sign.

### 7.4

#### Signs Permitted in the Commercial, Recreational and Industrial Districts

The following signs are permitted in the Industrial, Commercial and Recreational Districts with a permit and are subject to the following regulations:

**Wall Signs** placed against the exterior walls of buildings shall not extend more than twelve inches outside of a building's wall surface, shall not exceed two hundred (200) square feet in display area for any one premises, and shall not exceed twenty (20) feet in height above the mean centerline street grade.

**Projecting Signs** fastened to, suspended from, or supported by buildings shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any direction; shall not be less than ten (10) feet from any side or rear lot line; shall not exceed a height of twenty (20) feet above the mean centerline street grade; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.

**Ground Signs**, limited to one sign for each premises; shall not exceed twenty (20) feet in height; shall not be located closer to the road right-of-way than twenty-seven (27) feet; shall meet all side and rear yard setback requirements; and shall not exceed one hundred (100) square feet in display area on any one side nor two hundred (200) square feet in display area on all sides.

**Window Signs** shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.

**Combinations** of any of the above signs shall meet all the requirements for the individual sign.

7.5 Determining Area of Signs

The area of a sign shall be measured by the smallest square, rectangle, triangle, circle or combination thereof which will encompass the entire sign, including the border and trim, but excluding supports.

7.6 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or traffic devices. No signs shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

7.7 Moving or Flashing Signs

No sign shall be erected which has any flashing or moving parts except those giving public service information such as time, date, temperature, weather, or similar information.

7.8 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 8.0 shall apply.

7.9 Signs Not In Use

Signs which advertise or identify a business or similar activity must be removed within sixty (60) days of the date said business or similar activity ceases operation or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property on which the sign is located.

7.10 Sign Location

No sign mentioned in Section 7.0 shall be located in, on or above a public road right-of-way or navigable body of water, except for Official Signs.

## 8.0 **NONCONFORMING USES, STRUCTURES AND LOTS**

### 8.1 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land or water, existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however, only the portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this ordinance.

**Total Lifetime Structural Repairs or Alterations**, shall not exceed fifty (50) percent of the municipality's assessed value of the original structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this ordinance.

### 8.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land or water, shall conform to the provisions of this ordinance. When a nonconforming use is damaged by fire, explosion, flood, or and other event to the extent of more than fifty (50) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

### 8.3 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, setback, parking and loading, and access provisions of this ordinance.

**Additions and Enlargements** to existing nonconforming structures are permitted and shall conform with the required buildings setback lines along roads, water and highways and the yard, height, parking, loading and access provisions of this Ordinance.

**Existing Nonconforming Structures** which are damaged or destroyed by fire, explosion, flood or any other event, may be reconstructed and in so far as is practicable shall conform with the required building setback lines along streets and highways and the yard, height, parking, loading and access provisions of this Ordinance.

### 8.4 Changes and Substitutions

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

## 8.5 Vacant Substandard Lots

Except the Commercial and Industrial District, a single family dwelling and its accessory structures may be erected on any vacant legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance subject to the following requirements:

- a. The lot must be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the area requirements of this ordinance;
- b. The lot must be at least fifty (50) feet wide and seven thousand five hundred (7,500) square feet in area;
- c. All the dimensional requirements of this ordinance shall be complied with in so far as practical, as determined by the Zoning Administrator;
- d. If such lot is located within the AG General Agricultural Zoning District, a single family dwelling shall be considered a conditional use subject to the provisions of Section 4.0.
- e. If such lot is located within the FP Farmland Preservation Zoning District, a single family dwelling must be considered a farm residence to be considered a permitted use.

## 8.6 Multiple Dwelling Units on a Parcel

If a parcel of land is occupied by two or more residential dwelling units and if said dwellings were constructed prior to the effective date or amendment of this ordinance and if the size of such parcel prevents the creation of conforming lots for each dwelling unit, then the owner of such parcel may create a substandard lot for each residential dwelling unit which need not comply with the lot size requirements of this Ordinance provided the following conditions are met:

- a. The lot must be at least fifty (50) feet wide and seven thousand five hundred (7,500) square feet in area;
- b. Each proposed substandard lot must contain an existing residential dwelling unit conforming to the zoning ordinance in all respects other than those specifically stated in this section.

## 9.0 **BOARD OF APPEALS**

### 9.1 Establishment

There is hereby established a Board of Appeals for the Town of Chester. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman and confirmed by the Town Board.

1. **Terms:** Terms shall be for three (3) years, except that of those first appointed; one (1) shall serve one (1) year, two (2) shall serve two (2) years and two (2) for three (3) years.
2. **Chairman:** Chairman shall be designated by the Town Chairman.
3. **Alternate:** Two (2) alternate members may be appointed by the Town Chairman for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of interest.
4. **Secretary:** Secretary shall be as designated by the Board of Appeals.
5. **Vacancies:** Vacancies shall be filled for the unexpired term in the same manner as appointment for a full term.

### 9.2 Organization

The Board of Appeals shall organize and adopt rules of procedure in conformance to Section 62.23(7)(e) 1-15 of Wisconsin Statutes.

### 9.3 Rules

**The Board of Appeals** shall meet at the call of the chairperson, and at such other times as the Board of Appeals may determine, at a fixed time and place.

**All meetings** of the Board of Appeals shall be open to the public.

**Any public hearings** which the Board of Appeals is required to hold shall be held in the town hall or other place convenient to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the Board of Appeals is required to act may also be heard to any such hearing provided that no undue hardship is created for any appellant by reason of the location of such hearing, and provided further that such matters are included in the notice given of such hearing.

**The Board of Appeals** shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

**The Board of Appeals** may adopt such other rules as are necessary to carry into effect the regulations of the Town Board.

**In the case of all appeals**, the Board of Appeals may call upon the Town Board, Plan Commission or Zoning Administrator for all information pertinent to the decision appealed from.

### 9.4 Powers

The Board of Appeals shall have the following powers:

- To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by administrative official in the enforcement of this Ordinance.
- To hear and decide special exception to the terms of the Ordinance upon which such board is required to pass under this Ordinance.
- To authorize upon appeal in specific cases such variances from the terms of the Ordinance as 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 practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- The Board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the Ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- The Board may reverse, affirm, or wholly or partly modify the requirements appealed from and may issue or direct the issuance of a permit.

**Assistance** - the Board may request assistance from other town or county officers, departments, commissions and boards.

**Oaths** - the chairperson may administer oaths and compel the attendance of witnesses.

#### 9.5 Appeals and Applications

Appeals from the decision of the Zoning Administrator, Plan Commission or the Town Board concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, board or bureau of the Town. Such appeals shall be filed with the secretary and the officer from whom the appeal is taken within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator or the Town Board. Applications may be made by the owner or lessee of the structure, land or water to be effected at any time and shall be filed with the Zoning Administrator. Such appeals and applications shall include the following:

**Names and Addresses** of the appellant or applicant and all abutting and opposite property owners of record.

**Sketch** showing all the information required under Section 2.4 for a Land Use Permit.

**Additional Information** which was required for the decision appealed from or may be required by the Board of Appeals.

**Fee** in the amount as set by the Town Board.

9.6 Hearings

The Board of Appeals shall fix a reasonable time and place for the hearing, give a Class One (1) notice thereof as provided in Chapter 985 of the Wisconsin Statutes, and give due notice to the parties in interest, the Zoning Administrator and the Town Board. At the hearing the applicant or the appellant may appear in person, by agent, or by attorney.

9.7 Decisions

The Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, the Zoning Administrator and the Town Board.

**Conditions** may be placed upon any Land Use Permit ordered or authorized by this Board.

**The concurring vote** of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance, or to effect any variation in this Ordinance. The grounds of every such determination shall be stated.

9.8 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Appeals may commence an action seeking the remedy available by certiorari. Such action shall be commenced within thirty (30) days after the filing of the decision in the office of the Board of Appeals.

## 10.0 PLAN COMMISSION

### 10.1 Establishment

There is hereby established a Plan Commission for the Town of Chester. The Plan Commission shall consist of five members, all of whom shall be appointed by the town board chairperson, who shall also select the presiding officer. The town board chairperson may appoint himself or herself to the commission and may appoint other town elected or appointed officials to the commission, except that the commission shall always have at least one citizen member who is not a town official. All other provisions of ss. 61.35 and 62.23 shall apply to a town plan commission that has five members.

1. Terms: The members of the commission shall be appointed to hold office for a period of three years. Appointments shall be made by the town board chairperson during the month of April for terms that expire in April or at any other time if a vacancy occurs during the middle of a term.
2. Secretary: Secretary shall be as designated by the Plan Commission.
3. Vacancies: Vacancies shall be filled for the unexpired term in the same manner as appointment for a full term.

### 10.2 Rules

The Plan Commission shall meet at the call of the presiding officer and at such other times as the Plan Commission may determine, at a fixed time and place.

All meetings of the Plan Commission shall be open to the public.

Any public hearings which the Plan Commission is required to hold shall be held in the town hall or other place convenient to the location or locations to be considered at such public hearing, and a full description of the location of such place of hearing by name, address or other commonly known means of identification, shall be included in the notice given of such hearing. Other matters upon which the Plan Commission is required to act may also be heard at any such hearing provided that no undue hardship is created for any applicant by reason of the location of such hearing, and provided further that such matters are included in the notice given of such hearing.

The Plan Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Plan Commission and shall be a public record.

The Plan Commission may adopt such other rules as are necessary to carry into effect the regulations of the Town Board.



10.3

Powers

The Plan Commission shall have the following powers:

1. Authorize the Zoning Administrator to issue Conditional Use Permits in accordance with Section 4.0 of this Ordinance.
2. Review and make recommendations to the Town Board on Zoning Ordinance amendments and on land division proposals.
3. Prepare updates and amendments to the Town of Chester Comprehensive Plan for approval by the Town Board.

11.0 **CHANGES AND AMENDMENTS**

11.1 Authority

Whenever the public necessity, convenience, health, safety or general welfare require, the Town Board may by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance or amendments thereto in accordance with Section 62.23(7) of the Wisconsin Statutes.

Such Change or Amendment shall be subject to the review and recommendation of the Town Plan Commission.

11.2 Initiation

A petition for amendment may be made by any property owner in the area to be affected by the amendment, by the Town Board or by the Town Plan Commission.

11.3 Petitions for Amendment

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, who shall refer them to the Town Plan Commission. Such petitions shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

**Plot Plan** draw to a scale of one (1) inch equals a hundred (100) feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within one hundred (100) feet of the area proposed to be rezoned.

**Owners' Names and Addresses** of all properties lying within one hundred (100) feet of the area proposed to be rezoned.

**Additional Information** required by the Town Plan Commission or the Town Board.

**Fee** in the amount as set by the Town Board.

11.4 Hearings

The Town Plan Commission shall hold a public hearing upon each petition. Notice of the time and place of such a hearing shall be given by publication in the Town of a Class Two (2) Notice, under Chapter 985 of the Wisconsin Statutes.

11.5           Recommendations

As soon as possible after the public hearing the Town Plan Commission shall act on such petition either approving, modifying or disapproving the petition. The recommendation shall be made in writing to the Town Board.

11.6           Action by the Town Board

After careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

11.65          Approval by the County Board

After approval by the Town Board, the County Board shall approve the proposed change or amendment.

11.7           Protest

In case of a protest against an amendment proposed duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed amendment, or by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment shall not become effective except by the favorable vote of three-fourths of the members of the Board voting on the proposed change.

## DEFINITIONS

For the purpose of this Ordinance, certain words and terms are defined as listed below. Also, words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory.

### **Accessory Building or Structure**

A use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the principal structure.

### **Agricultural Use**

Agricultural use means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 2836; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising.

### **Animal Confinement Facility**

Any livestock or poultry operation involving the raising, feeding or holding of 200 or more animal units for a period of thirty (30) days or more.

### **Animal Unit**

One animal unit shall be defined as being the equivalent of the following: one dairy cow, one mature steer or bull; one horse; two head of heifers or immature steers; two calves (veal or replacement); two pigs; five sheep; five goats; 20 turkeys; 20 ducks; 20 geese; 20 chickens.

### **Arterial Street**

A public road or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.

### **Basement**

That portion of any structure located partly below the average adjoining lot grade.

### **Buffer Yard**

A yard extending across the full width and depth of the lot. Such buffer yard shall be in open space, unoccupied and unobstructed from the ground upward except for vegetation. The buffer yard is intended to reduce conflicts with surrounding agricultural operations and may contain plantings or a berm, but no structures.

### **Building Area**

Total ground coverage in square feet of all buildings and structures including garages, carports and others attached or accessory structures.

**Building Height**

The vertical distance of a building measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the roof.

**Conditional Uses**

Uses of a special nature as to make impractical their predetermination as a permitted use in a district.

**Corner Lot**

A lot abutting two or more streets at their intersection.

**Density**

Number of living units per acre allowable under the schedule of district regulations.

**Duplex**

A dwelling containing two dwelling units.

**Dwelling**

A building designed or used exclusively as a residence or sleeping place, but does not include boarding or lodging houses, motels, hotel, tents, cabins or mobile homes except mobile homes on permanent foundations.

**Dwelling, Multiple Family**

A dwelling containing three or more dwelling units.

**Dwelling, One Family**

A dwelling containing one dwelling unit.

**Dwelling Unit**

One or more rooms which are arranged, designed or used as living quarters for one family only.

**Essential Service**

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, electricity, steam, water, sanitary sewage, storm water drainage and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants, but not including buildings.

**Family**

Any number of persons related by blood, adoption, or marriage or not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity.

**Flood Area**

Area in square feet of all floors in a building including elevators and stairways, measured by perimeter or outside walls multiplied by the number of floors, including basements which are used in the primary function of the building.

### **Home Occupation**

Any occupation for gain or support conducted entirely within buildings by resident occupants, which is clearly incidental to the principal use of the premises, does not exceed twenty-five percent (25%) of the area of any floor and no product sold except that made on the premises.

### **Household Pets**

Animals commonly found in residences as pets, such as dogs, cats, song birds and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs or other animals not commonly found in residences.

### **Junk Yard**

A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged or sold. Three (3) or more unlicensed or inoperable vehicles on the same premises shall be evidence of operation of a junk yard. Old farm machinery located on an operating farm shall not be included within the meaning of a junk yard.

### **Kenel**

The use of land, with related buildings or structures, for the commercial breeding, rearing, or boarding of more than four (4) dogs.

### **Loading Area**

A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public road.

### **Lot**

A parcel of land having frontage on a public road, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, parking area, and other space provisions of this Ordinance.

### **Lot Lines and Area**

The peripheral boundaries of a parcel of land and the total area lying within such boundaries under one ownership. Public roads and navigable waterways are considered lot dividers.

### **Lot Width**

The horizontal distance between side lot lines.

### **Minor Structures**

A structure which is one hundred (100) square feet in area or less and is accessory to the principal use of the lot.

### **Mobile Home**

A transportable, factory built, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electric conveniences as immobile housing.

### **Mobile Home Lot**

A parcel of land designed for the exclusive use of the occupants of a single mobile home.

**Mobile Home Park**

A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for nontransient use.

**Motel**

A series of attached, semi-attached or detached sleeping units for the accommodation of transient guests.

**Nonconforming Uses or Structures**

Any structure, land or water, lawfully used, occupied or erected at the time of the effective date of this Ordinance or amendments thereto which does not conform to the regulations of this Ordinance or amendments thereto. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

**Road**

A public right-of-way intended to be used for passage or travel by motor vehicles.

**Salvage Yard**

A parcel of land on which waste material or inoperative vehicles and other machinery are collected, stored, salvaged or sold. Three (3) or more unlicensed or inoperable vehicles on the same premises shall be evidence of operation of a salvage yard. Old farm machinery located on an operating farm shall not be included within the meaning of a salvage yard.

**Side Yard**

A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the nearest point of the principal road.

**Sign**

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made or known and which are used to advertise or promote an individual firm, association, corporation, profession, business, commodity, or product and which are visible from any public road or highway.

**Street Yard**

A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two (2) such yards.

**Structure**

Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery and equipment, including all buildings.

**Structural Alterations**

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams or girders.

**Travel Trailer**

A travel trailer is a vehicular, portable structure, built on a chassis and designed as a temporary dwelling for travel, recreation and vacation.

**Trailer Space**

A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

**Utilities**

Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power and substations, static transformer stations, wireless communication facilities, TV and radio towers and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

**Yard**

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

**Zoning Administrator**

The Zoning Administrator for the Town of Chester or such person designated to perform the duties of the Zoning Administrator.



## 13.0 FP Farmland Preservation Zoning District

### 13.1 Purpose

The purpose of this district is to promote areas for uses of a generally exclusive agricultural nature in order to protect farmland and to allow participation in the state's farmland preservation program. Land zoned under this district must comply with the following:

#### (1) Permitted Uses

- (a) Agricultural uses. See Section 13.4 for agricultural use definitions.
- (b) Not including the specified accessory uses identified in Subsection (2), other accessory uses including the farm residence. See Section 13.4 for accessory use definition.
- (c) Upon prior notification to the town, transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for those uses. [Subsection (c) acknowledges that state or federal law may sometimes preempt local authority to restrict the siting of certain facilities. It does not purport to determine which state or federal actions are preemptive. It merely says that IF state or federal action is preemptive, no local permit is required and there is no need to rezone the site out of the farmland preservation district. Uses covered by subsection (c) might include, for example, state and federal highways, federally-mandated pipelines, and energy generation and transmission facilities whose location and design are specifically mandated by the Wisconsin Public Service Commission pursuant to a certificate of convenience and necessity.]
- (d) Undeveloped natural resource and open space areas.
- (e) Non-Farm residences built prior to January 1, 2014.

#### (2) Conditional Uses

- (a) Agriculture-related uses. (See Section 13.4 for agricultural related use definition.)
- (b) Upon prior notification to the town, transportation, communication, pipeline, electric transmission, utility, or drainage uses, facilities for the generation from sunlight, wind, coal or natural gas, if all the following apply:
  - i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - iii. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (c) Governmental, institutional, religious, or nonprofit community uses, if all of the

following apply:

- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - ii. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - iii. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (d) Nonmetallic mineral extraction, if all of the following apply:
- i. The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat. §295.14 (including all applicable provisions of this ordinance), and with any applicable requirements of the Wisconsin Department of Natural Resources concerning the restoration of nonmetallic mining sites.
  - ii. The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - iii. The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
  - iv. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - v. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - vi. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- (e) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (f) Private airport or air strip qualifying as an accessory use under s. 91.01(1)
- (g) Dog kennels qualifying as an accessory use under s. 91.01(1)
- (h) Game farms/shooting preserves qualifying as an accessory use under s. 91.01(1) (b). To meet the definition of agricultural use, the game birds or cervids must be raised on the farm for release for hunting.
- (i) Shooting Ranges meeting the requirements in s. 91.01(1)(d).
- (j) Manure storage systems. (Please note that permits for manure storage systems are subject to S. ATCP 50.56 and Ch. ATCP 51, Wis Adm. Code.
- (k) Slaughtering of livestock from the FP District.

- (l) Processing agricultural by-products or wastes received directly from farms, including farms in the FP District.
- (m) A business, activity or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - a. It is conducted on a farm by an owner or operator of that farm
  - b. It requires no buildings, structures or improvements other than those described in the Accessory Use definition in Section 13.4
  - c. It employs no more than 4 full-time employees annually.
  - d. It does no impair or limit the current or future agricultural use of the farm or other protected farmland.

The town may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. Before issuing a conditional use permit, the town shall determine in writing, that the proposed use meets applicable conditions under this section. The town may issue the permit subject to conditions designed to carry out the purposes of this ordinance.

(3) Area, Height and Yard Requirements:

- (a) All Principal Structures shall be on a lot consistent with the principal use permitted on such lot by the regulations of the district in which it is located.
- (b) No Zoning Permit shall be issued for a lot which abuts a public road dedicated to only a portion of its proposed width and located on that site thereof from which the required dedication has not been secured.
- (c) Dimensions of Building Sites:
  - i. Minimum Area and Width: 5 acres. Minimum lot width is 200 feet.
  - ii. Rear Yards: There shall be a thirty (30) foot minimum rear yard setback for structures such as farm houses, animal barns, sheds for farm machines and crop storage facilities. Other detached accessory structures shall not be closer than three (3) feet to any rear lot line unless the abutting rear yard property is zoned FP or AG where the rear yard buffer must be thirty (30) feet. Also see Section 6.2 of this Ordinance.
  - iii. Side Yards: Minimum 10 feet. 30 feet. If adjacent an FP or AG zoned parcel. Also see Section 6.2 of this Ordinance.
  - iv. Road Setbacks: Must comply with Section 5.2 of this ordinance.
  - v. Water Setbacks: Must comply with Section 5.3 of this ordinance.
  - vi. Height Limitations: The maximum height for all farm related residential and accessory residential structures shall be forty (40) feet. Also, see Section 6.1 of this ordinance.

(4) Loading, Driveways and Parking Requirements: Uses must comply with Section 5 of this ordinance.

(5) Signs: Uses must comply with Section 7 of this ordinance.

### **13.2 Rezoning Land out of the FP Farmland Preservation Zoning District**

Land may be rezoned out of the FP Farmland Preservation Zoning District if the Town and County through their review and recommendation, and after a public hearing, finds that all of the following apply:

- (1) The land is better suited for a use not allowed in the FP Farmland Preservation Zoning District.
- (2) The rezoning is consistent with the Town of Chester Comprehensive Plan.
- (3) The rezoning is substantially consistent with the Dodge County Farmland Preservation Plan, certified under ch. 91, Wis. Stats., which is in effect at the time of zoning.
- (4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

### **13.3 Certification of Ordinance and Amendments by DATCP**

- (1) This Zoning Ordinance must be certified by the State of Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) in order for owners of land that is zoned Farmland Preservation in the Town of Chester to be eligible to claim tax credits under the State of Wisconsin's Farmland Preservation Program.
- (2) The Town of Chester shall notify DATCP of any amendments as required by Wis. Stats. 91.36(8).
- (3) The Town of Chester shall notify DATCP and Dodge County by March 1 annually, of any acres rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres as required by Wis. Stats. 91.48(2) and 91.48(3).

### **13.4 Farmland Preservation Definitions**

For the purposes of this Section of the Ordinance, the following definitions shall be used:

Accessory Use: Within the FP Zoning District means any of the following land uses on a farm:

- (1) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
  - a. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
  - b. A facility used to keep livestock on the farm.
  - c. A facility used to store or process inputs primarily for agricultural uses on the farm.
  - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
  - e. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
  - f. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm, primarily for use on the farm.
  - g. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
- (2) An activity or business operation that is an integral part of or incidental to, an agricultural

use.

- (3) A farm residence, including normal residential appurtenances.
- (4) A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - a. It is conducted on a farm by an owner or operator of that farm.
  - b. It requires no buildings, structures, or improvements other than those described in par. (1) or (3).
  - c. It employs no more than 4 full-time employees annually.
  - d. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (5) Any other use that DATCP, by rule, identifies as an accessory use.

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

- (1) Crop or forage production.
- (2) Keeping livestock.
- (3) Beekeeping.
- (4) Nursery, sod, or Christmas tree production.
- (5) Floriculture.
- (6) Aquaculture.
- (7) Fur farming.
- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (10) Any other use that the Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural use.

Agriculture-related use:

An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes. In addition, any use that the Department of Agriculture, Trade and Consumer Protection identifies by rule as an agriculture-related use. An "agriculture related use" must be primary (not just incidentally) related to agriculture, and must have a direct connection to agriculture uses in the FP zoning district.

Animal Confinement Facility:

Any animal, livestock or poultry operation with 500 or more animal units that are used in the production of food, fiber, or other animal products or that will be fed, confined, maintained, or stabled for a total of 45 days or more in any 12-month period.

Animal Unit:

Animal Unit has the following meaning that was given in s. NR 243.03 (3) Wisconsin Administrative Code as of April 27, 2004: "Animal Unit" means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11, Wisconsin Administrative Code, which are fed, confined, maintained or stabled in an animal feeding operation. The total number of animal units for a given type of animal shall be calculated by multiplying the number of animals for each animal type by the appropriate equivalency factor from the following table, and summing the products. The number of combined animal units shall be the sum of the number of animal units for each animal type. For animal types not listed in the following table, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

<b>Animal Unit Calculation Table</b>		
Number Equivalent to 500 Animal Units		
Number Equivalent to 500 Animal Units	Animal Type	Animal Equivalency Factor
	<b>Dairy Cattle:</b>	
350	Milking and Dry Cows	1.4
455	Heifers (800 to 1200 lbs)	1.1
835	Heifers (400 to 800 lbs)	0.6
2500	Calves (under 400 lbs)	0.2
	<b>Beef Cattle:</b>	
500	Steers or Cows (600 lbs to Mkt.)	1.0
1000	Calves (under 600 lbs)	0.5
350	Bulls	1.4
	<b>Swine:</b>	
1250	Pigs (55 lbs to Mkt.)	0.4
5000	Pigs (up to 55 lbs)	0.1
1250	Sows	0.4
1000	Boars	0.5
	<b>Sheep:</b>	
5000	Per Animal	0.1
	<b>Horses:</b>	
250	Per Animal	2.0
	<b>Ducks:</b>	

2500	Per Bird (Wet Lot)	0.2
50000	Per Bird (Dry Lot)	0.01
	<b>Chickens:</b>	
50000	Layers	0.01
100000	Broilers	0.005
50000	Broilers (continuous over flow watering)	0.01
15000	Layers or Broilers (Liquid Manure System)	0.033
	<b>Turkeys:</b>	
27500	Per Bird	0.018
	<b>Combined Animal Units:</b>	
500	Calculated Total	

Certified Farmland Preservation Plan:

A farmland preservation plan that is certified as determined under Wis. Stats. 91.12.

Certified Farmland Preservation Zoning Ordinance:

A zoning ordinance that is certified as determined under Wis. Stats. 91.32.

Common Ownership:

Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Land is deemed to be under "common ownership," for purposes of this ordinance, if it is all owned by the same individual, married couple, joint tenants, and tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are all wholly owned by exactly the same person or persons, those land parcels are deemed to be under "common ownership" for purposes of this ordinance.

Contiguous:

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

Conditional Uses:

Uses of a special nature as to make impractical their predetermination as a permitted use in a district. Conditional uses as used in the FP Farmland Preservation Zoning District must meet the requirements of Wis. Stats. 91.46.

Density:

The number of dwelling units per acre allowable under the schedule of district regulations.

Farm:

All land under common ownership that is primarily devoted to agricultural use. For the purpose of this definition, land is deemed to be primarily devoted to agricultural use if the following apply:

- (1) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether on a majority of the land area is in agricultural use; or,
- (2) A majority (greater than 50%) of the land is in agricultural use.

In determining whether land is in agricultural use for purposes of par. (2), a zoning authority may consider how the land is classified for property tax purposes. See ch. TAX 18, Wis. Adm. Code.]

Farm Residence:

A single-family or two family residence that is the only residential structure on the farm or is occupied by any of the following:

- (1) An owner or operator of the farm.
- (2) A parent or child of an owner or operator of the farm.
- (3) An individual who earns more than 50 percent of his or her gross income from the farm.

To qualify as a "farm residence," a residence must be located on a "farm." If a farm owner deeds off a residential parcel to another person (even if that person is the farm owner's parent, child or employee), the separately-owned parcel is no longer part of the original "farm." A residence built on that parcel does not qualify as a "farm residence" unless the parcel qualifies as a "farm" in its own right.

Gross Farm Revenues:

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

Livestock:

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

Livestock Facilities with More Than 500 Animal Units:

Means facilities covered by Wis. Adm. Code ch. ATCP 51.

Nonfarm Residence:

Any residence other than a farm residence.



Nonconforming Uses or Structures:

Any structure, land, or water lawfully used, occupied, or erected at the time of the effective date of this Ordinance which does not conform to the regulations of this Ordinance. Any such structure conforming in respect to use, but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure and not a nonconforming use.

Open Space Parcel:

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

Person:

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

Prime Farmland:

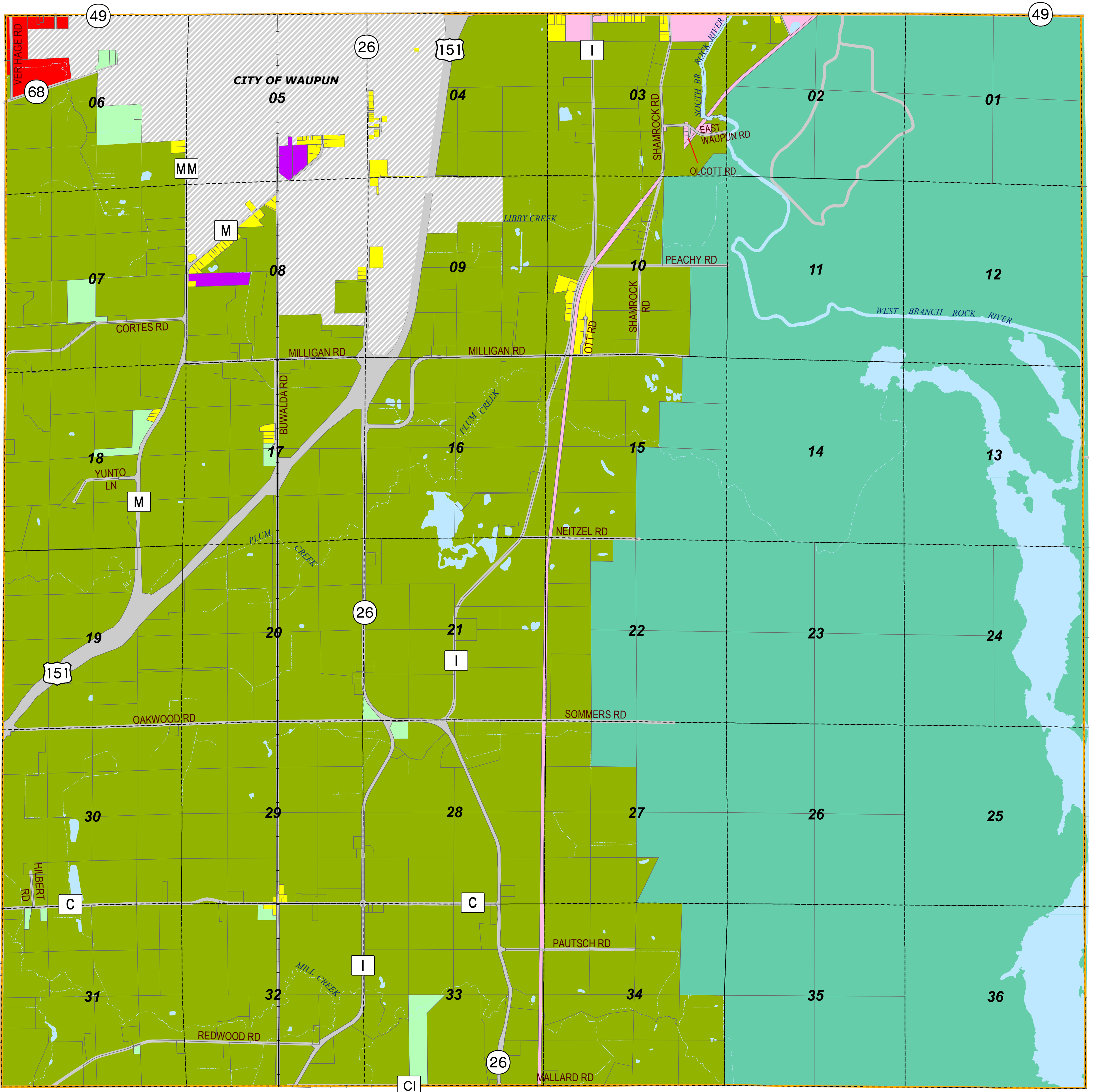
An area with a class I or II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture or land that is identified as prime farmland in a certified farmland preservation plan. Prime farmland soils are not necessarily associated with the boundaries of the FP Farmland Preservation Zoning District.

Protected Farmland:

Land that is any of following:

- (1) Land that is located in the FP Farmland Preservation Zoning District certified under ch. 91, Wis Stats.
- (2) Covered by a farmland preservation agreement under ch. 91, Wis Stats.
- (3) Covered by an agricultural conservation easement under s. 93.73, Wis Stats.
- (4) Otherwise legally protected from nonagricultural development

# TOWN OF CHESTER FARMLAND PRESERVATION ZONING



## LEGEND

- US Highways
- State Roads
- County Roads
- Town Roads
- Railroads
- PLS Sections
- Town Boundaries
- Cities & Villages
- Tax Parcels
- Waterbodies

## ZONING DEFINITIONS

- FP Farmland Preservation
- CO Conservancy
- AG General Agricultural
- R-1 Residential
- RC Recreation
- C-1 Commercial
- I-1 Industrial

**THIS IS TO CERTIFY THAT THIS MAP IS A CERTIFIED COPY OF THE OFFICIAL ZONING MAP ADOPTED AND APPROVED WITH THE ZONING ORDINANCE, TOWN OF CHESTER, DODGE COUNTY, WISCONSIN ON SEPTEMBER 12, 2017 BY THE TOWN BOARD OF THE TOWN OF CHESTER. (COUNTY BOARD APPROVED NOVEMBER 14, 2017)**

**Dodge County  
Land Resources and Parks  
Department**

MAP CREATED: 6/30/2017  
DATCP CERTIFIED: 7/6/2017  
TOWN ADOPTED: 9/12/2017  
COUNTY APPROVED: 11/14/2017  
REVISED: 11/9/2022

