

Town of Clyman

Dodge County, Wisconsin

Zoning Ordinance

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Prepared by:



Rural Town & Small Community Land Use
Planning, Zoning & Development Consultants

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March 20, 2000

March 5, 2001

May 13, 2002

May 10, 2004

March 13, 2006

July, 2007

July, 2008

December, 2008

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Revision Date	Section(s) Revised	Ordinance No.
March 20, 2000	2.1;2.3;3.4(3);3.5(1);3.5(2);3.6;3.6(2);3.6(5);3.6(6);4.1(2);4.2(8);4.6;4.7(1);4.7(2);4.7(3);4.7(6);4.8;4.13;4.14;5.1(6);5.2(1);6.3(1);6.6(1);7.5;8.1(1);8.1(3);10.1 through 10.6;10.6(1);13.1;13.2;13.4;14.2;15.2;15.8(2);16.1	
March 5, 2001	3.5(1)(a); 4.6(6)(a); 4.12(1)(a), (b) & (c); 16.0	
May 13, 2002	15.7(1) to (5); 15.8(1); 15.9	
May 10, 2004	3.4(2); 3.4(4); 3.5(2); 3.6(7); 4.6(3)(q); 4.12(1); 5.1; 5.2(1); 5.1(6)(a); 10.6(1)(a); 15.4(8); 15.7; 15.8(1)	
March 13, 2006	3.6(7); 5.1(3); 10.10; 12.7	17
July, 2007	3.6(7); 5.1(3); 6.6; 10.6(2);11.8;14.2	
July, 2008	3.5(1); 10.4; 12.4; 13.2; 14.2(9); 15.2; 15.2(9); 15.5; 15.6	
December, 2008	4.9(3)	

**SECTION 1
INTRODUCTION**

1.1 TITLE.

This Ordinance shall be known as and referred to as the "TOWN OF CLYMAN ZONING ORDINANCE" (hereinafter the "Ordinance").

1.2 AUTHORITY.

The provisions, regulations, requirements and limitations contained in this Ordinance are adopted under the authority granted by Section 60.62, Wisconsin Statutes, which grants Towns authorized to exercise Village Powers the ability to adopt zoning ordinances under Section 61.35, Wisconsin Statutes, which in turn grants the same powers and duties that apply to Cities under Section 62.23 upon Villages and towns with Village powers; and finally, Section 62.23(7), Wisconsin Statutes, and amendments thereto, which grants Cities, Villages, and Towns with Village powers the ability to adopt zoning ordinances and create a Plan Commission and Board of Zoning Appeals each with specific functions and responsibilities.

Therefore, the Town Board of the Town of Clyman, Dodge County, Wisconsin ordains as follows:

1.3 PURPOSE AND INTENT.

The purpose of this Ordinance is to protect and promote the health, safety, welfare, morals, aesthetics, prosperity, and overall quality of life for all residents and property owners in the Town and is intended to:

- (1) guide future growth and development in the Town in accordance with the Town's Master Plan, or parts thereof, including the goals, objectives, and development policies contained in the Land Use Plan and reflected on the Land Use Plan Map;
- (2) regulate the use, size, shape, location, amount and timing of development upon all lots and parcels of land so as to prevent overcrowding of the land and undue congestion of population and provide for safe, efficient, and adequate light, air, sanitation, drainage, roads, schools, fire, flood and medical protection, and other public services and facilities;
- (3) regulate the amount or density of population and the distribution of people living and working within the town so as to avoid unnecessary sprawl and undue concentrations of such population, and, to allow for and require the provision of adequate, safe, efficient, and cost effective public facilities and services;
- (4) regulate vehicle parking, loading, access and promote and protect the safe use, efficient function, and cost-effective provision of streets, roads and highways in the Town;
- (5) encourage the protection, preservation, conservation, and wise use of the Town's natural resources including soils, steep slopes, wetlands, floodlands, shorelands, water resources, and woodlands in order to preserve the rural character, integrity, stability, and natural beauty of the Town and the value of the land therein;
- (6) encourage compatibility between different land uses through the separation of land uses into districts and the use of adequate and appropriate buffering between and within such districts in order to protect and stabilize the value of all property in the Town from the encroachment and impact of incompatible land uses and development;

- (7) avoid the premature, excessive, or incomplete development of land by permitting development in the locations and quantities necessary to accommodate uses of land for which market demand currently exists, that are consistent with the Town's Land Use Plan and overall Master Plan, or parts thereof, and are in the public interest;
- (8) establish minimum and reasonable standards for the design, layout and appearance of non-agricultural development and the procedures for necessary to review, approve and permit such development in order to achieve the orderly layout and development of land;
- (9) provide for reasonable application and review procedures, enforcement procedures, variance procedures, and appropriate penalties for violations of this Ordinance.

1.4 ADOPTION AND EFFECTIVE DATE.

- (1) Public Hearings.
The Town Board of the Town of Clyman held public hearings on the "TOWN OF CLYMAN ZONING ORDINANCE", pursuant to the requirements of Sections 60.62, 61.35, and 6723(7) of the Wisconsin Statutes on July 14 and August 4, 1999.
- (2) PLAN COMMISSION RECOMMENDATION.
A seven-member Plan Commission comprised of residents, property owners, and Town Board Supervisors made a recommendation to the Town Board to adopt the "TOWN OF CLYMAN ZONING ORDINANCE" at a public meeting held on August 4, 1999.
- (3) Town Meeting Approval.
At a special Town Meeting held on August 4, 1999, and by a vote of 63 Aye's and 40 Nay's, the resident electors of the Town of Clyman approved Resolution No. 1999-01 granting the Town Board of the Town of Clyman the general and continuing authority required under Section 60.10(h) to adopt the proposed land use plan and zoning ordinance subject of the July 14 and August 4, 1999, public hearings, subject to a requirement that the land use plan and zoning ordinance be reviewed on at least an annual basis and that any proposed revisions, additions, and/or deletions to said land use plan and zoning ordinance be considered for approval at the next available Town Meeting.
- (4) TOWN BOARD APPROVAL.
At the direction of the Town Meeting and in concurrence with the Town Plan Commission recommendation, the Town Board of the Town of Clyman adopted the "TOWN OF CLYMAN ZONING ORDINANCE", at a meeting held on September 13, 1999.
- (5) EFFECTIVE DATE.
This Ordinance shall take effect upon passage and adoption by the Town Board and the filing of proof of posting or publication in the Office of the Town Clerk.

Effective Date: March 20, 2000.

Town Board, Town of Clyman, Dodge County, Wisconsin.

Town Chairman

Supervisor #1

Supervisor #2

SECTION 2
JURISDICTION, COMPLIANCE & APPLICATION

2.1 JURISDICTION.

The jurisdiction of this Ordinance shall apply to all land, water, buildings, and structures within the corporate limits of the Town of Clyman, Dodge County, Wisconsin, and outside the limits of the incorporated Village of Clyman, including those also under jurisdiction of Dodge County, Wisconsin, as authorized by Wisconsin Statutes. For land, water, buildings, and structures under the jurisdiction of both this Ordinance and applicable provisions of the Dodge County Land Use Code, both shall be in full force and effect.

2.2 FEDERAL, STATE & LOCAL AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, counties, and federal, state and county agencies are required to comply with the provisions, regulations, and limitations of this Ordinance.

2.3 COMPLIANCE.

Unless otherwise provided for in Sections 2.4 and 2.5 below, no building, structure, development, or use of land shall hereafter commence nor be moved, reconstructed, substantially improved, enlarged, expanded, or modified without complying with the requirements, allowances, limitations, and other provisions of this Ordinance.

In addition, where and when applicable as authorized and/or required by law, all requirements, allowances, limitations, and other provisions of the following shall be complied with as provided for therein:

- (1) Wisconsin Departments of Commerce, Agriculture, Trade and Consumer Protection (DATCP), Transportation (WisDOT), Natural Resources (DNR), and other regulatory agencies and departments charged with enforcing Wisconsin Statutes and administrative rules;
- (2) Federal Agencies of Environmental Protection (EPA), US. Army Corps of Engineers and other regulatory agencies and departments charged with enforcing federal laws, statutes, and rules; .
- (3) Town of Clyman Land Division Ordinance and other applicable ordinances, codes, and development regulations not contained in nor made part of this Ordinance.
- (4) Dodge County Land Use Code.

2.4 APPLICATION OF ORDINANCE TO NON-CONFORMING USES, BUILDINGS, STRUCTURES, AND PARCELS.

The application of this Ordinance to lawfully established non-conforming uses, buildings, structure and parcels existing on the effective date of this Ordinance is specifically set forth in Section 7 of this Ordinance.

2.5 APPLICATION OF ORDINANCE TO PERMITS ISSUED PRIOR TO EFFECTIVE DATE.

The commencement and/or continuation of construction of any building, structure, land development activity, or use of land that (1) does not comply with the requirements, allowances, limitations, and other provisions of this Ordinance; and (2) occurs after the effective date of this Ordinance, shall not be affected by this Ordinance if said construction, development activity, or land use is specifically authorized by a valid permit or other form of development approval applied for and granted prior to the effective date of this Ordinance by the Town and any other federal, state, or county agency having jurisdiction.

2.6 ABROGATION AND GREATER RESTRICTIONS.

This Ordinance is not intended to repeal, abrogate, invalidate, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, 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.

2.7 INTERPRETATION.

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements necessary to achieve the stated purpose and intent of this Ordinance. The provisions of this Ordinance shall be liberally and broadly construed in favor of the Town to promote the stated purpose and intent for which they are adopted and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

2.8 SEVERABILITY.

If any section, clause, provision, or portion of this Ordinance is judged to be invalid or unenforceable by a court of competent and applicable jurisdiction, the remainder of this Ordinance shall not be affected by such judgment. If any application of this Ordinance to a particular building, structure, or parcel of land is judged to be invalid or unenforceable, such judgment shall not be applicable to any other building, structure, or parcel of land.

SECTION 3
GENERAL PROVISIONS & REGULATIONS

3.1 RULES OF CONSTRUCTION.

The language used in this Ordinance shall be interpreted in accordance with the following basic rules of construction:

- (1) The singular includes the plural and the plural includes the singular;
- (2) The present tense includes the past and future tenses, and the future tense includes the past;
- (3) The word "shall" is mandatory, the word "may" is permissive, and the word "should" is advisory;
- (4) The masculine gender includes the feminine and neuter genders;
- (5) The words "person", "applicant", "petitioner", and "property owner" shall include a firm, association, partnership, trust, company, or corporation, as well as an individual;
- (6) The word "Town" shall mean the Town of Clyman, Dodge County, Wisconsin.

3.2 MINIMUM REQUIREMENTS ESTABLISHED.

The requirements, allowances, limitations, and other provisions of this Ordinance are intended to be the minimum requirements as they apply to all buildings, structures and parcels. Unless otherwise provided for in other sections of this Ordinance, uses not specifically permitted or otherwise allowed by this Ordinance are deemed to be prohibited. The issuance of permits and approvals required by this Ordinance may be granted subject to additional and/or more stringent requirements and limitations as stipulations or conditions of granting such permits and approvals.

3.3 PROPERTY OWNER RESPONSIBILITY.

It is the responsibility of the property owner, applicant, or petitioner to apply for and secure all permits and approvals required pursuant to the provisions of this Ordinance. One or more of the following permits or approvals may be required by this Ordinance:

- (1) Zoning Permit;
- (2) Conditional Use Permit;
- (3) Temporary Use Permit;
- (4) Sign Permit;
- (5) Rezoning Petition Approval;
- (6) Site and Operation Plan Approval;
- (7) Zoning Variance or Appeal Approval;
- (8) Plan Commission review and approval required as a prerequisite to obtaining one of the above.

Further, compliance with all other Town ordinances and regulations, etc., e.g. the Land Division Ordinance, may result in the need to obtain other permits or approvals, e.g. certified survey map (CSM) or subdivision plat approval.

Finally, it is the responsibility of the property owner to apply for and secure all permits and approvals required by any and all other federal, state, and County agencies concurrent with or prior to application for permits and approvals required by this Ordinance and other town ordinances. This includes, but is not limited to, the Wisconsin Department of Natural Resources (DNR), Wisconsin Department of Commerce (DOC), Wisconsin Department of Transportation (WisDOT), US. Army Corps of Engineers, US. Environmental Protection Agency, Dodge County Land Conservation Department, and Dodge County Planning and Development Department.

3.4 PARCEL AND SITE DEVELOPMENT RESTRICTIONS.

The following restrictions and limitations shall apply to the use and/or development of all lots and parcels of land located in all zoning districts:

- (1) Suitability for Development.
 No lot or parcel of land shall be developed, used or building or structure constructed thereon when and where the lot or parcel is deemed to be unsuitable for such development, use, or building by the Town Board by reason of one or more of the following:
 - (a) flooding, concentrated runoff, or inadequate drainage;
 - (b) adverse topography;
 - (c) adverse soil composition or rock formation;
 - (d) erosion susceptibility;
 - (e) significant and unduly burdensome impacts on groundwater, drainage and storm water features and facilities, roads and other capital infrastructure and facilities, and public services provided in the Town;
 - (f) other features or characteristics of the lot or parcel of land or its use that is/are likely to be harmful to the health, safety, property, aesthetics and general welfare of the community.

When applying this provision, the Town Board shall document in writing the particular facts upon which it bases its determination that such lot or parcel is not suitable for structures and/or uses. The property owner shall have an opportunity to present evidence contesting a determination that a lot or parcel of land is unsuitable. Upon the review and acceptance of such evidence, the Town Board shall affirm, modify, or withdraw its determination of unsuitability.

- (2) Minimum Public Road Frontage.
 Except as otherwise provided herein, all lots or parcels of land shall abut a public street, road or highway with a minimum continuous frontage of fifty (50) feet provided, however, that the frontage requirement for a “flag” lot may be reduced to not less than thirty (30) feet if the developable area of the lot is greater than 100 feet from the public road. {amended 5/10/2004}
- (3) Minimum Building Setback from Public Roads and Highways.
 The minimum setback for all buildings and structures from abutting public roads and highways shall be as follows, or, as set forth in the Dodge County Highway Setback Overlay Zoning District, whichever is greater :

Type of Abutting Roadway	Setback from Centerline	Setback from Right-of-Way
Town Roads (designated)	60 feet	27 feet
Town Roads (undesignated)	75 feet	42 feet
Federal, State & County Highways	100 feet	67 feet

- (4) Multiple Dwellings on a Single Parcel.
 Parcels upon which two (2) or more legal, non-conforming residential dwellings existed on or prior to the effective date of this ordinance may be divided in order that each dwelling is located on a separate parcel provided that the minimum area, width, and setback requirements set forth in Section 4.6 can be met. In the event that one or more of the requirements cannot be met, the land division may be approved subject to

the area, width, and/or setback requirements established by the Board of Zoning Appeals. *{amended 5/10/2004}*

3.5 RESIDENTIAL BUILDING RESTRICTIONS.

The following restrictions shall apply to buildings and structures constructed on lots and parcels located in all zoning districts:

- (1) *Minimum Single-family Dwelling Requirements.*
 Except as otherwise provided herein, the following minimum requirements shall apply to all single-family dwellings constructed on lots or parcels in all zoning districts after the effective date of this Ordinance:
 - (a) Building Area: 1,100 square feet.
 - (b) Width/Dimensions: 24 x 24 feet.
 - (c) Roof: 12 inch overhang, and asphalt shingles or other comparable roofing material ; this restriction is not intended to prohibit the use of legitimate energy saving designs, components, or materials.
 - (d) foundation: full or partial basement or another type of permanent at-grade or sub-grade structure excluding metal frame structures resting on foundation walls or slabs.
 - (e) garage: attached or detached garage required.
{amended 3/5/2001; July, 2008}

- (2) *Substandard Dwellings Prohibited.*
 After the effective date of this Ordinance, dwellings that do not meet the minimum requirements established in 3.5(1) above, which may include traditional mobile, manufactured, and modular homes, intended to be occupied as a dwelling unit or used for storage purposes are prohibited on any lot or parcel except lots or parcels located in the AG: Agricultural Zoning District, and, for which a conditional use permit has been issued allowing the use of a mobile home for dwelling purposes for seasonal migratory farm laborers. This restriction is not intended to affect existing mobile homes that are located on lots or parcels on the effective date of this Ordinance nor prohibit the replacement of existing mobile homes of equal or greater size but not smaller) after the effective date of this Ordinance provided said existing mobile homes are served by a legally installed and operational septic system and occupied and used for dwelling purposes on the effective date of this Ordinance. *{amended 5/10/2004}*

3.6 USE RESTRICTIONS.

The following restrictions shall apply to the use of lots and parcels located in all zoning districts:

- (1) *Exclusive Access Limitation for Residential Parcels.*
 No lot or parcel located in a residential zoning district shall be used, in whole or in part, for vehicular access to any adjoining and separate lot or parcel that is located in a non-residential zoning district or used for a non-residential purpose; except for a legally created easement, or, an existing accessway, e.g. driveway, walkway, etc. that was in existence on the effective date of this Ordinance.

- (2) *Principal Use Limitation for Residential Parcels.*
 Except as otherwise provided herein, only one (1) principal structure or use shall be allowed per lot or parcel of land used for a residential non-farm purposes. Where more than one principal structure or use is allowed on a lot or parcel located in a non-residential zoning district, the Town may impose additional and/or more stringent requirements and limitations including, but not limited to, building setback, yard, spacing, bufferyard, landscaping, and parking requirements.

- (3) Joint Use of a Parcel Prohibited.
No lot or parcel of land shall be developed and/or used where such development or use is dependent upon the sharing of some other lot or parcel, in whole or in part, in order to meet the provisions of this Ordinance.
- (4) Undesirable Storage of Vehicles and Equipment Prohibited.
Abandoned, dismantled, unlicensed, inoperable, wrecked, or junked vehicles, equipment and other items such as household appliances, construction materials, and similar debris shall not be parked or stored on any lot or parcel in any zoning district for a period of time exceeding thirty (30) consecutive days (or 30 non-consecutive days over a one-year period) unless said items are completely screened from view in an enclosed building or structure, or, located outdoors but screened from view, or, one or more of the following has occurred:
- (a) a conditional use or other appropriate permit or approval for the use of the lot or parcel for such purposes has been issued pursuant to the requirements of this Ordinance;
 - (b) use of the lot or parcel for such purposes has been deemed to be a legal non-conforming salvage operation or junk yard.
- (5) Hazardous Uses Prohibited.
Except for agricultural practices being conducted and/or facilities constructed on lots and parcels located in the AG: Agricultural Zoning District in accordance with State and County statutes, administrative rules, regulations and valid permits concerning manure storage and land spreading practices, the use of any lot or parcel which is or becomes hazardous, harmful, noxious, offensive, or a public nuisance is prohibited.
- (6) Minimum Use/Development Allowed on Non-Conforming Lots and Parcels.
Notwithstanding the non-conforming use provisions of this Ordinance, any vacant, undeveloped lot or parcel that (1) is a legally created and recorded lot or parcel; (2) is under separate and different ownership from adjoining lands; and (3) cannot be used or otherwise developed due to it being a non-conforming lot or parcel, may be developed or used for residential purposes with one (1) single-family dwelling provided all other state and county requirements can be met.
- (7) Temporary Uses, Structures and Replacement Structures.
Unless otherwise specifically allowed or prohibited in the zoning districts set forth in Section 4.0, temporary uses of land and/or the placement of temporary structures thereon may be allowed with a zoning permit following review and approval by the Town Plan Commission.

Temporary uses and structures are non-permanent and are intended to be allowed for short periods of time. Temporary uses and structures may include, but not be limited to: public entertainment or fundraising events, seasonal sales of agricultural produce or similarly grown products, the use of a temporary trailer, recreational vehicle or mobile home during periods of construction of a permanent dwelling, addition, or other building, live or outside entertainment, model homes and real estate offices in a new subdivision, etc.

When considering whether or not to grant a zoning permit allowing a temporary use, the Plan Commission shall consider, and may adopt stipulations or other requirements pertaining to, such matters including, but not limited to: the length of time said temporary use or structure is to be allowed, parking, access, signage, lighting, security, solid waste disposal, potable water and sanitary facilities, screening, noise, dust, traffic control, hours and days of activity, warranties, fees, penalties, or other

financial guarantees to ensure compliance or protect against defects or damage to public property, and any other items which may be required to adequately protect the health, safety, and welfare of the public and surrounding property owners and residents.

In the case of temporary structures used as a dwelling while (but not before) the permanent dwelling is under construction, e.g. Recreational trailers, mobile homes, etc., the Town may require the deposit of a cash bond in an amount up to 5 percent of the estimated value of the permanent dwelling prior to the issuance of occupancy by the Town. Failure to remove a temporary use or structure within ninety (90) days after issuance of the certificate of occupancy, or, in the event occupancy certificates are not issued by the Town, within ninety days after occupancy has been made by the owner(s), shall result in forfeiture of any cash bond and/or other financial guarantees in addition to other applicable ordinance violation penalties, remedies and abatement actions. *{amended 5/10/2004; 7/2007}*

The time period for removal of a structure that is being or has been replaced by another structure, such as an old mobile home being replaced by a new mobile home or a permanent structure, shall not exceed ninety (90) days after occupancy has been made by the owner(s) unless an extension is granted by the Town Board after receiving a recommendation regarding such extension from the Plan Commission. *{amended 3/13/2006}*

**SECTION 4
ZONING DISTRICTS AND USE REQUIREMENTS AND LIMITATIONS**

4.1 ESTABLISHMENT OF ZONING DISTRICTS.

In order to carry out the stated purpose and intent of this Ordinance, the Town of Clyman is hereby divided into the following six (6) zoning districts:

Agricultural Districts

- (1) AG Agricultural District

Residential Districts

- (2) UR Urban Residential District

Business Districts

- (3) HB Highway Business District
- (4) AB Agricultural Business District

Open Use Districts

- (5) PR Park & Recreational District
- (6) QE Quarry & Extractive District

4.2 RELATIONSHIP TO AND IMPLEMENTATION OF THE LAND USE PLAN.

A stated purpose of this Ordinance is to regulate the use and development of all land and structures in the Town and, in so doing, guide the future growth of and development in the Town in accordance with the Town's overall Master Plan and/or each individual component, such as the Land Use Plan (adopted as one component of the overall Master Plan).

As a means of implementing the development policies of the Town's Land Use Plan and to further define the specific land uses and types of development that are allowed within each of the generalized land use categories presented on the Town's Land Use Plan Map, the assignment of zoning districts to land in the Town coincides with the Land Use Plan Map categories as presented in the following table. While the assignment of a particular zoning district to an already developed property may be inconsistent with the generalized Land Use Map category within which that property is located, it is intended that this table be used by the Town Plan Commission and Board when considering whether a new and different development or land use is consistent with the development policies of the Town's Land Use Plan.

Town of Clyman Land Use Plan Map Categories

Zoning Districts	Agricultural Preservation & Open Space	Urban Service Area	Rural/ Agricultural Industry	Highway Business & Commercial
AG: Agricultural	✓	✓	✓	✓
UR: Urban Residential		✓		
HB: Highway Business				✓
AB: Agricultural Business	✓	✓	✓	✓
PR: Park & Recreation	✓	✓		
QE: Quarrying & Extractive	✓			

4.3 ZONING DISTRICT MAPS.

The location and boundaries of the districts established by this Ordinance are set forth in the Official Zoning Map, dated March 20, 2000, and as may be amended from time to time, which is incorporated herein and hereby made a part of this Ordinance. The Official Zoning Map, together with everything shown thereon, and all amendments thereto shall be as much a part of this Ordinance as though fully set forth and included herein.

4.4 DISTRICT BOUNDARIES.

When uncertainty exists with respect to the actual boundaries of the zoning districts presented on the Official Zoning Map, the following rules shall apply:

- (1) Where the designation of the Official Zoning Map indicates that various zoning districts are approximately bounded by a street, railroad, or stream, the centerline of the right-of-way or main channel shall be construed to be the zoning district boundary line.

All streets, railroads, and watercourses, if not otherwise specifically designated, shall be deemed to be in the same zone as the property immediately abutting upon such streets, railroads, and watercourses. Where the centerline of a street, railroad, or watercourse serves as a district boundary, the zoning of such areas, unless otherwise specifically designated, shall be deemed to be the same as that of the abutting property up to such centerline.

4.5 ZONING OF DETACHED LAND.

Any additions to the Town resulting from disconnection from incorporated areas in Dodge County, shall be automatically classified in the AG: Agricultural Zoning District until otherwise classified by amendment.

4.6 AG: AGRICULTURAL DISTRICT.(1) Intent.

The Agricultural District is intended to:

- (a) provide for the preservation and protection of existing and future farming and other agricultural activities and land uses where farming is a viable component of the local and regional economy;
- (b) separate agricultural activities and land uses from incompatible residential, commercial, and industrial development and land uses and certain public facilities;
- (c) provide for the continued use of existing residential parcels and to allow the creation and development of only a limited number of non-farm, low-density residential lots in a manner that:
 1. minimizes the costs of providing public facilities and services; and
 2. minimizes potential conflicts with agricultural land uses by limiting the density, maximum lot area and relative location of non-farm uses by "clustering" non-farm lots within farm parcels where soil productivity and topography are less suited for agriculture uses and well suited for on-site sewage systems.
- (d) encourage and provide for the transfer of non-farm development rights between adjoining and non-adjoining parcels under the same or common ownership.

In addition to large farm units and operations, lands in the Agricultural District may also include smaller farm units suitable for specialized agricultural activities, including: truck farming and cash cropping, hobby farming, orchards, the keeping and raising of horses for boarding, breeding and riding, the keeping and raising of domestic and exotic livestock, and other suitable agricultural uses.

(2) Principal Uses and Structures.

- (a) agricultural uses and activities, including, but not limited to:
 1. grain, seed and vegetable crop production.
 2. keeping and raising livestock (excluding Concentrated Animal Feedlot Operations).
 3. dairying (excluding Concentrated Animal Feedlot Operations).
 4. sod farms and orchards.
 5. tree, landscaping, plant nurseries and greenhouses (production operations only, no retail sales).
 6. wildlife refuges, game farms and fish hatcheries.
 7. forestry uses and game management.
- (b) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins and structures used for storage of farm implements, machinery and related equipment.
- (c) single-family and multi-family farm dwellings and ancillary structures, essential services and facilities and utilities on parcels or tracts operating as a single farm unit where at least one dwelling is occupied by the farm operator and the others by at least one person who earns a substantial portion of his/her gross income and livelihood from the farm operation, or, is a member of the family of the farm operator where the type and number of dwellings is limited to one (1) dwelling unit per each fifty (50) acres of contiguous land area.

- (d) non-habitable, roadside stands or similar structures not to exceed 300 square feet and used for the seasonal or temporary sale of farm products where at least 50 percent are grown, produced or processed on the premises.
 - (e) residential dwellings and ancillary structures, essential services and facilities and utilities on separate non-farm lots or parcels that existed on the effective date of this Ordinance or remaining as a result of the consolidation of two or more farms.
 - (f) farm and non-farm dwellings and ancillary structures, and facilities and utilities in existence on the effective date of this Ordinance.
 - (g) Home occupations.
- (3) Conditional Uses and Structures. (see Section 6).
- (a) Single-family residential dwellings located on separate, non-farm residential lots or parcels divided from a farm parent tract subject to the provisions in Section 4.12.
 - (b) Housing for seasonal or migratory farm laborers subject to the following regulations:
 - 1. lots, parcels, or tracts devoted to the farm operation upon which such housing is located shall be not less than one-hundred (100) acres;
 - 2. is only occupied by farm laborers;
 - 3. notwithstanding other provisions in this Ordinance regulating their use and placement, only mobile homes or other similarly removable dwelling structures shall be used; and
 - 4. dwellings are removed when farm laborers are no longer used as part of the farm operation.
 - (c) Government-operated or other public uses, services and buildings including but not limited to:
 - 1. public, private, and parochial schools
 - 2. churches and cemeteries
 - 3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
 - 4. airports, airstrips, aircraft landing fields, heliports
 - (d) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance and that do not conflict nor impair agricultural use. Such uses may include, but not be limited to:
 - 1. sewage treatment facilities
 - 2. commercial communication towers and relay facilities
 - 3. electricity, natural gas and other essential service and facility transmission equipment
 - (e) Storage of commercial and recreational vehicles and other non-farm equipment in enclosed farm buildings existing on the effective date of this Ordinance where such use does not interfere or conflict with agricultural uses or operations and, if conducted as or part of a separate business, shall be subject to all regulations and requirements for farm-related or residential businesses.
 - (f) Bed & Breakfast establishments.
 - (g) Private hunting and fishing areas ; including, but not limited to game farms.
 - (h) Raising , breeding, boarding and/or sheltering of domestic and exotic or other non-traditional livestock, including but not limited to, llama, emu, buffalo, etc., but excluding Concentrated Animal Feedlot Operations (CAFO's).
 - (i) The keeping and raising of livestock for non-commercial, family consumption or enjoyment purposes on lots or parcels greater than one (1) and less than

twenty (20) acres in area and in appropriate barn and stable facilities subject to the following provisions:

1. unless specifically permitted in a conditional use permit, the number of animals kept shall not exceed the equivalent of one (1) livestock unit per whole acre where a livestock unit shall be the equivalent of one adult of the following:
 - a. one (1) cow, steer or buffalo, horse, llama or camel
 - c. two (2) pigs, hogs, or sheep
 - d. three (3) goats, ostrich, or emu
 - e. ten (10) poultry
 - g. one (1) other similar exotic or specialty animals or fowl not specifically listed above

- (j) Animal hospitals, veterinary facilities, and kennels.
- (k) Private airstrips, heliports, and landing fields provided the lot or parcel upon which such use is located is not less than one-hundred (100) acres in area.
- (l) Short-term mineral extraction and mining activities for periods not to exceed three (3) years of operation meeting the plan and restoration requirements of Section 4.11(14).
- (m) Home-based Residential (non-farm) Businesses and Occupations subject to the following minimum regulations:
 1. such use shall be conducted entirely within the confines of a principal residence or residential accessory building, or, in the rear or side yard of a lot or parcel and properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
 2. no more than one (1) acre of land shall be devoted to such use including areas used for buildings, parking, and storage;
 3. storage of all items shall be in the rear or side yard of a lot or parcel and shall either be within the confines of a building or a properly screened and/or landscaped area so as to be completely obstructed from the view of all public rights-of-way and surrounding residences;
 4. other than persons residing on the site, lot or parcel, no more than three (3) non-related persons may be employed in the residential business.
- (n) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (o) salvage and junk yard operations on lots or parcels greater than twenty-five (25) acres in area.
- (p) Concentrated Animal Feedlot Operations (CAFO's) on parcels greater than fifty (50) acres in area.
- (q) Farms for the disposal, injection and/or land spreading of non-agricultural waste. *{amended 5/10/2004}*

- (4) Accessory Uses and Structures. (see Section 5).
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7).

- (6) Parcel Area and Width.
 Unless otherwise specified herein, the area requirements for a lot or parcel shall be as follows:
- | | | | |
|-----|---------------------------------------|----------|---|
| (a) | Farm/agricultural uses: | minimum: | thirty-five (35) acres |
| | | maximum: | none |
| (b) | Non-farm residential uses: | minimum: | one (1) acre |
| | | maximum: | three (3) acres subject to provisions in Section 4.12 |
| (c) | Other non-farm, non-residential uses: | minimum: | one (1) acre |
| | | maximum: | none. |
| (d) | Parcel Width: | minimum: | 80 feet |
- {amended 3/5/2001}
- (7) Building Height.
- | | | |
|-----|--|--|
| (a) | maximum: | 35 feet (non-farm buildings)
60 feet (farm buildings) |
| (b) | Barns, elevators, grain dryers, silos and other farm structures: | height shall not exceed distance from nearest property line. |
| (c) | Non-habitable structures, including communication towers: | height shall not exceed .75 times the distance from nearest point of base of structure to property line up to a maximum of 200 feet. |
- (8) Building and Site Area Restrictions.
- | | | |
|-----|---------------------------|--|
| (a) | Maximum Floor Area Ratio: | (10) percent (farm)
(25) percent (non-farm) |
|-----|---------------------------|--|
- (9) Building Setbacks.
- | | | |
|-----|------------------------|--------------------|
| (a) | Minimum side yard: | |
| | 1. Farm Buildings: | 25 feet. |
| | 2. Non-farm Buildings: | 50 feet. |
| (b) | Minimum rear yard: | |
| | 1. Farm Buildings: | 25 feet. |
| | 2. Non-farm Buildings: | 50 feet. |
| (c) | Minimum street yard: | see Section 3.4(3) |
- (10) Vehicle Access, Parking, and Loading. (see Section 8).
 (11) Landscaping, Bufferyard, and Lighting. (see Section 9).
 (12) Signs. (see Section 10).
 (13) Site & Operation Plan Requirements. (see Section 11).

4.7 UR: URBAN RESIDENTIAL DISTRICT.**(1) Intent.**

The Urban Residential District is intended to regulate and provide for the orderly development of single-family residential "open space" subdivisions served by public or other centralized sanitary sewer systems (only). Further, the UR District is intended to: (1) satisfy the increasing demand for rural non-farm, single-family development in the Town; (2) minimize the impact of such development on adjacent farm land; and (3) further the goal of preserving the rural character, lifestyle and open spaces of the Town by regulating the density, extent, and location of such development. Generally, the provisions of this district require that:

- the minimum area required per subdivision is twenty -five (25) acres;
- the maximum density of development allowed does not exceed one (1) single-family dwelling unit per one (1) gross acre when a minimum of twenty-five (25) percent of the entire subdivision area is preserved as open space (OPTION 1) or 1.25 single-family dwelling units per one (1) gross acre when a minimum of fifty (50) percent of the subdivision area is preserved as open space (OPTION 2);
- the minimum area required per residential lot is 2/3 acre (30,000 square feet) when the subdivision is developed under Option 1 with a minimum of 25 percent open space and 1/3 acre (15,000 square feet) when the subdivision is developed under Option 2 with a minimum of 50 percent open space;
- the subdivision layout is designed to preserve, protect and minimize disturbance of any natural resource features and environmentally sensitive areas within the subdivision tract by "clustering" the developed homesites away from such features and on lands more suitable for urban development and less likely to adversely affect (or be affected by) agricultural operations on adjacent or nearby land.

(2) Principal Uses and Structures.

- (a) Single-family dwellings and accessory structures, facilities, utilities and essential services.
- (b) Foster homes and community living arrangements.
- (c) Family day-care homes as set forth in Section 66.304, Wis. Stats.
- (d) Existing farmstead dwellings.
- (e) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and passive recreation areas that do not require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlots.
- (f) Natural and man-made storm water management areas, facilities, and structures.
- (g) general farming, including grain, seed and vegetable crop production, and orchards.
- (h) Home occupations and professional home offices.

(3) Conditional Uses and Structures. (see Section 6).

- (a) Golf courses, playfields, parks, and other active recreational uses requiring or involving the development of buildings, structures or facilities.
- (b) Public and private parks, open space recreation areas, hiking, biking, skiing and equestrian trails, prairies, wetlands, woodlots, and other active and

- passive recreation areas that require significant grading or the construction or installation of buildings, structures, or facilities on open space areas or outlots.
- (c) Government-operated or other public uses, services and buildings on parcels not less than two (2) acres in area, including but not limited to:
1. public, private, and parochial schools
 2. churches and cemeteries
 3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
- (d) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
- (4) Accessory Uses and Structures. (see Section 5).
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7).
- (6) Subdivision and Parcel Density, Area, Width and Public Street Frontage.
- (a) Maximum Subdivision Dwelling Unit/homesite Density:
- | |
|-----------------------------------|
| one (1) per 1.0 acres (Option 1) |
| one (1) per 1.25 acres (Option 2) |
- (b) Minimum Subdivision Area: 25 acres (subdivision tract)
- (c) Minimum Lot Area: 30,000 square feet (Option 1)
15,000 square feet (Option 2)
- (d) Minimum Lot Width: 125 feet measured at the actual street yard building setback
- (7) Building Height.
- (a) maximum: (35) feet (principal building or structure)
(20) feet (accessory building or structure)
- (8) Building and Site Area Restrictions.
- (a) Maximum Floor Area Ratio: (25) percent.
- (9) Building Setbacks.
- (a) Minimum side yard: 10 feet one side (25 feet both sides)
- (b) Minimum rear yard: 30 feet.
- (c) Minimum street yard: see Section 3.4(3).
- (10) Vehicle Access, Parking, and Loading. (see Section 8).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9).
- (12) Signs. (see Section 10).
- (13) Site & Operation Plan Requirements. (see Section 11).
- (14) Open Space Area Requirements.
- (a) A minimum percentage of the total gross area of a subdivision tract shall be preserved as open space in accordance with the following:
- | | |
|-----------|------------------------------|
| OPTION 1: | Twenty-five (25) percent; or |
| OPTION 2: | Fifty (50) percent. |

Said open space shall be established in one or more open space areas that are either designated, dedicated, reserved, or restricted for public or private use or enjoyment by property owners and/or occupants of adjoining land in the subdivision. Said open space shall not include areas required for public highways, road or streets.

- (b) Open spaces areas shall be comprised of:
 - 1. undevelopable and indivisible outlots owned in equal undivided interest by the owners of the other lots or parcels within the subdivision plat or certified survey map (CSM) as tenants in common (see Open Space Area Ownership and Maintenance Requirements below) and designated as such on the subdivision plat or certified survey map (CSM) for the parcel being developed and in the deed of conveyance for each lot or parcel.

(16) Open Space Area Ownership and Maintenance Requirements.

- (a) Open space areas may be dedicated to and accepted by the Town, county or State if said open space areas are contained in an adopted Park/Open Space/Conservancy Plan.
- (b) Unless otherwise dedicated for public use as provided herein, all open space areas counted toward the satisfaction of the minimum open space requirements shall be subject to conservation and/or other open space preservation easements regulating the protection of said open space areas from further development and/or division. Such easements shall be reflected on the subdivision plat or certified survey map (CSM) and contained in a restrictive covenant or other legal instrument reviewed and approved by legal counsel for the Town. Said instruments shall ensure that all such easements are held privately and in perpetuity by the individual property owner or a non-profit membership corporation or other legal entity, e.g. homeowner's association, and that the developer, individual property owner, or other legal entity is responsible for the ownership, perpetuation, care, and maintenance of all such open space areas.
- (c) Said instrument shall legally describe and identify as to location, size, use and maintenance of the open space area(s) subject to the conservation or other open space preservation easement, compulsory membership and compulsory assessment provisions for all property owners within the subdivision (when applicable) for the perpetual care and maintenance of said open space area(s).

(17) Cluster Development Design Criteria.

The design and layout of residential lots or parcels and open space outlots should, to the greatest extent possible, satisfy the following:

- (a) individual lots shall be designed and arranged in order to minimize the destruction or alteration of natural resource features located within the parcel(s) proposed for development. In order of priority, open space outlots containing the following natural resource, open space and agricultural features in whole or in combination in order to maximize preservation of the Town's rural character:
 - 1. lakes, ponds, rivers, streams, wetlands, shorelands and floodplains
 - 2. woodlots and forests
 - 3. steep slopes (greater than 12%)

4. other areas located within Environmental Corridors as designated on the Town's Land Use Plan Map
 5. other areas comprised of wet, poorly drained and organic soils
 6. prairies
 7. primary, secondary and other farmlands as may be designated in the Dodge County Farmland Preservation Plan
 8. other drainage and storm water facilities.
- (b) Open space areas should be designed and arranged as contiguous areas having a minimum area not less than 10 percent of the total gross area of the parcel(s) being developed.
- (c) Open space areas to be owned in common by all lot owners within the development should be design and arranged to:
1. provide a perimeter buffer not less than 50 feet in width between residential lots within the subdivision and adjoining property, and, a buffer of not less than 200 feet in width between the closest platted lot and any county, state, or town road.
 2. provide for the continuation of and cross-access between existing and future open space areas on adjoining properties.
 3. provide at least one (1) pedestrian-type accessway or easement from each public subdivision street to each open space area within the development that is not less than 30 feet in width.
- (d) Residential lots should be arranged within the parcel(s) being developed in order to:
1. minimize potential conflicts with adjoining agricultural uses and operations.
 2. minimize the number of abutting residential lots so no more than two (2) lots abut any other lot.
 3. maximize the number of lots that abut and have access to the open space areas provided within the development.
 4. locate on those areas within the subdivision that are best suited for on-site sewage systems.
- (e) Individual lots, parcels and outlots should be designed and arranged to minimize the amount of land required for additional public roads while providing for the future extension of public streets to adjoining vacant land.

4.8 HB: HIGHWAY BUSINESS DISTRICT.

- (1) Intent.
The Highway Business District is intended to provide for the regulation and orderly development of highway-oriented commercial trade and service establishments along the State and County highways through the Town that are intended to serve the traveling public, or, are generally dependent upon such highways for successful operation.
- (2) Principal Uses and Structures.
- (a) Auto, truck, and farm implement and accessory equipment sales and service; including the retail sale of gasoline or diesel fuel.
 - (b) Hotels and motels.
 - (c) Establishments for the temporary storage and/or transfer of freight and vehicles used in the transport of goods and materials.
 - (d) Building supply and construction service establishments; including storage yards and offices.
 - (e) General offices for personal and professional services, including, but not limited to land surveying services, legal, accounting, engineering, and medical services, banks and other financial institutions and services, real estate services.
 - (f) General retail trade and service establishments which supply convenience and specialized goods and services, including, but not limited to: groceries, bakeries, antique and consignment stores & shops, bars, taverns and restaurants (with or without drive-through facilities), gift shops, hardware, paint and similar retail sales in individual or a clustering or one or more buildings not exceeding a cumulative total of 20,000 gross square feet in area.
- (3) Conditional Uses and Structures. (see Section 6).
- (a) Government-operated or other public uses, services and buildings, including but not limited to:
 - 1. public, private, and parochial schools
 - 2. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
 - (b) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
 - (c) General retail trade and service establishments which supply convenience and specialized goods and services, including, but not limited to: groceries, bakeries, antique and consignment stores & shops, bars, taverns and restaurants (with or without drive-through facilities), gift shops, hardware, paint and similar retail sales in individual or a clustering or one or more buildings exceeding a cumulative total of 20,000 gross square feet in area.
- (4) Accessory Uses and Structures. (see Section 5).
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7).
- (6) Parcel Area, Width and Public Street Frontage.
- (a) Minimum Area: 3 acres.
 - (b) Minimum Width: 200 feet.
 - (c) Minimum Public Street Frontage: 100 feet.
- (7) Building Height.
- (a) Maximum: 35 feet.
- (8) Building and Site Area Restrictions.

- (a) Maximum Floor Area Ratio: (40) percent.
 - (b) Maximum Impervious Surface: (60) percent.
- (9) Building Setbacks.
- (a) Minimum side yard: 50 feet.
 - (b) Minimum rear yard: 75 feet.
 - (c) Minimum street yard: 100 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9).
- (12) Signs. (see Section 10).
- (13) Site & Operation Plan Requirements. (see Section 11).

4.9 AB: AGRICULTURAL BUSINESS DISTRICT.

- (1) Intent.
The Agricultural Business District is intended to provide for the location and operation of manufacturing, processing, packaging, marketing, warehousing, storage, and service uses and activities that are necessary for, dependent upon or related to farming, raising livestock, and other agricultural activities.
- (2) Principal Uses and Structures.
- (a) All forms of agricultural uses and activities permitted in the AG: Agriculture District.
 - (b) Farm buildings and facilities including, but not limited to, barns, silos, sheds, storage bins, animal confinement facilities and structures.
- (3) Conditional Uses and Structures. (see Section 6).
- (a) Commercial stables for breeding, boarding, show, or riding and ancillary structures.
 - (b) Commercial feed, fertilizer, and other agricultural product warehousing, sales and storage.
 - (c) Farm implement, machinery and related equipment sales, repair and storage.
 - (d) Veterinary clinics and animal hospitals.
 - (e) Animal kennels.
 - (f) Milk and milk product processing, manufacturing, and storage.
 - (g) manufacturing, packaging, contractor services, and similar uses in an enclosed building.
 - (h) Grain, feed and fertilizer preparation, production, packaging and storage.
 - (i) Fruit, vegetable and farm produce sorting, processing, canning, drying, and packaging.
 - (j) Commercial greenhouse, nursery, and landscape operations.
 - (k) Government-operated or other public uses, services and buildings, including but not limited to:
 - 1. public, private, and parochial schools
 - 2. churches and cemeteries
 - 3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters
 - 4. airports, airstrips, aircraft landing fields, heliports
 - (l) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:
 - 1. sewage treatment facilities
 - 2. commercial communication towers and relay facilities
 - 3. electricity, natural gas and other essential service and facility transmission equipment
 - (m) Storage of commercial and recreational vehicles and other non-farm equipment in enclosed farm buildings existing on the effective date of this Ordinance where such use does not interfere or conflict with agricultural uses or operations.
 - (n) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional uses permitted in this district.
 - (o) Commercial Truck Service and Repair, including fabricating/welding and storage of parts and supplies customarily associated with such service and repair. *{amended July, 2008}*

- (p) Biofuel Production, including storage for feedstocks, chemicals for biofuel production or chemicals recycled from the production process and end product; off-loading facilities for the same; and ancillary laboratory facilities for the testing of product quality or new product development. *{amended July, 2008}*
 - (q) Grease Recycling, including storing, rendering, processing and transporting for sale in a nuisance-free manner animal fat, vegetable oil and food wastes, as the term is described in Wis. Admin. Code Section NR 214.02, containing animal fat or vegetable oil. *{amended July, 2008}*
- (4) Accessory Uses and Structures. (see Section 5).
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7).
- (6) Parcel Area, Width & Public Street Frontage.
- (a) Minimum Area: 3 acres.
 - (b) Minimum Width: 200 feet.
 - (c) Minimum Public Street Frontage: 100 feet
- (7) Building Height.
- (a) Maximum: 35 feet (no-farm buildings)
60 feet (farm buildings)
 - (b) Barns, elevators, grain dryers, silos and other farm structures: height shall not exceed distance from nearest property line.
 - (c) Non-habitable structures, including communication towers: height shall not exceed .75 times the distance from nearest property line up to a maximum of 200 feet in height.
- (8) Building and Site Area Restrictions.
- (a) Maximum Floor Area Ratio: (25) percent.
 - (b) Maximum Impervious Surface: (50) percent.
- (9) Building Setbacks.
- (a) Minimum side yard: 75 feet (livestock buildings).
30 feet (non-livestock buildings).
 - (b) Minimum rear yard: 50 feet.
 - (c) Minimum street yard: 100 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9).
- (12) Signs. (see Section 10).
- (13) Site & Operation Plan Requirements. (see Section 11).

4.10 PR: PARK & RECREATIONAL DISTRICT.

- (1) Intent.
The Park & Recreational District is intended to provide for areas where the public and private outdoor recreational needs of the community can be met without undue disturbance of the Town's natural resources and adjacent land uses.
- (2) Principal Uses and Structures.
- (a) All forms of agricultural uses and activities permitted in the AG: Agriculture Zoning District.
 - (b) Bicycle and recreational trails.
 - (c) Botanical gardens and arboretums.
 - (d) Forest reserves (wilderness refuges).
 - (e) Golf courses (without country club or restaurant facilities).
 - (f) Hunting and fishing (without meeting buildings or facilities)
 - (g) Historic and monument sites.
 - (h) Ice skating (outdoor).
 - (i) Picnicing.
 - (j) Playfields, athletic fields, soccer fields, or outdoor courts (without permanent field lighting or buildings and structures).
 - (k) Playgrounds.
 - (l) Skiing, sledding and tobogganing areas (without lifts, tows, restaurant buildings or facilities).
 - (m) Swimming beaches and swimming pools.
 - (n) Tennis and racquetball courts.
- (3) Conditional Uses and Structures. (see Section 6).
- (a) country club, banquet hall, or other restaurant facilities associated with and accessory to an existing principal or permitted conditional use allowed in this district.
 - (b) Golf driving ranges, miniature golf and other golf-related facilities and operations not associated with an approved golf course.
 - (c) Private resorts, country clubs, gymnasiums, tennis court and athletic clubs, hunting, fishing and other sportsmen's clubs.
 - (d) archery and firearm ranges.
 - (e) Indoor and outdoor, single- or multiple-use recreation centers, including roller skating, ice skating, and skate boarding.
 - (f) Marinas, boat rentals and boat access sites.
 - (g) Playfields, athletic fields, soccer fields, or outdoor courts (with permanent field lighting or buildings and structures).
 - (h) Skiing, sledding and tobogganing areas (with lifts, tows, restaurant buildings or facilities).
 - (i) Government-operated or other public uses, services and buildings, including but not limited to:
 - 1. public, private, and parochial schools
 - 2. churches and cemeteries
 - 3. government-operated administrative buildings, libraries, parks, police, fire, and medical emergency buildings, facilities and shelters.
 - 4. buildings for special events, gatherings and other public events such as museums, amphitheatres, arenas, exhibition halls, fairgrounds, fieldhouses.
 - (j) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot be located on land in

other zoning districts provided in this Ordinance and that do not conflict nor impair agricultural use. Such uses may include, but not be limited to:

1. sewage treatment facilities
2. commercial communication towers and relay facilities
3. electricity, natural gas and other essential service and facility transmission equipment

- (k) Public and private campgrounds and travel trailer and recreational vehicle parks subject to the following minimum provisions and requirements (additional requirements may be required by the Plan Commission and Town Board as set forth in the conditional use permit):
1. campgrounds and parks, including those providing for travel trailers, recreational vehicles, cabins and tents shall have a minimum site area of thirty (30) contiguous acres.
 2. the maximum number of campsites shall not exceed fifteen (15) per net acre.
 3. each campsite shall provide a minimum area of twenty-five hundred (2,500) square feet; be separated by yard area not less than ten (10) feet in width; and be improved with an abutting parking space of not less than ten (10) feet by twenty-five (25) feet in addition to the access drive.
 4. One (1) additional parking space shall be provided for each five (5) campsites provided and conveniently located throughout the campground or park adjacent to access drives and/or recreational or service facilities.
 5. Passive and active recreation areas shall be provided within the campground in an amount equal to one-hundred (100) square feet per campsite.
 6. public utilities shall be placed underground and all access and circulation drives internal to the campground shall be a minimum twelve (12) feet in width for one-way drives; twenty-four (24) feet for two-way drives; and surfaced with a minimum of five (5) inches of road gravel covered by a minimum of three (3) inches asphalt surfacing.
 7. the Plan Commission may require additional fencing and/or landscaping as a means to discourage trespassing.
 8. recreational facilities, laundry buildings, and one (1) convenience-type retail store/lodge providing items for sale, rent or use for the benefit of the campground and not exceeding four thousand (4,000) square feet in total floor area, manager's office and storage buildings, sanitary facilities, and fences, may be permitted by the Plan Commission.
- (l) Uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other principal or conditional use s permitted in this district.

(4) Accessory Uses and Structures. (see Section 5).

(5) Non-Conforming Uses, Structures, and Lots. (see Section 7).

(6) Parcel Area, Width and Public Street Frontage.

- (a) Minimum Area: 2 acres.
- (b) Minimum Width: 300 feet.
- (c) Minimum Public Street Frontage: 100 feet.

(7) Building Height.

- (a) Maximum: 35 feet (no-farm buildings)

60 feet (farm buildings)

- (b) Barns, elevators, grain dryers, silos and other farm structures: height shall not exceed distance from nearest property line.
 - (c) Non-habitable structures, including communication towers: height shall not exceed .75 times the distance from nearest property line up to a maximum 200 feet in height.
- (8) Building and Site Area Restrictions.
- (a) Maximum Floor Area Ratio: (20) percent
 - (b) Maximum Impervious Surface: (35) percent.
- (9) Building Setbacks.
- (a) Minimum side yard: 50 feet
 - (b) Minimum rear yard: 50 feet.
 - (c) Minimum street yard: 100 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9).
- (12) Signs. (see Section 10).
- (13) Site & Operation Plan Requirements. (see Section 11).

4.11 QE: QUARRYING & EXTRACTIVE DISTRICT.

- (1) Intent.
The Quarrying & Extractive District is intended to accommodate the orderly operation and restoration of existing quarries and mineral extraction operations, as well as, for new quarries and mineral extraction operations in a manner that will allow the mining and processing of essential rock, sand, soil and other mineral resources while safeguarding the natural environment and adjacent land uses.
- (2) Principal Uses and Structures.
(a) All forms of existing agricultural uses and activities permitted in the AG: Agriculture Districts.
- (3) Conditional Uses and Structures. (see Section 6).
(a) Rock, sand, gravel, crushed and broken stone quarrying.
(b) Crushing and processing of minerals indigenous to the site.
(c) Peat and soil removal (borrow pits).
(d) Stockpiles (when accessory to quarrying operations).
(e) Washing, refining, or processing of rock, gravel, soil, sand and other minerals.
(f) Aggregate, ready-mix, and asphalt plants.
(g) Manufacture of concrete building blocks or other similar concrete products.
(h) public, quasi-public, and private utilities and related buildings, services and facilities serving and/or otherwise providing a benefit to the Town and surrounding communities that, by necessity, cannot or should not be located on land in other zoning districts provided in this Ordinance. Such uses may include, but not be limited to:

1. sewage treatment facilities
2. commercial communication towers and relay facilities
3. electricity, natural gas and other essential service and facility transmission equipment
(i) other uses and structures determined by the Plan Commission to be similar in character, intensity, operation, function, and potential impacts generated by other conditional use s permitted in this district.
- (4) Accessory Uses and Structures. (also see Section 5).
(a) the following facilities and structures when accessory to an approved conditional use(s):
1. Garages for storage of vehicles used in conjunction with the operation of the principal use.
2. Ground-mounted and building-mounted earth station dish and terrestrial antennas.
3. Maintenance buildings.
4. Off-street parking and loading areas provided that they are properly screened.
5. Offices, storage, power supply, and other uses normally auxiliary to the principal use.
6. Weighing scales.
7. Any other facility or structure determined by the Plan Commission to be similar in character and/or function to the other accessory uses specified above.
- (5) Non-Conforming Uses, Structures, and Lots. (see Section 7).

- (6) Parcel Area, Width and Public Street Frontage.
- (a) Minimum Area: 50 acres.
 - (b) Minimum Width: 500 feet.
 - (c) Minimum Public Street Frontage: 500 feet.
- (7) Building Height.
- (a) Maximum: 35 feet.
 - (b) Non-habitable structures and equipment including communication towers: height shall not exceed .75 times the distance from nearest property line up to a maximum 200 feet in height.
- (8) Building and Site Area Restrictions.
- (a) Maximum Floor Area Ratio: (5) percent.
 - (b) Maximum Impervious Surface: (35) percent.
- (9) Building, Area of Excavation, Disposal, Stockpile or Storage Setbacks.
- (a) Minimum street yard: 250 feet (Town streets and roads)
250 feet (State & County roads and highways)
 - (b) Minimum side and rear yard: 500 feet (residential property).
250 feet (agricultural property).
200 feet (commercial/industrial property).
500 feet (conservancy property).
 - (c) Minimum Building Separation: 25 feet.
- (10) Vehicle Access, Parking, and Loading. (see Section 8).
- (11) Landscaping, Bufferyard, and Lighting. (see Section 9).
- (12) Signs. (see Section 10).
- (13) Site & Operation Plan Requirements. (see Section 11).
- (14) Special Requirements.
- (a) Operation Plan
Each applicant for a conditional use in the QE: Quarrying and Extractive District shall submit an operation plan for the proposed use. The operational plan shall specify:
 1. a timetable for operation of the quarry including the date on which the quarrying, extractive, or other operation will begin and the planned date of the completion of the operation.
 2. a phasing plan showing the location and timing on all proposed phases.
 3. hours of operation and days of operation for the quarrying, extractive, or other operation.
 4. the means by which noise, dust, and other potential nuisances will be controlled.
 5. the means by which the applicant will control storm water runoff and erosion to protect watersheds and groundwater aquifers.
 6. the location, height, and type of all proposed fences.
 7. machinery and equipment to be used and/or stored during the quarrying, extractive, or other operation, and the location thereof.
 8. a transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency

of trips to and from the site, and the routes to be used by trucks or locomotives.

9. the location and type of landscaping to be used to screen the quarrying, extractive, or other operation from adjacent land uses and public rights-of-way.
10. other information required by the Plan Commission.

(b) Restoration Requirements

In order to insure that the area of quarrying, extractive, or related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall submit to the Plan Commission a plan for such restoration in the form of the following. Existing quarry operations shall submit a restoration plan within two years following the adoption of this Ordinance:

1. an agreement with the Town Board whereby the applicant contracts to restore the premises to a condition and within a time satisfactory to the Town Board.
2. a physical restoration plan showing existing topography (at a contour interval specified by the Plan Commission) and the proposed contours after restoration, plantings and other special features of restoration, and the method by which such restoration is to be accomplished. Every two years following the initial conditional use permit issuance, or adoption of this Ordinance, whichever is applicable, the applicant or his successor shall submit an update to the restoration plan showing restoration progress and existing topography of the quarry site.
3. a bond, letter of credit, certified check, or other financial guarantee satisfactory to the Town Board in an amount sufficient to secure the performance of the restoration agreement may be required.
4. such agreement and financial guarantee shall be in a form approved by the Town Board.
 - a. if applicant fails to fulfill the agreement such bond, check or other financial guarantee shall be deemed forfeit for the purpose of enabling the Town Board to perform the restoration.
 - b. restoration shall proceed as soon as practicable and at the order and direction of the Town Board. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than 2 years.
 - c. at any stage during the restoration the plan may be modified by mutual agreement between the Town Board and the owner or operator.
 - d. the restoration plan shall specify what fill material will be used, the method and extent of compaction, and the depth of topsoil upon completion of the quarry, extractive, or related operation. In all cases, fill shall consist of clean earth, and no more than 25 percent by volume per truckload of building stone or concrete, and no more than five (5) percent by volume per truckload of incidental asphalt. Where there is back filling, the method of back filling shall not be such as to create a health hazard nor which would be objectionable because of odor, combustibility, or unsightliness. In any case, the finished condition of the restored area except for rock faces, outcroppings, water bodies, or areas of proposed

- building or paving construction, shall be of sufficient depth of earth to support plant growth.
- e. within one (1) year after the cessation of the operation or any phase of the operation, all temporary structures (except fences), equipment, stockpiles, rubble heaps or other debris shall be removed or back filled into excavation so as to leave the premises in a neat and orderly condition.
 - f. in any restoration procedure which takes place in sand or gravel pits or on other sites where the material is of a loose or friable nature, no slope shall be left which is steeper than a ratio of one and one-half horizontal to one vertical. In no case shall any slope exceed the normal angle of slippage of the material involved.
 - g. upon completion of quarry operations, the quarry operator shall be required to submit a restoration report prepared by a registered professional engineer certifying that the restoration plan has been fully complied with.
5. Restoration shall proceed as soon as practical and at the order and direction of the Town Board. However, the owner or operator may, at his option, submit a plan for progressive restoration as the quarrying operation is being carried on. The required bond in such case may cover progressive stages of the restoration for periods of not less than 2 years. Aerial photographs of the quarry site shall be provided at least every other year and topographical data, to a detail required by the Plan Commission, shall be required at least every six years. The quarry operator shall be required to submit restoration progress reports and a final restoration report prepared by a registered professional engineer certifying that the restoration plan has been fully complied with.
- (c) Nonconforming Quarrying Uses
Any nonconforming quarrying use in operation on the effective date of this Ordinance shall apply to the Plan Commission for a conditional use permit within one (1) year after said effective date. The Plan Commission may require a plan of operation, final restoration plan, intermediate restoration plans as deemed necessary, and may impose such restrictions upon the use of such site, the height and bulk of any structure as may be reasonable and not unduly burdensome or onerous under the particular circumstances, provided that such restrictions shall not be more restrictive than the current requirements (if any) established for the operation and are consistent with all applicable county and state regulations.

4.12 USE STANDARDS.

(1) *Non-Farm Residential Uses.*

Single-family residential dwellings, including previously existing farm dwellings and buildings resulting from farm consolidation, that are located on separate, non-farm residential lots or parcels divided from a farm parent tract subject to the following limitations and requirements *{amended 3/5/2001}*:

- (a) the number of non-farm lots that can be divided from a parent tract shall be limited in order to provide for the retention of the remaining lands for exclusively agricultural purposes. Therefore, parent tracts comprised of a minimum of (15) contiguous, gross acres are granted limited non-farm development rights as provided below:

The right to divide and develop one (1) non-farm lot is granted for the first fifteen (15) contiguous acres and one (1) additional non-farm development right for each additional fifty (50) acres. As an example, the total number of non-farm lots that can be divided from parent tracts of a given size are noted below:

Parent Tract Size (contiguous acres)	Total Development Rights: Non-farm Lots	Total Development Rights: Non-farm plus Farm (includes one development right per farm parent tract)
0-14.9	0	1
15.0-64.9	1	2
65.0-114.9	2	3
115.0-164.9	3	4
165.0-214.9	4	5
215.0-264.9	5	6
265.0-314.9	6	7

- (b) Except for lots created to include previously existing farm dwellings and other farm buildings, each non-farm lots created by division from a parent tract shall be limited in size as follows with a preference for the smallest practical size necessary to accommodate on-site sanitary disposal requirements except where soil and other characteristics of the land necessitate larger lots in order to accommodate safe and efficient septic system location, vehicle access, and logical land division:

- a. minimum: 1.0 acres
- b. maximum: 3.0 acres

The maximum lot are requirement may be increased up to five (5) acres where the creation of a lot equal or less than the three (3) acre maximum requirement would result in the creation of outlots that cannot be logically included as part of the original agricultural land and used for agricultural

purposes, or, where, in the opinion of the Plan Commission, an increase in the maximum area will result in a more logical layout or parcel configuration.

The right to divide and develop two (2) or more non-farm lots may be combined so that one, larger lot may be divided and developed. When individual non-farm lots are proposed for combination into one larger lot, the total number of non-farm lot rights shall be reduced by one (1) for every three (3) acres (or portion thereof) of additional land combined.

- (c) Lots that include previously existing farm dwellings and other farm buildings shall have a minimum area of one (1) acre and a maximum area to be determined by the Plan Commission based on the suitability of land and buildings to be used for hobby or other small-scale farm uses and the provision of a buffer yard surrounding the existing dwelling and other buildings remaining after the proposed farm consolidation and/or land division.

The minimum buffer yard width and landscaping requirements (if any) shall be determined by the Plan Commission and should be the minimum required to adequately buffer farm and non-farm land uses given existing site characteristics, e.g. topography, vegetation, etc. The maximum buffer yard width and landscaping requirements (if any) shall be determined by the Plan Commission and should be not more than one-hundred (100) feet in width unless this requirement would result in the creation of odd-shaped remnants or outlots that are impractical to use for agricultural purposes, or, when in the opinion of the Plan Commission, an increase in the buffer yard width is necessary to adequately buffer farm and non-farm land uses or results in a more logical layout and parcel configuration. The maximum area shall not exceed fifteen (15) acres. *{amended 3/5/2001; 5/10/2004}*.

- (d) all non-farm lots created by division of a farm parent tract shall be included in the certified survey map (CSM) or subdivision plat approving such division. The remaining land area of a parent tract may be required to be included in a CSM or plat along with specific restrictions limiting further division of a parent tract may be placed upon said CSM or subdivision plat to ensure compliance with the provisions of this section.
- (e) where and when practical, non-farm lots should be located on that area of a parent tract that is less suitable for agricultural uses than other areas within the parent tract by virtue of wooded areas, topography, shape of the parcel, and soil characteristics and where residential uses and residents will not limit nor adversely affect agricultural operations and where agricultural operations would not adversely affect residential uses and residents.
- (f) the configuration and layout of non-farm lots should follow existing tree lines, stone fences, and similar features, preserve such features as a natural buffer between said lots and agricultural uses of adjacent areas, and, where necessary, accommodate existing buildings and structures. The length of shared property lines between farm and non-farm lots shall be minimized.
- (g) The provisions of this section shall apply to all parent tracts as of the effective date of this Ordinance. For purposes of this section, a "parent tract" is defined as one or more contiguous parcels of land that (1) are held in single or common but separate ownership; and (2) are not separated or divided by roads, railroads, water courses, or other similar natural or man-made impediments.

- (h) CSM's and/or subdivision plats creating non-farm lots pursuant to this section shall contain an "agricultural nuisance disclosure" stating that: "the owners and/or residents of such non-farm lots may be subjected to the inconvenience, discomfort and possible damage to property and health resulting from normal and accepted agricultural practices and operations, including, but not limited to noise, odors, dust, the operation of farm machinery, the storage, disposal and application of manure and fertilizer, herbicides, and pesticides".
- (i) The transfer of non-farm development rights between adjoining and/or non-adjoining farm parent tracts that are located in the Town of Clyman and under the same, common or different ownership may be permitted provided that (1) a Deed of Development Rights Transfer (affecting both parcels involved in the transfer) and a Transfer of Development Rights (TDR) Agreement (mutually agreed to by the property owners and the Town Board) are recorded; and (2) the transfer of non-farm development rights and the subsequent development is consistent with and further the intent of this Ordinance.

SECTION 5
ACCESSORY USE, BUILDING & STRUCTURE REQUIREMENTS
AND LIMITATIONS

5.1 REQUIREMENTS AND LIMITATIONS.

Accessory uses are allowed "by right" in all zoning districts subject to any specific requirements or limitations set forth in the applicable zoning district regulations and the following:

- (1) Accessory uses, buildings and structures are permitted only after the principal use, building or structure has commenced or is already present on a lot or parcel.
- (2) The following accessory uses, buildings and structures are required to meet all building setback requirements set forth in the applicable zoning district regulations:
 - (a) accessory buildings and structures that are greater than 200 square feet in area, including utility garden and equipment storage sheds, attached and detached garages and storage buildings, gazebos, etc.

All other accessory uses, buildings and structures shall meet a minimum setback of not less than ten (10) feet from the nearest property line.

- (3) The maximum number, gross floor area, and height for accessory buildings on lots or parcels located in all residential districts and on all non-farm lots and parcels used for residential purposes but located in the agricultural and all other districts shall be based on the gross area of the lot or parcel upon which said structures are to be located in accordance with the following:
 - (a) Number. Three (3) accessory buildings for lots or parcels less than 4.0 acres; four (4) accessory buildings for lots or parcels greater than 4.0 acres.
 - (b) Area. 1,500 square feet or 5.0 percent of the total lot or parcel area in square feet, whichever is greater. *{NOTE: area allowance is total area allowed for all buildings; not per each building}*
 - (c) Height. Twenty-five (25) feet.
- (4) Accessory buildings for agricultural and other non-residential purposes on lots or parcels located in the agricultural, business and open use districts shall meet all area, height, etc. requirements set forth in the applicable district regulations.
{amended 5/10/2004; 3/13/2006; 7/2007}

5.2 RESTRICTIONS AND LIMITATIONS FOR SPECIFIC ACCESSORY USES ALLOWED ON RESIDENTIAL PROPERTY.

The following are detailed standards, restrictions and limitations for certain accessory uses, building, and structures allowed on lots or parcels located in the residential zoning districts and other lots or parcels used for residential purposes but located in the agricultural and other non-residential zoning districts:

- (1) Fences.
 - (a) all fences shall be maintained in good repair and in structurally sound condition. All fences shall be constructed and maintained in a good aesthetic condition and in such a manner and of such materials and colors so as not to adversely affect the value of adjoining property or property in the immediate neighborhood. No fence may be constructed or maintained which is

detrimental to human life or safety or causes a traffic hazard All fences shall be constructed and maintained straight, plumb, and of an even height along its length, except for such deviations as required by grade.

- (b) No advertising or signs shall be permitted on any fence;
- (c) No materials shall be stored between a fence located adjacent to a site, lot or parcel of land and the property line;
- (d) where applicable, fencing shall be constructed with the finished or decorative side facing toward adjoining property and/or a public street;
- (e) temporary snow fencing will only be permitted between October 1 and May 1 of each year.
- (f) all fencing shall be setback a minimum of one (1) foot from all property lines and not exceed the following height requirements:
 - 1. Side and Rear yard: eight (8) feet
 - 2. Street yard: four (4) feet
- (g) electrically charged and other, similar fencing shall be prohibited on all lots or parcels in or on property abutting residential zoning districts and other non-farm residential uses and properties unless another intervening fence or other barrier is installed;

(2) Sale of Used Vehicles and Equipment.

The sale of used vehicles and equipment from lots or parcels is allowed as an accessory use provided:

- (a) not more than three (3) motorized vehicles, including but not limited to automobiles, trucks, boats, recreational vehicles, or other similar vehicles or accessory items shall be displayed at any one time; and
- (b) the vehicles or equipment are owned and/or licensed to the resident occupant or property owner of said lot or parcel.

SECTION 6
CONDITIONAL USE REQUIREMENTS AND LIMITATIONS

6.1 PERMIT REQUIRED.

Subject to review by and receipt of a recommendation from the Plan Commission, The Town Board may issue a permit granting approval for the use or development of a lot or parcel for one or more conditional uses specifically allowed in the zoning district within which such lot or parcel is located.

Issuance of a conditional use permit authorizes the property owner/applicant to move on to the next step in the development process and apply for all other permits or approvals that may be required by this Ordinance or other ordinances, e.g. site plan approval, subdivision plat approval, certified survey map (CSM) approval for a minor land division.

6.2 STANDARDS FOR APPROVAL.

The Plan Commission and Town Board shall base their recommendation and decision to grant a conditional use permit on consideration of the potential impact such use may have on the health, safety, and general welfare of adjoining property, the surrounding neighborhood, and the community as a whole. Specific consideration should be given to whether or not a proposed conditional use, including all principal and accessory buildings, structures and other developed features associated with that proposed use can meet any and all requirements, standards, and criteria set forth in the applicable zoning district section, and, that the proposed use would (or could if specific conditions of approval were satisfied):

- (1) be consistent with and/or further the general purpose and intent for this Ordinance (see Section 1.3) and the stated purpose and intent for the particular zoning district within which the subject property and proposed conditional use are located;
- (2) not create more adverse impacts on existing uses on adjoining property and the surrounding area than those which might reasonably result from a use and/or development that is permitted by right in the applicable zoning district;
- (3) not endanger the public health, general welfare or safety, and, not have a substantial or undue adverse impact that would diminish or impair the character and/or property values, of adjoining and/or surrounding property;
- (4) not be developed, constructed, arranged, operated or otherwise conducted on the lot or parcel that would interfere with the ongoing and future use and development of surrounding properties in accordance with the zoning districts within which the surrounding properties are located, and, not establish a precedent that encourages significantly more intensive or incompatible uses of surrounding properties;
- (5) be served by or provided with adequate essential services and public facilities, e.g. streets, potable water, sanitary sewer, police and fire protection, refuse disposal, parks, schools, etc.;
- (6) not result in the loss, destruction of or damage to water quality and quantity control features or facilities, or any other natural, historic, scenic resource, including floodplains, floodways, rivers, streams, soil and vegetation.

The burden of proof that a proposed conditional use meets or exceeds these standards is the responsibility of the property owner/applicant and not that of the Town Plan Commission or Town Board.

6.3 ZONING DISTRICT REGULATIONS AND CONDITIONS OF APPROVAL.

(1) Conditions of Approval.

The Plan Commission may recommend and the Town Board may impose stipulations and conditions imposing additional and more stringent requirements and limitations deemed appropriate and necessary to ensure the proposed conditional use, including all buildings, structures and other development features on the lot or parcel can or will meet the standards for approval set forth in Section 6.2. These stipulations and conditions may include, but not be limited to, the following:

- (a) prohibited uses;
- (b) site layout and developed features including building setbacks, location, design, orientation, height, landscaping, screening, etc;
- (c) performance bonds, letters of credit and/or financial sureties;
- (d) hours, days, seasons, etc. of operation;
- (e) sanitary sewer and potable water supply and/or disposal facilities.

Violations of any condition(s) set forth in the conditional use permit may constitute grounds for the imposition of additional and/or revised conditions, or, revocation of the conditional use permit. Such violations shall also be deemed to be a violation of this Ordinance and subject to all applicable penalties.

6.4 LIMITATIONS ON CONDITIONAL USE PERMITS.

(1) Time Limitations.

Unless otherwise stated as a condition of approval and made part of the conditional use permit, no permit shall remain valid for a time period longer than twelve (12) months unless the use has commenced within the twelve (12) month time period, or, a building permit (or other necessary permits required by this Ordinance or any other agency as a prerequisite to obtaining a building permit) has been obtained and the property owner/applicant is diligently pursuing completion of the development in order that the proposed use can commence prior to expiration of the time period for which such building permit (or other agency permit) remains valid.

(2) Discontinuation of Use.

The granting of a conditional use permit shall be deemed to authorize only the use(s) subject of the conditional use permit issued. Such permit shall automatically expire and cease to be of any force or have any effect if such use shall, for any reason, be discontinued for a period of twelve (12) consecutive months, or, thirty-six (36) cumulative months. Upon such expiration, all use(s) shall conform to the provisions, limitations, etc. contained in the applicable zoning district.

(3) Revocation.

A conditional use permit shall remain in effect provided that the terms and conditions set forth therein have been and continue to be met in the manner set forth in the permit and/or this Ordinance or until expiration of the permit. In the event that the property owner, applicant and/or operator fails to comply with the terms and conditions of conditional use permit or the provisions of this Ordinance, the permit may be revoked by the Town Board after giving twenty (20) days notice to the property owner, applicant or operator. The property owner, applicant or operator shall be entitled to a hearing before the Town Board concerning any questions, concerns, or circumstances surrounding the matter of revocation and grounds for such revocation. Reinstatement of a conditional use permit that has been revoked shall require review and approval by the Plan Commission and Town Board following the same procedures followed when the initial permit was granted.

- (4) Permit Runs with the Property.
Except as may be otherwise provided in the conditional use permit, a conditional use permit shall be deemed to relate to and be of exclusive benefit to the site, lot or parcel of land subject to the permit and not the property owner/applicant, or operator of such use or land.
- (5) Additions, Enlargements, or Other Revisions to a Conditional Use.
Except as may be otherwise provided in the conditional use permit, any addition, enlargement, expansion, or other revision or change to the use, buildings, structures, or other development features comprising the use subject to a conditional use permit shall only be authorized pursuant to the same review and approval procedures set forth in this Ordinance.
- (6) Re-application Restricted.
Whenever the Town Board has taken final action on a conditional use permit application, whether it be approved or denied, the Plan Commission shall not accept any re-application or new application(s) for a conditional use on any site, lot or parcel of land, in whole or in part, for a period of six (6) months.

6.5 CONDITIONAL USE PERMIT APPLICATION.

An application for a conditional use permit, including new uses and the enlargement, expansion, addition or other revision to an existing conditional use, shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.

Conditional use permit applications shall be accompanied by the following information, plans, data in order for the Plan Commission and Town Board to properly review the permit application and make a determination and subsequent recommendation as to whether or not the proposed use would be in compliance with the provisions of this Ordinance and whether or not a permit shall be granted:

- (1) Name(s) and mailing address(es) of the property owner(s), applicant(s), and authorized agent(s);
- (2) Names and mailing addresses of all owners of property abutting and/or within five-hundred (500) feet of all property lines of the property subject of the permit application;
- (3) Address (if any) and legal description of the subject property by lot, block and recorded subdivision, certified survey map (CSM) or metes and bounds survey;
- (4) Zoning district within which the subject property is located;
- (5) Name of the project (if any) and a detailed narrative description of the specific uses(s) and operational characteristics of the proposed use, including but not limited to, the following:
 - (a) hours of operation;
 - (b) number of employees;
 - (c) estimate of vehicle traffic and trips generated by the proposed use;
 - (d) estimate of water consumption and wastewater generated by the proposed use;
 - (e) type of materials and equipment used and stored as part of the proposed use;
 - (f) methods of handling solid and liquid waste, site and building maintenance, security;

- (6) Plat of Survey or Site Plan (drawn to and including an appropriate scale) containing a plan view of all existing and proposed features of the lot or parcel including, but not limited to, the following:
 - (a) all property lines, right-of-way lines, access driveways, and easements;
 - (b) existing and proposed topography shown at a contour level of not less than two (2) feet on a topography/grading plan (optional);
 - (c) location and number of parking, loading and storage areas and spaces (including solid waste);
 - (d) location of existing and proposed septic systems, disposal fields, holding tanks, storm sewers, drainage basins and other storm water facilities;
 - (e) location of all buildings, structures, fences, walls, landscaping, and lighting features;
- (7) Description and/or architectural plans or drawings necessary to adequately present the type, dimensions, height, density, intensity, structure, and materials for all proposed buildings, structures, fences, walls, landscaping, lighting and other developed features;
- (8) Copies of all other permits or approvals granted by all County, State or Federal agencies;
- (9) Any other information, data, plans, evaluations, studies, etc. required by the Plan Commission or Town Board as each may deem necessary.
- (10) Other information, data, plans, studies, reports, surveys, etc. deemed necessary by the applicant in support of the permit application.

6.6 PERMIT REVIEW AND PROCESSING PROCEDURES.

- (1) Public Hearing.
The Plan Commission and Town Board shall conduct a public hearing, either individually or jointly, concerning each conditional use permit application after giving proper notice of the time, place and proposed use as required by Section 19.84, Wisconsin Statutes, and as further prescribed in this Ordinance. Any party may appear in person or be represented by a duly appointed and authorized agent. {amended 7/2007}
- (2) Plan Commission Review and Recommendation to the Town Board.
Upon completion of the public hearing and other investigations deemed necessary, including but not limited to the conduct of a site review on the subject property, the Plan Commission shall formally review and consider the permit application, including all plans, information, data, and other and supporting documentation, appropriate information provided or gained as part of or resulting from comments made during the public hearing before making its determination.

The Plan Commission shall evaluate the proposed conditional use and make a determination as to whether or not the proposed use meets or exceeds the standards for approval set forth in Section 6.2. The Plan Commission shall report to the Town Board all findings upon which its determination is based, whether such determination is the basis for recommending approval or denial. The Plan Commission shall include in its report a recommendation to approve, conditionally approve, or deny the permit application. If conditional approval is recommended, said report shall include any and all conditions, stipulations, limitations, and guarantees the Plan Commission deems are necessary in order for the proposed use to meet the standards of approval and

ensure ongoing compliance with such standards and conditions, stipulations, and limitations contained in the permit.

The report and recommendation of the Plan Commission required by this Ordinance shall be advisory only and shall not be binding on the Town Board.

(3) Town Board Action.

Upon receipt of the Plan Commission's recommendation, the Town Board shall render a decision to either grant or deny a conditional use permit application. The Town Board shall formally review and consider the permit application, including all plans, information, data, and other and supporting documentation, appropriate information provided or gained as part of or resulting from comments made during the public hearing before making its determination.

The Town Board shall evaluate the proposed use and make a determination as to whether or not the proposed use meets or exceeds the "standards for approval" set forth in Section 6.2. The Town Board may approve, conditionally approve, or deny the permit application. If approved conditionally, the ordinance granting the permit shall include any and all conditions, stipulations, limitations, and guarantees the Town Board deems necessary in order for the proposed use to meet the "standards of approval" and ensure ongoing compliance with such standards and conditions, stipulations, and limitations contained in the permit.

SECTION 7
NON-CONFORMING USE, BUILDING, STRUCTURE AND LOT
REQUIREMENTS AND LIMITATIONS

7.1 EXISTING NONCONFORMING USES.

Any use of a lot or parcel that: (1) commenced pursuant to or in accordance with previous ordinances, rules, etc.; (2) but does not conform to all of the regulations, requirements, allowances and/or limitations of this Ordinance; and (3) existed on or before the effective date of this Ordinance, shall be deemed to be a legal, nonconforming use.

7.2 EXISTING NONCONFORMING STRUCTURES.

Any building or structure that: (1) was constructed in accordance with previous ordinances, codes, rules, etc.; (2) but does not meet all the regulations, requirements, allowances and/or limitations of this Ordinance; and (3) existed on or before the effective date of this Ordinance, shall be deemed to be a legal, nonconforming building or structure.

7.3 EXISTING NONCONFORMING LOTS AND PARCELS.

An existing lot or parcel of land located in any zoning district that: (1) was created prior to the effective date of this Ordinance; and (2) cannot meet the minimum area, width, frontage, and other dimensional requirements of the zoning district within which that lot or parcel is located shall be deemed to be a legal, nonconforming lot or parcel.

7.4 CONTINUANCE OF USE.

- (1) Whenever any part of a nonconforming building, structure, or parcel occupied by a nonconforming use is changed to or replaced by a conforming use, that building, structure or parcel cannot thereafter be used or occupied by the prior and/or a different nonconforming use, even though the building, structure, or parcel may have been originally designed, constructed, or used specifically for the prior nonconforming use.
- (2) Whenever a nonconforming use of a building, structure, or parcel has been discontinued for a period of twelve (12) consecutive months, such nonconforming use is deemed to have been discontinued and abandoned and shall not be allowed to reestablish or recommence.
- (3) Change in ownership of a nonconforming building, structure, or parcel upon which a legal nonconforming use is established shall not be the basis upon which discontinuance of such nonconforming building, structure, or use is required.
- (4) If a nonconforming building or structure or nonconforming use is damaged or destroyed by any means to the extent of fifty (50) percent or more of the replacement value at that time damage or destruction occurs, the reconstruction and subsequent use of such buildings or structures must be in compliance with the provisions of this Ordinance. In the event the damage or destruction is less than fifty (50) percent of its replacement value, the building or structure may be repaired and the nonconforming use may continue.

7.5 ADDITIONS AND ENLARGEMENTS.

Additions to and the enlargement, extension or expansion of a nonconforming structure or use is allowed provided that no nonconforming structure or use is enlarged, extended or expanded in gross floor area or other measure applicable to such use than fifty (50) percent of such structure or use existing as of the effective date of this Ordinance regardless of whether such enlargement, extension or expansion occurs as a result of one or more successive and cumulative enlargements, extensions or expansions.

7.6 MAINTENANCE AND REPAIR.

Normal maintenance, e.g. painting, and incidental repair of a nonconforming building or structure or use of a building or structure containing a nonconforming use is permitted,

including necessary non-structural repairs and incidental alterations which do not extend or intensify the nonconforming use.

SECTION 8
VEHICLE ACCESS, PARKING AND LOADING REQUIREMENTS & STANDARDS

8.1 STREET & HIGHWAY ACCESS

No direct private access (driveway) shall be permitted to the existing or proposed rights-of-way of any Town, State or County street or highway without permission of the Town or other agency that has access control jurisdiction. In addition, direct public or private access (driveways) to all streets and highways shall be permitted in accordance with the following:

(1) Driveway Location, Spacing and Sight Distance.

- (a) Driveways on all Town roads and streets shall be located a minimum of 50 feet from a street intersection. Said setback shall be measured from the intersection of the right-of-way on the two streets.
- (b) All driveways shall be located at least ten (10) feet from any property line.
- (c) The following minimum spacing of driveways located along highways should be met as a function of the operating speeds along such highways:

Posted Speed Limit (mph)	Minimum Driveway Spacing (feet)
40	100
45	125
50	150
55	200
60	250

- (d) Unless a greater minimum sight distance is required by the appropriate agency having jurisdiction, the placement of access driveways on State and County highways and designated arterial streets should be such that an exiting vehicle has a minimum unobstructed sight distance based on the operating speeds of such highways and arterial streets as set forth in the following table:

Posted Speed Limit (mph)	Minimum Sight Distance (feet)
40	300
45	350
50	400
55	450
60	500

(2) Number of Driveways Permitted.

One (1) access driveways shall be permitted to any one lot or parcel from any State or County highway or Town road if such lot or parcel has less than four-hundred (400) feet of continuous frontage. One (1) additional driveway access may be permitted by the Plan Commission if a lot or parcel has more than four hundred (400) feet of continuous frontage. When a shared vehicular access point is used by two (2) or more abutting lots, said shared vehicular access point shall be considered as one (1) single vehicular access point for each lot or parcel served.

(3) Driveway Widths.

The width of all driveways shall be a minimum of twelve (12) feet, a maximum as set forth below and terminate with adequate area for emergency vehicles to turn around for ingress/egress purposes:

Principal Use of Property	Maximum Width at the Right-of-Way Line (feet)	Maximum width at the Curbline or Pavement Edge (feet)
Residential	24'	34'
Non-residential	30'	40'

- (4) Driveway Surfacing.
 Driveways serving lots or parcels located in the agricultural and residential districts shall be graded and surfaced to be dust free and properly drained. Driveways in all other districts shall be paved with an asphalt or concrete surface within eighteen (18) months after issuance of a building permit.

8.2 PARKING REQUIREMENTS

In connection with every use and/or development of a lot or parcel, adequate off-street parking areas, spaces, or stalls for all vehicles shall be provided in accordance with the following:

- (1) Minimum Dimensions.
 Off-street parking spaces or stalls shall be a minimum ten (10) feet by twenty (20) feet, except for parking spaces provided for use by physically disabled persons as hereinafter set forth.
- (2) Parking Spaces For Physically Disabled Persons.
 Off-street parking areas open to the public providing more than five (5) parking spaces, except for parking areas restricted to use by employees only, shall provide and reserve parking spaces for use by motor vehicles which transport physically disabled persons in accordance with the requirements of Section 346.503 of the Wisconsin Statutes.
- (3) Parking Location and Setback.
 - (a) Off-street parking areas shall be located on the same lot or parcel as the principal use, building, or structure for which parking is provided. Parking for business and industrial uses shall not be located in a residential district.
 - (b) Parking areas, including aisles, in all non-agricultural and non-residential districts shall be set back a Minimum of 50 feet from any road right-of-way and a minimum of five (5) feet from other lot lines for providing area for landscaping, drainage, vehicle overhang, and sign placement. Parking areas, including aisles, in other districts shall be set back a minimum of 10 feet from any road right-of-way and a minimum of five (5) feet from other lot lines. Setbacks may be required to be greater due to, but not limited to, the need for snow storage, preservation of existing vegetation, slopes, drainage, vision triangles, vehicular turning radius, the effect of street salting, and utility location.
- (4) Surfacing.
 Off-street parking areas and ingress/egress aisles in all business districts shall be paved with an asphalt or concrete surface within eighteen (18) months after issuance of a building permit. The Plan Commission may require an appropriate financial surety to guarantee that the required paving will be completed.

- (5) Landscaping Requirement.
Off-street parking areas required to have a minimum of ten (10) spaces or stalls shall include landscaped islands, peninsulas and/or perimeter buffer yards within and around said parking area that total not less than ten (10) percent of the surfaced parking area and driveways. The minimum size of each landscape area shall be one-hundred fifty (150) square feet. Landscaped areas shall consist of a combination of shrubs, trees, flowers, similar plantings, and other landscaping material. The location of landscape areas, the type and minimum planting size of plant materials, curbing, and other related features shall be subject to review and approval by the Plan Commission. Landscaped areas shall be dispersed throughout the off-street parking area. Islands and peninsulas should be located at the ends of parking rows and aisles; around light poles; signs; existing trees; and along entryways. Landscape islands and peninsulas should also be used to break up long aisles of parking. Any landscaped area that is less than 150 square feet in area shall not be counted towards the landscaping requirement. Landscape plans for off-street parking areas shall include a topographic survey or grading plan which shows existing and proposed grades and location of improvements. The preservation of existing trees, shrubs, and other natural vegetation in the parking area may be included in the calculation of the required minimum landscape area.
- (6) Screening Requirement.
Off-street parking areas provided on lots or parcels located in business districts that adjoin an existing residential use, vacant property zoned for a residential use, and public rights-of-way shall be screened from such use(s) and rights-of-way by a landscaped buffer yard or area comprised of berms, fences, walls, evergreen and/or deciduous trees and shrubs, or ornamental trees and shrubs providing an adequate buffer as determined by the Plan Commission or as set forth in Section 9 of this Ordinance. The Plan Commission may require greater screening requirements for parking of large trucks, semi-trailers, large equipment, and for screening overhead doors, and truck loading areas and docks.
- (7) Curbs and Barriers.
Curbs and other barriers used to define a parking area shall be installed a minimum of ten (10) feet from a property line so as to prevent the parked vehicles from extending over any lot lines.
- (8) Minimum Off-Street Parking Required.
The minimum number of off-street parking areas, spaces, or stalls are required for the following uses. In the case of uses that are not specified, a number of spaces specified for a use which is similar shall be required. In developments involving the establishment of two or more uses on one lot or parcel, the number of spaces required for each use shall determine the total number of spaces required.
- (a) **Residential Uses.**
1. Single-family and two-family dwellings.
Two (2) spaces per dwelling unit. A minimum of 400 square feet of parking per dwelling unit shall be provided in a garage.
- (b) **Commercial, Office and Recreational Uses.**
1. Retail Sales and Service Establishments (w/o drive-through facilities).
One (1) space per 150 square feet of gross area plus one (1) space per 200 square feet of storage and/or office gross area.
 2. Animal hospitals.

- Three (3) spaces per doctor or technician plus one (1) space per employee.
3. Vehicle Repair, Maintenance, and Service Establishments.
One (1) space per 300 square feet of gross area plus one (1) space per service bay plus one (1) space per employee.
 4. Convenience Stores.
One (1) space per fifty (50) square feet of gross area.
 5. Drive-through Restaurants and Service Establishments.
One (1) space per 150 square feet of gross area plus area for a minimum of five (5) stacking spaces per drive-through service lane for a financial institution; eight (8) spaces per drive-through service lane for a restaurant;
 6. Motels and Hotels.
one (1) space per room plus one (1) space per every two (2) employees plus one (1) space per three (3) persons of maximum capacity of each public meeting and/or banquet room.
 7. Lodges and Clubs.
one (1) space per 500 square feet of gross area.
 8. Vehicle and Equipment Sales Establishments.
Two (2) spaces per employee plus one space (1) per 500 square feet of gross area.
 9. Plant Nurseries and Landscaping Supply establishments.
One (1) space per 500 square feet of gross floor area of inside sales or display area plus one (1) space per employee.
 10. Restaurants, Taverns and Other Entertainment Establishment (w/o drive-through facilities).
One (1) space per 100 square feet of gross area plus one (1) space per employee.
 11. Shopping Centers (less than 30,000 gross square feet).
One (1) space per 200 square feet of gross area.
 12. Shopping Centers (greater than 30,000 gross square feet).
One (1) space per 350 square feet of gross area.
 13. Medical, Dental, and Other Health Service Offices.
One (1) space per 200 square feet of gross area plus one (1) parking space per employee.
 14. Government and Other Professional Offices.
One (1) space per 350 square feet of gross area plus one (1) space per employee.
 15. Bowling and Other Ball Sport Establishments.
Five (5) spaces per lane, court or hole plus one (1) space per employee.
- (c) **Agricultural Industry and Extractive Uses.**
1. Manufacturing, Processing, and Fabrication Establishments.
One (1) space per 500 square feet of gross area plus one (1) space per two (2) employees.
 2. Industrial (and Wholesale) Warehousing.
One (1) space per 1,000 square feet of gross area plus one (1) space per employee.
 3. Extractive and Quarrying Operations.
One (1) space per employee.
- (d) **Institutional Uses.**

1. Churches and Other Places of Worship.
One (1) space per three (3) seats based on the maximum capacity of the facility.
2. Nursing Homes and Other Adult Care Facilities.
One (1) space per three (3) patient beds for visitors plus one (1) space per employee.
3. Public and Private Schools.
One (1) space for each teacher and staff member plus one (1) space for each 5 students 16 years of age and older.
4. Children's Day Care Establishments.
One (1) space per employee plus one (1) space per five (5) students at the highest class attendance period. In-home family day care facilities may include off-street driveway area toward meeting this requirement.

8.3 LOADING REQUIREMENTS

Off-street loading and unloading space meeting the following requirements shall be provided in addition to the required off-street parking area for every building in excess of 3,000 square feet used for commercial or industrial purposes:

- (1) each individual loading space shall be at least 12 feet wide by 65 feet long and have a minimum clearance of 14 feet;
- (2) one (1) loading space per 5,000 square feet gross area shall be provided;
- (3) no building for commercial or industrial purposes shall be erected on a lot in a manner that would result in the maneuvering of trucks or other service vehicles and loading and unloading activities on and/or directly from an abutting public street.

SECTION 9
LANDSCAPING, BUFFERYARD AND LIGHTING REQUIREMENTS & STANDARDS

9.1 Reserved.

SECTION 10
SIGN REQUIREMENTS AND STANDARDS

10.1 INTENT.

The intent of this Section is to provide for and regulate the location and safe construction of signs in a manner to ensure that all signs are compatible with the surrounding land uses and are well maintained. All sign permits, unless otherwise specified, shall be approved by the Plan Commission.

10.2 COMPLIANCE.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered, nor shall the face of a sign be changed without conforming with the provisions of this Ordinance. In considering a sign application, the Plan Commission shall consider the following:

- (1) purpose of the message or advertising on the sign;
- (2) the appearance, location, lighting, height and size of the sign;
- (3) affects, if any, on the safety of operators of vehicles upon the adjoining streets and highways;
- (4) the effect of the sign on property values within the immediate area;
- (5) the effect of such sign with respect to the scenic beauty of the vicinity in which the sign is proposed to be located;
- (6) the effect of such sign and advertising with respect to enforcing state laws, county and city ordinances;
- (7) the effect of the sign with respect to the danger to human life because of potential structural defects or other hazards; and
- (8) the effect of such sign and advertising with respect to the general welfare, morals, and the conserving of the taxable value of land and building located within the Town and in the immediate area adjacent to the proposed location of the sign.

10.3 GENERAL REQUIREMENTS AND RESTRICTIONS.(1) Sign Setback and Location.

- (a) Unless otherwise provided for herein, no sign shall be constructed, erected or maintained anywhere in the Town that is located within closer to the traveled portion of a street or highway than a minimum of five (5) feet from the right-of-way line for said street or highway , and, not closer than ten (10) feet to any other property line.
- (b) Except as otherwise provided for herein, no new sign should be located in a manner that would obstruct the vision clearance triangle near any public street or highway intersection. For purposes of this section, the following vision triangles shall apply to the following types of intersecting roads:
 1. town road intersecting a town road:
150 feet by 150 feet (measured from and along centerlines)
 2. town road intersecting a County or State highway:

150 feet by 300 feet (measured from and along centerlines)

3. County/State highway intersecting a County/State Highway:
300 by 300 feet (measured from and along centerlines)

Signs that are permitted to be located in vision clearance triangles shall be higher than 10 feet at the lowest point of the sign or lower than three (3) feet at the highest point of the sign to provide clear vision either under or over the sign (as measured from height at road centerline grade).

(2) Lighting and Color.

- (a) Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or other traffic and regulatory signs, signals, or devices.
- (b) Signs shall not be externally or internally lit in any manner that would emit glare or otherwise impair driver visibility upon public ways. Signs may be illuminated but may not flash. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical.
- (c) No signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any building or structure so as to hinder or prevent free ingress or egress through any door, doorway, window, or fire escape or so as to hinder or prevent the raising or placing of ladders against such building by emergency service personnel or equipment.

(3) Construction and Maintenance Standards.

- (a) signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.
- (b) free-standing ground signs shall be securely built, constructed, and erected upon posts and standards sunk at least four (4) feet below the natural surface of the ground.
- (c) signs shall be maintained and repair including any necessary restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass. Restoration or painting which changes the name, size, or location of a sign will require a new permit.

10.4 SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT.

The following signs are permitted without a permit, subject to the following and all other regulations:

(1) Temporary Property/Real Estate Sale Signs.

One temporary information or promotional sign not to exceed six (6) square feet in area in a residential, agricultural and open use district or thirty-two (32) square feet in all business districts, advertising or promoting the sale, rental, or lease of the property or real estate upon which the sign is located provided such sign is removed no later than the date such property has been sold.

(2) Rummage Sale and Garage Sale Signs.

- (a) On-premises Signs
One temporary sign not to exceed six (6) square feet in area may be erected on the property having the sale.
- (b) Off-premises Signs
additional signs advertising and/or directing prospective patrons to rummage and garage sales provided such signs do not exceed four (4) square feet in area.

All on- and off-premises rummage and garage sale signs shall be removed within two (2) days after the last day of the sale.

- (3) Memorial Signs
Memorial signs, tablets, building nameplates, etc. when such signs are cut into a masonry surface or, when constructed of metal or other non-masonry material, affixed flat against the building or structure.
- (4) Flagpoles.
Flagpoles are regulated as signs not requiring a permit and are permitted in any yard provided that:
 - (a) no more than three (3) flagpoles are permitted on any lot;
 - (b) flagpole height shall not exceed the minimum distance from the base of the flagpole to the nearest property line;
 - (c) flagpoles shall not display any advertising or business logo; flagpoles displaying business logos are considered to be pole signs and subject to the limitations set forth in this Ordinance;
 - (d) flagpoles shall be setback at least 10 feet from all property lines in residential districts and at least 20 feet in all other districts.
- (6) Traffic Regulatory and Official Directional Signs
Official signs such as traffic control signs, parking restriction signs, and directional signs for town, county, state and federal government public buildings, parks, and facilities, may be erected and may encroach upon street or highway right-of-way provided that such signs will not cause a hazard to traffic or adjoining property.
- (7) Election Campaign Signs
Election Campaign provided that permission shall be obtained from the property owner, renter or lessee prior to their placement; and provided that such sign shall not be erected prior to the first day of the "election campaign period" as defined in Section 12.04 of the Wisconsin Statutes, as it may be amended from time to time, and shall be removed within seven (7) days following the election. No election campaign sign shall be located in a street right-of-way or on public property.
- (8) Window Signs
Window signs not exceeding 25 percent of total window surface area, including glass and frame components, may be placed only on the inside of buildings and shall not be illuminated or fluorescent or flashing. Signs displayed inside buildings and inside of the glass shall not be subject to the limitations on the number of signs.
- (9) Home Occupation and Professional Home Office Signs.

One sign or name plate to identify the approved business conducted on the property subject to the following requirements:

- (a) shall not exceed six (6) square feet in area;
- (b) shall be mounted flush against the dwelling or in the yard with Plan Commission approval;

(10) Homestead/Farm Estate Sign.

Up to three (3) signs identifying the name of a homestead property or farm estate owner and/or organization(s) or affiliation(s) of a farm or residents of a farm dwelling provided each sign shall not exceed twenty (20) square feet and fifty (50) square feet in total area for all such signs.

(11) Agricultural Test Plot & Pesticide Sign.

Test plot and pesticide notification signs provided such signs are located within twenty-five (25) feet of the perimeter of the test plot or row and removed within ten (10) days after harvest but not later than November 1 of each year.

- (12) Signs for public, charitable, religious institutions, and other not-for-profit organizations advertising fund-raising event or other similar activities provide such signs do not exceed fifty (50) square feet in total area (for only one or multiple smaller signs), are installed not sooner than ten (10) days prior to the start date and removed not later than three (3) days after the end date. *{amended July, 2008}*

10.5 SIGNS PERMITTED IN ALL RESIDENTIAL DISTRICTS WITH A PERMIT.

The following signs are permitted in any residential district upon the granting of a permit and are subject to the following regulations:

(1) Permanent Real Estate Development Signs

Permanent ground identification signs displaying the name of a residential subdivision placed at the entrance to a such development and subject to the following requirements:

- (a) shall contain only the name of the subdivision or development;
- (b) shall not be less than twenty-five (25) feet from any property line;
- (c) provisions have been made assigning responsibility for the ongoing maintenance of such signs by the developer, subdivision homeowner's association, or other acceptable entity other than the Town;
- (d) maximum area to be determined by the Plan Commission based on the design of the sign and its compatibility with adjacent land uses, but in no case shall the sign exceed fifty (75) square feet in area per side up to two (2) sides per sign;
- (e) shall be constructed of stone, wood, or other natural materials, brick, textured or other split-faced masonry, shall have muted or earth-tone colors, and be surrounded by an abutting landscaped area that is equal to or greater in total surface area than that of the sign. Said area shall be landscaped with a sufficient number, size and variety of deciduous and evergreen trees, shrubs, bushes, grasses and other plants necessary to enhance visual appearance.

(2) Temporary Lot/Property Sale Sign.

In addition to permanent real estate signs, one (1) temporary informational or promotional "property for sale" or "lot for sale" or other similar sign located at the entrance(s) to an approved and platted or recorded subdivision or similar multi-lot or parcel development provided such sign shall not exceed thirty-two (32) square feet in area and shall be removed no later than the date such property or lot has been sold at least once.

10.6 SIGNS PERMITTED IN ALL AGRICULTURAL AND OPEN USE DISTRICTS WITH A PERMIT.

The following signs are permitted in any agricultural district upon the granting of a permit and are subject to the following regulations:

- (1) Home Occupation, Professional Home Office, and Farm-Business Signs.
One sign or name plate to identify the approved business conducted on the property subject to the following requirements:
 - (a) shall not exceed thirty-two (32) square feet in area. *{amended 5/10/2004}*
- (2) Off-premises Directional/Promotional Signs
Off-premises directional/promotional signs subject to the following requirements:
 - (a) one (1) sign per property or tract under single or common ownership having a minimum of 500 feet of continuous street or highway frontage. *{amended 7/2007}*
 - (b) shall only contain the copy, text, messages, logos, etc. required to provide the name, direction, travel distance and/or time, and principal activity, function, or use of the business, operation, or destination subject of the sign;
 - (c) shall not exceed twenty (20) square feet in area but may be increased one (1) square foot in area for each additional five (5) feet the sign is setback from the minimum sign setback established herein (as measured from the nearest point of any portion of the sign to the nearest perpendicular point along said setback line) up to a maximum of twenty (20) additional square feet for a total not to exceed forty (40) square feet;
 - (d) shall not exceed twenty (20) feet in height (as measured from that point along the base or supporting structure as it enters the ground to the highest point of any portion of the sign or supporting structure) provided that the highest point of any portion of the sign or supporting structure does not exceed fifty (50) feet above the centerline grade elevation of the nearest street or highway along which the advertising or message contained on the sign is oriented; and
 - (e) shall be a minimum of one-half (1/2) mile from the nearest access entrance to the business, operation, or destination.
- (3) On-premises Sale Signs.
On-premises signs advertising the sale or lease of any building, land, farm equipment or animals subject to the following requirements:
 - (a) shall not exceed thirty-two (32) square feet in area;
 - (b) shall be removed no later than ten (10) days after closing of the sale.

10.7 SIGNS PERMITTED IN ALL BUSINESS DISTRICTS WITH A PERMIT.

The following on-premises signs identifying and/or advertising the business or operation whereupon the sign is located are permitted in any business and open use district upon the granting of a permit and are subject to the following regulations:

- (1) Wall-Mounted Building Signs.
Signs placed against the exterior walls of buildings shall not extend more than 12 inches beyond the wall surface of a building, shall not exceed twenty-five (25) square feet in area for each separate business (in multi-tenant buildings) and shall not exceed the height or project above the building. Roof-mounted signs are prohibited.
- (2) Marquee and Canopy Signs
Signs affixed flat to the surface of a marquee or canopy are permitted in lieu of a wall sign provided that the sign does not extend vertically or horizontally beyond the limits of such marquee, awning, or canopy. A marquee or canopy may extend up to twelve (12) feet beyond the building to which it is affixed, but shall not extend into a required front yard, side yard, or rear yard. Marquee and canopy signs shall not exceed twenty-five (25) square feet in area. A name sign not exceeding two (2) square feet in area located immediately in front of the entrance to an establishment may be suspended from a marquee or canopy provided that the name sign is at least eight (8) feet above any public walkway.
- (3) Ground and Pole Signs
Signs constructed or otherwise erected on a base, pole or other ground-mounted supports shall not exceed fifteen (15) feet in height above the finished grade elevation at the base of the sign, and, shall not exceed twenty-five (25) feet above mean centerline street grade or lot grade, whichever is lowest, and shall not exceed twenty (20) square feet in area on one side but may be increased one (1) square foot in area for each additional foot the sign is set back beyond the required five (5) feet sign setback up to a maximum total area of forty (40) square feet.
- (4) Time and Temperature Devices
Signs erected as wall signs, projecting signs, ground signs, or pole signs may include devices displaying the time, temperature and activities occurring on the premises but shall not revolve, flash or be animated.
- (5) Number of Signs.
The maximum number of signs on any one premise shall be limited as follows:
 - (a) two (2) signs in combination of building, ground, pole, or marquee/canopy signs provided no two (2) signs are of the same type; except that separate wall, marquee or canopy signs may be allowed for each tenant in a retail shopping center subject to approval by the Plan Commission of an overall coordinated sign plan for the shopping center. Size of wall signs approved in this manner shall be figured using the width of the bay occupied by each retail tenant.
 - (b) developments with multiple street frontage may have one (1) an additional ground or pole sign to identify the development upon Plan Commission review and approval.
 - (c) Ground-mounted directional signs less than six (6) square feet in area which contain no advertising or product display shall not count toward the limitation on the numbers of signs, but shall require Plan Commission review and approval. Directional signs include, but shall not be limited to, those that read "enter," "exit," "shipping," and "receiving."

10.8 PORTABLE SIGNS/TEMPORARY SIGNS.

The Plan Commission may permit the temporary use of up to two (2) portable signs, such as banners, pennants, portable "trailer" signs, excluding inflatable balloon-type signs, for temporary promotional purposes in any district subject to the following requirements:

- (1) sign shall not be located in any public right-of-way;
- (2) sign shall not be located closer than twenty-five (25) feet from any property line;
- (3) sign shall not exceed thirty-two (32) square feet in area, shall not exceed twenty-five (25) feet in height (as measured from the finished grade elevation at the base of the sign) and shall not be illuminated with flashing or intermittent lighting;
- (4) a temporary sign permit shall be valid for a period of time not to exceed thirty (30) consecutive days commencing on the date the permit is issued; and
- (5) no more than two (2) permits for portable/temporary signs shall be issued per property per year (defined for purposes of this section as a consecutive 365-day period commencing on the date the first temporary sign permit is issued).

10.9 SIGN PERMIT APPLICATION.

An application for a sign permit, including the enlargement, expansion, addition or other revision to an existing sign, shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.

Sign permit applications shall be accompanied by the following information, plans, data, and other items deemed pertinent and necessary to properly review the permit application and make a determination as to whether or not the proposed sign would be in compliance with the provisions of this Ordinance and whether or not a permit shall be granted:

- (1) Name(s) and mailing address(es) of the property owner(s), applicant(s), and authorized agent(s);
- (2) Address (if any) and legal description of the subject property by lot, block and recorded subdivision, certified survey map (CSM) or metes and bounds survey;
- (3) Zoning district within which the subject property is located;
- (4) Narrative description of the proposed sign including purpose, location, materials, method of construction, fabrication and support.
- (5) Plat of Survey or Site Plan (drawn to and including an appropriate scale) containing a plan (i.e. overhead) view and elevation (i.e. side) views of existing and proposed features of the site, lot, parcel, building or structure upon which the sign is to be located including the following:
 - (a) all property lines, right-of-way lines, access driveways, and easements;
 - (b) location of all buildings, structures, fences, walls, landscaping, and lighting features;
- (6) Other and more detailed plans or drawings necessary to adequately present the type, size, dimensions, height, support structure, and materials for the proposed sign, including structures, fences, walls, landscaping, lighting and other developed features associated with the proposed sign;

- (7) Copies of other permits or approvals required and subsequently granted by any County, State or Federal agencies;
- (8) Any other information, data, plans, evaluations, studies, etc. required by the Zoning Administrator.

10.10 EXISTING SIGNS.

Signs lawfully existing at the time of the adoption of this Ordinance may be continued although the use, size or location does not conform with the provisions of this Section. However, such signs shall be deemed to be legal "non-conforming" structures and subject to the applicable non-conforming structure provisions of this Ordinance. Any legal non-conforming sign hereafter relocated, moved, reconstructed, extended or enlarged shall be made to comply with the provisions of this Ordinance. However, alterations to an existing sign that include: changing the sign face or message, painting, or other non-structural, cosmetic improvements are exempt from this requirement. *{amended 3/13/2006}*

By maintaining an existing non-conforming sign in an established right-of-way of an adjoining street or highway, the owner does so at his own risk and no damages will be awarded if the removal is required for public use or safety or right-of-way acquisition.

SECTION 11
SITE & OPERATION PLAN REQUIREMENTS AND LIMITATIONS

11.1 PLAN APPROVAL REQUIRED.

For the purpose of promoting compatible development, preventing depreciation of property values, preserving the rural character and appearance of the Town and improve the attractiveness of the community as a place to live and work, no non-residential or non-agricultural use, building or structure shall be commenced and/or constructed on a lot or parcel in any zoning district without first obtaining site and operation plan approval from the Plan Commission.

11.2 PLAN COMMISSION STANDARDS OF REVIEW.

The Plan Commission shall review the characteristics and natural resource features of the site, intensity of the site and proposed use, building location, density of buildings, floor area, impervious surface area, existing and proposed buildings and structures, site, operations, landscaping, lighting, signage and architectural plans, the uses of neighboring and abutting properties and the potential impacts of each on each other, proposed landscaping and buffering, off-street parking, access, loading, circulation, accessibility, traffic generation, drainage, water and sewer impacts, and the proposed operation.

The Plan Commission may approve a site and operation plan application after determining that the proposed use, development and operation, including buildings, structures and other features of development would:

- (1) be generally consistent with and/or further the general purpose and intent of this Ordinance and the specific purpose and intent for the zoning district within which the use is proposed;
- (2) not endanger the public health, general welfare or safety, and, not have a substantial or undue adverse impact that would diminish or impair the character and/or property values, of adjacent or abutting property;
- (3) meet the dimensional restrictions, e.g. area, yard, setback, and height, of the applicable zoning district;
- (4) have or provide adequate site ingress and egress and internal circulation within the site and between the site and the adjacent street system in order to ensure convenient, safe, and efficient vehicular and pedestrian traffic;
- (5) provide adequate drainage and erosion control facilities and measures before, during and after development to prevent or minimize adverse impacts on adjoining and surrounding properties;
- (6) retain natural resource and landscape features to enhance the development and provide adequate buffering between adjoining properties and public rights-of-way;
- (7) be served by or provided with adequate essential services and public facilities, e.g. streets, water, sanitary sewer, police and fire protection, refuse disposal, parks, schools, etc.;
- (8) not result in the loss, destruction or damage of any natural, historic, scenic or feature or resource.

11.3 SITE & OPERATION PLAN APPLICATION.

An application for site and operation plan approval, including the enlargement, expansion, addition or other revision to an existing site, shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.

Site and operation plan approval applications shall be accompanied by the following information, plans, data, and other items deemed pertinent and necessary by the Zoning Administrator in order for the Plan Commission to properly review the permit application and make a determination and subsequent recommendation as to whether or not the proposed use would be in compliance with the provisions of this Ordinance and whether or not the site and operation plan shall be approved:

- (1) Name(s) and mailing address(es) of the property owner(s), applicant(s), and authorized agent(s);
- (2) Address (if any) and legal description of the subject property by lot, block and recorded subdivision, certified survey map (CSM) or metes and bounds survey;
- (4) Zoning district within which the subject property is located;
- (5) Name of the project (if any) and a detailed narrative description of the specific uses(s) and operational characteristics of the proposed use, including but not limited to, the following:
 - (a) hours of operation;
 - (b) number of employees;
 - (c) estimate of vehicle traffic and trips generated by the proposed use;
 - (d) estimate of water consumption and wastewater generated by the proposed use;
 - (e) type of materials and equipment used and stored as part of the proposed use;
 - (f) methods of handling solid and liquid waste, site and building maintenance, security;
- (6) Plat of Survey Site Plan (drawn to and including an appropriate scale) containing a plan view of all existing and proposed features of the site, lot or parcel of land as necessary, including but not limited to, the following:
 - (a) all property lines, right-of-way lines, access driveways, easements, building setbacks;
 - (b) existing and proposed topography shown at a contour level of not less than two (2) feet on a topography/grading plan;
 - (c) location and number of parking, loading and storage areas and spaces (including solid waste);
 - (d) location of existing and proposed septic systems, disposal fields, holding tanks, storm sewers, drainage basins and other storm water facilities;
 - (e) location of all buildings, structures, fences, walls, landscaping, and lighting features;
- (7) Description and/or architectural plans or drawings necessary to adequately present the type, dimensions, height, density, intensity, structure, and materials for all proposed buildings, structures, fences, walls, landscaping, lighting and other developed features;
- (8) Tabular summary and narrative description of all landscaping and lighting features (i.e. "landscaping and lighting plan");

- (9) Copies of all other permits or approvals granted by all County, State or Federal agencies;
- (10) Storm water management plan, including run-off calculations and a detailed description and plans for all retention/detention basins, swales, etc. proposed or required; and
- (11) Any other information, data, plans, evaluations, studies, etc. required by the Zoning Administrator or Plan Commission each deems necessary. Special studies, e.g. traffic impact and circulation analysis, may be required when deemed appropriate by the Zoning Administrator or Plan Commission.

11.4 DESIGN GUIDELINES.

The following guidelines are established in order to provide a clear, consistent approach to the design, review and approval of site and operation plan approval. These design guidelines and the review process are intended to be flexible. Applicants with proposed development subject to these provisions are expected to address these guidelines by either designing the proposed building or structure in conformance with these principles, or, proposing innovative and creative alternatives.

- (1) *Building Layout, Configuration and Site Organization*
 - (a) Buildings shall be arranged on a site and in a configuration that does not impede traffic accessibility and circulation to/from adjacent streets and adjoining sites developed with similar non-residential uses. Individual building pads or parcels intended for freestanding uses separate from the primary building(s) shall be arranged to provide and/or accommodate readily accessible cross-access from within and across parking areas to enhance on-site circulation.
 - (b) Buildings shall be arranged to reduce visibility of service areas from public streets, customer parking areas, and adjacent properties.
 - (c) Service yards and facilities, including storage areas (if permitted) and docking and loading facilities, shall be easily accessible by service vehicles, separated from the primary parking access and circulation functions, centrally located to serve multiple establishments and tenants (if any), and integrated into the overall design of the building(s) and landscaping features so the visual and acoustic impacts of these functions are located out of view from public streets and adjacent agricultural and residential-zoned areas through the use of architectural extensions of buildings, walls, fences, landscaping features and plantings, or a combination thereof.
 - (d) Existing natural resources and topographic features of a site should be preserved where such features contribute to the beauty and utility of a development site. Buildings should be located to take advantage of a site's natural topography and drainage, existing vegetation and other natural features. Modifications to such features may be permitted when required for safety purposes, or, where modification contribute to and further visual appearance, function and utility of the site.
 - (e) No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty and aesthetics of the area, particularly insofar as it would adversely affect values incident to ownership of land in the area; or which would unnecessarily

have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

- (f) Utility services shall be underground to reduce visual clutter.

(2) Building Elements, Style, Exterior Materials and Finishes

- (a) All facades and roof lines of a building that are visible from a public street, main customer parking area, and adjoining residential areas (that are either already zoned or designated as such on the future land use plan map) shall integrate design features and characteristics similar to the front facade. Architectural standards within a development shall be applied consistently on all exterior building sides visible from public streets.
- (b) Roof lines, fascia, overhangs, parapets, and other architectural features and treatments shall be extended to the rear of a building. Variations in roof lines and features, e.g. parapets, eaves, sloped roofs, differing roof slope planes, for large buildings are required in order to reduce massive scale, avoid monotony, and add visual interest.
- (c) Roof-mounted mechanical equipment and utility units shall be screened from view with parapet walls, mansard roof, or other architectural features, that are, at minimum, equal to or greater in height of the unit provided that all such equipment is entirely screened from view from all points along a property line of the subject property abutting all public street and adjoining residential areas (that are either already zoned or designated as such on the future land use plan map).
- (d) Facades having uninterrupted lengths in excess of fifty (50) feet shall be avoided. Uninterrupted facades in excess of fifty (50) feet should incorporate windows, recesses, projections, or other building and/or architectural features comprising a minimum of twenty-five (25) percent of the facade area.
- (e) Exterior building materials must be of a high, durable quality necessary to ensure stability, easy and low maintenance, and long-life. Exterior building materials should have good architectural character and detailing. Buildings comprised entirely or predominantly of prefabricated steel panels or other similar materials is prohibited.

At a minimum, the following exterior building materials or other similarly material deemed acceptable by the Plan Commission shall comprise at least fifty-five (50) percent of the total exterior wall surface area (excluding window, door, and roof area):

- brick
 - vinyl or wood siding (excluding wood sheathing, e.g. T-111 plywood, or other similar material)
 - stone
 - textured concrete masonry
 - architectural precast concrete
- (f) Architectural design shall create visual interest by use of different textures, complementary colors, shadow lines and contrasting shapes. Use of a single color, minimal detailing, and blank walls is likewise prohibited.

11.5 PLAN COMMISSION REVIEW.

The Plan Commission shall review the site and operation plan application, information, data, and all supporting plans and documents at a meeting within sixty (60) days of the date the application was received or deemed complete by the Zoning Administrator, whichever is later. The Plan Commission may request changes, revisions, additions, deletions, reductions, etc. of certain features of the use, operation, buildings, structures or other proposed features when it deems such modifications are necessary to ensure compliance with the provisions of this Ordinance.

The Plan Commission shall not approve a site and operation plan application unless a determination can be made that the proposed use and development is or can be found to be consistent with the standards of review and design guidelines in this Ordinance.

11.6 FINANCIAL SURETIES REQUIRED.

The Plan Commission may impose time schedules for the completion of buildings, improved streets, off-street parking and loading areas, landscaping, and any other developed feature proposed as part of the site and operation plan application. The Plan Commission may require the posting of appropriate financial sureties, e.g. bonds, letters of credit, etc., deemed necessary to ensure compliance with and completion of such features approved as part of the site and operation plan application.

11.7 TIME LIMITATIONS.

Unless otherwise provided for in this Ordinance, or, as a condition of approval made part of any conditional use permit, no site and operation plan approval shall remain valid for a time period longer than twelve (12) months unless the use has commenced within the twelve (12) month time period, or, a building permit (or other necessary permits required by this Ordinance or any other agency as a prerequisite to obtaining a building permit) has been obtained and the property owner/applicant is diligently pursuing completion of the development in order that the proposed use can commence prior to expiration of the time period for which such building permit (or other agency permit) remains valid.

11.8 BUILDING INSPECTION AND STATE APPROVED PLANS.

The construction of any new building and the expansion or remodeling of any existing building that has been approved as part of a site and operation plan approval shall not commence until such time as state-approved building plans (or a waiver from the state) have been prepared, approved by the state and submitted to the Town for review and issuance of a local building permit (if required). *{amended 7/2007}*

SECTION 12
ZONING ORDINANCE TEXT & MAP AMENDMENTS

12.1 AUTHORITY.

Whenever the public necessity, convenience, or general welfare or good zoning practice require, the Town Board may, by ordinance, consider a change to the district boundaries or amend the regulations established by this Chapter or amendments thereto provided such change and/or amendment is consistent with the purpose and intent of this Ordinance as set forth in Section 1.3. Proposed changes and amendments shall be subject to the review and recommendation of the Plan Commission.

12.2 INITIATION.

- (1) A change or amendment may be initiated by the Town Board, Plan Commission or by a petition of one (1) or more of the owners of property within the area proposed to be changed.
- (2) If a petition is filed by the owner(s) of property subject to a rezoning petition, the property owner(s) shall set up a pre-application meeting with the Zoning Administrator to discuss the petition and the provisions, regulations and requirements of this Ordinance, procedures for processing and reviewing the petition, fees, and other pertinent matters.

12.3 PETITIONS.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk. Petitions shall be prepared on forms available from the Town Clerk and shall be submitted along with the following supporting information:

- (1) Complete legal description (or survey as required by the Zoning Administrator) of the property proposed to be rezoned (if applicable);
- (2) Copy of the text proposed to be changed or amended as well as the new text being proposed (if applicable);
- (3) List of the reasons justifying why the petition has been submitted and why it should be granted;
- (4) General description of the proposed use and/or development of the property subject of the proposed;
- (5) Pot plan drawn to a scale of one (1) inch equals one-hundred (100) feet (or as approved by the Zoning Administrator) showing:
 - (a) the location, boundaries, and dimensions of the area proposed to be rezoned;
 - (b) the location, zoning district classification, and tax key number(s) of all properties within three-hundred (300) feet of the area proposed to be rezoned.
- (6) Names, mailing addresses of all owners of property lying within five-hundred (500) feet of the area proposed to be rezoned and tax parcel identification numbers for each property owned;
- (7) Additional information required by the Zoning Administrator, Plan Commission or Town Board. Petitions for such change or amendment shall be submitted to the Plan Commission for review, public hearing, and recommendation prior to action by the Town Board.

12.4 PUBLIC HEARING.

The Plan Commission and Town Board shall hold a separate or joint public hearing for each proposed change or amendment giving notice as specified in Section 13.2 of this Ordinance. Notice of any public hearing which the Town Board, Plan Commission, or Board Of Zoning Appeals is required to hold under the terms of this Chapter shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for two (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. The Town Clerk shall also give a least 10 day's prior written notice of such hearing to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed action. *{amended July, 2008}*

12.5 PLAN COMMISSION RECOMMENDATION.

After holding a public hearing, the Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be presented in writing to the Town Board.

12.6 TOWN BOARD ACTION.

Following such hearing and after careful consideration of the Town Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

12.7 DODGE COUNTY BOARD APPROVAL REQUIRED.

Pursuant to Section 60.62(3), Wisconsin Statutes, all zoning ordinance amendments shall be approved by the County Board prior to said amendments becoming effective. Appropriate documentation concerning rezoning petitions, Plan Commission recommendations, and Town Board action on said petitions shall be provided to the County Board by the Town Clerk within ten (10) days after receipt of such petitions or preparation of Plan Commission and Town Board action.

12.8 RESUBMITTAL.

In the event a property owner desires to resubmit a petition in an attempt to rezone all or part of a property subject to a previous petition that was acted upon by the Town Board, a minimum twelve (12) month time period shall have elapsed from the date of the final decision for the previous petition to the filing date of the subsequent petition.

SECTION 13
ZONING ORDINANCE ADMINISTRATION AND PROCEDURES

13.1 ZONING ADMINISTRATOR DESIGNATED.

The position of Zoning Administrator is hereby created. Unless otherwise appointed by the Town Board, the position of Zoning Administrator shall be filled by the Plan Commission or designee. If deemed necessary and appropriate to properly administer and enforce the provisions of this Ordinance. Duties of the Zoning Administrator may be assigned to individuals who also serve as Building Inspector, Town Constable, and/or Town Clerk.

The Zoning Administrator is responsible for enforcing the provisions of this Ordinance. In addition to enforcement, the Zoning Administrator shall have the following duties and authority:

- (1) Provide, receive and review for completeness all permit applications and applications for other approvals as required by the provisions of this Ordinance and ensure that the provisions of this Ordinance have been complied with;
- (2) Keep an accurate record of all permits issued and approvals granted by the Zoning Administrator, Plan Commission, and Town Board pursuant to the provisions of this Ordinance.
- (3) The Zoning Administrator shall, at a reasonable time, for any proper purpose, and with reasonable notice, enter upon any public or private premises and make inspection thereof in order to ensure compliance of such premises with this Ordinance and/or permits or approvals granted;
- (4) Upon reasonable cause or question as to proper compliance, to revoke any Building, Occupancy Permit, or Zoning Permit and issue cease and desist orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Ordinance, such revocation to be in effect until reinstated by the Zoning Administrator or the Zoning Board of Appeals;
- (5) In the name of the Town, and with authorization of the Town Board for matters initiated in Circuit Court and without authorization of the Town Board for matters initiated in Municipal Court, commence any legal proceedings necessary to enforce the provisions of this Ordinance including the collection of forfeitures provided for herein.

13.2 NOTICE OF PUBLIC HEARINGS.

Legal notice of any public hearing by the Plan Commission, Town Board, or Board of Zoning Appeals is required to hold pursuant to the provisions of this Ordinance shall be published in accordance with the Class 2 notice requirements set forth in Chapter 19.84, Wis. Stats. Notice shall also be posted at various prominent locations throughout the Town. For purposes of this provision, owners of adjacent or nearby property shall be deemed to be those appearing as owner(s) on the latest available tax roll for the Town. Notwithstanding any other provision herein, failure to provide written notice to adjacent property owners shall not constitute a jurisdictional defect in providing the required notification provided that proper legal notice has been published as required by Chapter 19.84, Wis. Stats. *{amended July, 2008}*

13.3 PROTEST.

In the event of a protest is lodged against a petition for a zoning ordinance text amendment, zoning map revision, i.e. rezoning, or a conditional use permit application where an appropriate protest petition has been duly signed and acknowledged by the owners of fifty (50) percent or more of the land immediately adjacent and extending one hundred (100) feet therefrom, or, by the owners of fifty (50) percent or more of the land directly opposite thereto and extending one

hundred (100) feet from the street frontage of such opposite land, the petition or permit shall not become effective except by a unanimous vote of the Town Board.

13.4 ZONING PERMIT.

- (1) Permit Required.
No vacant land shall be occupied or used and no building or structure shall be erected, structurally altered, expanded, relocated, or used including, but not limited to, a change in use by a new owner, tenant or operator, until a Zoning Permit has been approved by the Zoning Administrator to certify that any such site, building, structure or use complies with the provisions of this Ordinance, including application for any and all additional permits or approvals required by this Ordinance.
- (2) Application.
Zoning permit applications shall be filed with the Town Clerk on forms provided or prescribed by the Town Clerk.
- (3) Issuance of Zoning Permit.
If such use complies with the requirements of this Ordinance and such other additional measures as may be imposed pursuant to the requirements of this Ordinance, the Zoning Administrator shall approve the zoning permit application. Action to approve, approve with conditions, or deny a permit application should occur within forty-five (45) days after receipt of the permit application.
- (4) Zoning Permit Expiration.
A Zoning Permit shall expire if within twelve (12) months of the date of issuance of a Zoning Permit the proposed construction or preparation of land for use has not commenced or if the use has not occupied the structure or location. Upon the showing of valid cause by the applicant, the Zoning Administrator may grant an extension of such Zoning Permit for a period not to exceed six (6) months.

13.5 APPLICATION, REVIEW AND PROCESSING FEES.

As a condition of the review of any permit or approval application required under the provisions of this Ordinance, the property owner and/or applicant(s) shall pay at the time of application all application fees and other charges deemed necessary by the Town to defray the costs direct and indirect costs of processing and reviewing such applications. Charges may include, but not be limited to, advertising, publishing, postage, recording, and charges incurred by the Zoning Administrator, Building Inspector, Plan Commission, and any other experts or consulting services deemed necessary by the Town, e.g. engineering services, to ensure processing, review, and compliance with the provisions of this Ordinance. All fees and charges shall be paid in full to the Town prior to receiving the necessary permits and/or approvals.

No application filed pursuant to this Ordinance shall be considered complete unless and until all fees due pursuant to this Ordinance have been paid. Every approval granted and every permit issued pursuant to this Ordinance, whether or not expressly so conditioned, shall be deemed to be conditioned upon payment of the required fees and charges. Failure to fully pay any such fees and charges when due shall be grounds for the Town of Clyman to refuse to process an application and/or deny or revoking any permit or approval sought.

The Town may require the establishment of an escrow account to which a deposit(s) is/are made in an amount of funds estimated by the Town Zoning Administrator as being necessary to fully process and review such permit and approval applications. Outstanding balances that remain upon completion of the review process, regardless of whether or not the permit was issued or approval granted, shall be returned to the property owner and/or applicant(s) making the escrow deposit(s).

All fees and charges shall be established by resolution and set forth in a fee schedule available through the Town Clerk.

13.6 SURETIES.

The Plan Commission may impose time schedules for the completion of buildings, parking areas, grading, drainage facilities, required surfacing, screening, landscaping, and other improvement and development features proposed as part of a permit application. Prior to the issuance of any permit or the granting of any approval, the Plan Commission may require appropriate sureties be provided to the Town in order to guarantee that the required improvements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation and the Zoning Administrator shall initiate the appropriate action to correct the violation following an inspection and verification of such violation.

13.7 VIOLATIONS.

It shall be unlawful to use a lot or parcel or construct any building or structure in violation of any provisions of this Ordinance. In case of violation, the Town Board, the Zoning Administrator, Building Inspector, the Town Attorney, the Plan Commission or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes or Wisconsin Administrative Code.

13.8 PENALTIES AND REMEDIES.

- (1) Double Fee.
A double fee shall be charged if work is started before the necessary permit(s) or approval(s) is/are applied for and granted. Payment of such double fee shall not release the applicant from full compliance with this Ordinance nor from prosecution for violation of this Ordinance.
- (2) Remedial Action.
Whenever an order of the Town has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, the Zoning Administrator, the Building Inspector, Town constable or Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.
- (3) Forfeiture.
Any person, firm, or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than fifty (\$50) nor more than five hundred (\$500) dollars plus the costs of prosecution for each offense.
- (4) Separate Offense.
Each day a violation exists or continues shall constitute a separate offense.
- (5) Injunctive Relief.
In addition to the above described fines, the Town Board or its agent shall have the power to institute appropriate action for injunctive relief to prevent persons, firms, or corporations from acting in violation of the provisions of this Ordinance.

SECTION 14
PLAN COMMISSION

14.1 ESTABLISHMENT.

There is hereby established a Plan Commission for the Town of Clyman, Wisconsin, in accordance with Section 62.23 of the Wisconsin Statutes.

14.2 MEMBERSHIP.

The Plan Commission shall consist of not less than five (5) members as follows:

- (1) the Town Chairman may be a member and, if so, may be the presiding officer;
- (2) at least four (4) Town residents each appointed for staggered three (3) year terms;
- (3) The Plan Commission Chairman and all appointments of Town resident members shall be made by the Town Chairman subject to confirmation by the Town Board.
{amended 7/2007}
- (4) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (5) The Vice-Chairman and Secretary shall be elected by the Plan Commission.
- (6) The official oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointments.
- (7) Terms for the resident members shall commence in the first week in May.
- (8) If no member of the Town board is a member of the Plan Commission, the Plan Commission Chairman may appoint one member of the Plan Commission to serve as liaison to the Town Board. Said liaison shall be responsible for reporting to the Town Board all activities of the Plan Commission. *{amended 7/2007}*
- (9) The Town Board shall advertise and/or post vacancies on the Plan Commission in order to solicit interested and qualified persons wanting to be considered for possible appointment. Interested persons shall provide a letter of interest and/or file an application as may be provided by the Town Clerk. *{amended July, 2008}*

14.3 ORGANIZATION.

The Plan Commission shall organize and adopt rules for its own government in accordance with the provisions of this Ordinance. Further:

- (1) Meetings shall be held monthly or at the call of the Town Chairman or a majority of the full Plan Commission and shall be open to the public.
- (2) Standing and/or special sub-committees of the Plan Commission may be appointed by the Chairman.
- (3) A quorum shall be a majority and all actions shall require consent of a majority (of the full Commission) except a motion to adjourn.
- (4) Minutes shall be kept showing all actions taken, resolutions, findings, determinations, transactions, and recommendations made to the Town Board. A copy shall be filed with the Town Clerk (or other Town Board authorized agent) as a public record.
- (5) The Plan Commission may receive compensation for service on the Plan Commission as the Town Board may determine.

14.4 POWERS.

The Plan Commission shall have such powers as may be necessary to enable it to perform its designated functions, duties and responsibilities and to ensure conformance with the provisions of this Ordinance. Such powers shall include, but not be limited to, the following:

- (1) Employment of Experts.
To employ experts, consultants and/or staff and to pay for their services, supplies, equipment, and such other expenses as may be necessary and proper, not to exceed the appropriations and regulations made by the Town Board, or placed at its disposal through gift, and subject to any Ordinance or Resolution enacted by the Town Board.
- (2) Reports and Recommendations.
To make reports and recommendations relating to the provisions and requirements of this Ordinance, the Land Division Ordinance, Master Plan, and development of the Town to public officials, agencies, utilities, and other organizations and citizens.
- (3) Public Improvement Programs.
To recommend public improvement programs and financing thereof to the Town Board or Town Chairman.
- (4) Request Available Information.
To request available information from any public official to be furnished within a reasonable time.
- (5) Authorization to Access Land.
The Plan Commission, its members, and employees may enter upon any land in the performance of its functions, make examinations and surveys, and place and maintain necessary monuments and marks thereon.

14.5 DUTIES.

The Plan Commission shall have all duties granted or assigned by the Town Board or by Town ordinances. All the duties granted or assigned by the Wisconsin Statutes to Plan Commissions and any amendments thereto are hereby granted or assigned to the Commission and such statutes are hereby adopted by reference. Further, the Plan Commission shall have the following specific functions and duties to:

- (1) make and adopt a Comprehensive or Master Plan, or element or component thereof, for the physical development of the Town of Clyman and, from time to time, extend or add to the Plan in accordance with Section 62.23(3) of the Wisconsin Statutes.
- (2) make and recommend an Official Map to the Town Board in accordance with Section 62.23 of the Wisconsin Statutes.
- (3) prepare and recommend a zoning district plan and regulations to the Town Board in accordance with Section 62.23 of the Wisconsin Statutes.
- (4) prepare and recommend land division regulations to the Town Board in accordance with Section 236.45 of the Wisconsin Statutes.
- (5) make any changes to the Comprehensive or Master Plan they deem necessary or desirable and to recommend any changes or amendments to the Town Board that they deem necessary or desirable concerning the Official Map and Official Map

Ordinance, Zoning and Land Division Ordinance, and other Ordinances as deemed related.

- (6) consider and report or recommend on all matters referred to them including, but not limited to, permit applications, plans, and other development permits required by this Ordinance.
- (7) hold public hearings and informational meeting on matters referred to the Plan Commission pursuant to the requirements of this Ordinance, Land Division Ordinance and other Town ordinances as may be pertinent.

14.6 REFERRALS.

The Town Board or other public body or officer of the Town, having final authority thereon, shall refer to the Plan Commission, for its consideration and report before final action is taken, the following matters:

- (1) proposed or requested changes and amendments to the Town's Master Plan or components thereof, Official Map, Zoning Ordinance, and Land Division Ordinance.
- (2) subdivision plats, certified Survey Maps and condominium plats in the Town of Clyman or within the territory over which the Town is given platting jurisdiction by Chapter 236 of the Wisconsin Statutes.
- (3) annexations, incorporation's, detachments, or consolidations affecting the Town.
- (4) location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking area, or other memorial or public grounds.
- (5) location, extension, abandonment, or authorization for any public utility whether publicly or privately owned.
- (6) other matters required to be referred to the Plan Commission as provided in Section 62.23 of the Wisconsin Statutes and all other matters required to be referred to the Plan Commission by any other statute of the State of Wisconsin or by any ordinance of the Town of Clyman including this Ordinance and the Land Division Ordinance.

SECTION 15
BOARD OF ZONING APPEALS

15.1 ESTABLISHMENT.

There is hereby established a Board Of Zoning Appeals for the purpose of hearing appeals of administrative acts and zoning variations.

15.2 MEMBERSHIP.

The Board Of Zoning Appeals shall consist of five (5) regular and two (2) alternate members each appointed for staggered three (3) year terms and where:

- (1) the alternate member shall act only when a regular member is absent or refused to vote because of conflict of interest.
- (2) All appointments shall be made by the Town Chairman subject to confirmation by the Town Board.
- (3) The Chairman of the Board Of Zoning Appeals shall be appointed by the Town Chairman.
- (4) The Vice-Chairman of the Board Of Zoning Appeals shall be elected by the Board Of Zoning Appeals.
- (5) The Zoning Administrator shall be the recording secretary and attend all meetings of the Board Of Zoning Appeals. The Building Inspector, if different than the Zoning Administrator shall attend meetings when requested for the purpose of providing technical assistance to the Board Of Zoning Appeals.
- (6) Official oaths shall be taken by all members of the Board Of Zoning Appeals in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- (7) Vacancies of the Board Of Zoning Appeals shall be filled for the unexpired term in the same manner as appointments for a full term.
- (8) Terms for the resident members shall commence in the first week in May.
- (9) The Town Board shall advertise and/or post vacancies on the Board of Zoning Appeals in order to solicit interested and qualified persons wanting to be considered for possible appointment. Interested persons shall provide a letter of interest and/or file an application as may be provided by the Town Clerk. *{amended July, 2008}*

15.3 ORGANIZATION.

The Board Of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance. Further:

- (1) Meetings of the Board Of Zoning Appeals shall be held at the call of the Chairman or, if the Chairman is not available, the Vice-chairman based upon an application filed with the Zoning Administrator. All meeting of the Board Of Zoning Appeals shall be open to the public.
- (2) Minutes of the proceedings of the Board Of Zoning Appeals and a record of all actions shall be kept showing the vote of each member upon every question, the reasons for the Board Of Zoning Appeals' determination, and its findings of facts. These records shall be filed immediately in the office of the Town Clerk and shall otherwise be a public record.
- (3) A quorum shall be a majority of members present, but all actions shall require the consenting vote of four (4) members in order to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the

applicant on any matter upon which the Board is required to pass, or to effect any variation to the provisions of this Ordinance as authorized herein except a motion to adjourn.

15.4 POWERS.

The Board Of Zoning Appeals shall have the following powers:

- (1) Alleged Errors.
To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator, Building Inspector, or Plan Commission.
- (2) Variances.
To hear and grant appeals for variances as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare and justice secured. Use Variances shall not be granted. {amended 5/13/2002}
- (3) Interpretations.
To hear and decide applications for interpretation of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
- (4) Substitutions.
To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board Of Zoning Appeals permits such a substitution, the use may not thereafter be changed without application.
- (5) Permits.
The Board Of Zoning Appeals may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.
- (6) Assistance.
The Board Of Zoning Appeals may request assistance from other Town officers, departments, commissions, and boards.
- (7) Oaths.
The Chairman of the Board Of Zoning Appeals may administer oaths and compel the attendance of witnesses.
- (8) Special Exceptions.
To hear and grant appeals for special exceptions to the requirements of this Ordinance as provided herein that, subject to appropriate conditions and safeguards, are in harmony with the general purpose and intent of this Ordinance.

15.5 APPEALS AND APPLICATIONS.

Appeals of the decision of the Zoning Administrator, Building Inspector, Plan Commission and/or the town Board concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer of the Town. Such appeals shall be filed with the Town Clerk within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator, Building Inspector, or Plan Commission. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed

with the Town Clerk. Appeals and applications shall be made on forms provided or prescribed by the Town Clerk and shall include the following supporting information:

- (1) Name and mailing address of the appellant or applicant and all owners of record of abutting and opposite property.
- (2) Plat of survey prepared by a registered land surveyor, or a location sketch if allowed by the Zoning Administrator, drawn to scale showing all of the following information:
 - (a) locations, boundaries, dimensions, elevations, and list of uses for the subject property, existing and proposed structures, existing and proposed easements, streets and rights-of-way, driveways, off-street parking and loading areas, access restrictions (if any), applicable building setbacks.
 - (b) locations, boundaries, dimensions, elevations and list of uses of any abutting property and structures thereon within fifty (50) feet of the subject property.
- (3) Statement indicating the section(s) of the Ordinance being appealed, variance is being appealed, or for which an interpretation from the Zoning Administrator is being requested and the reason(s) for such request.
- (4) Statement indicating the exceptional, extraordinary, or unusual circumstances or conditions applying to the subject property, structure, use that do not apply generally to other properties or uses in the same district and which cause the hardship.
- (5) date of previous application for any appeals, variances, or interpretations and the disposition of such previous actions.
- (6) Additional information required by the Plan Commission, Board Of Zoning Appeals, Zoning Administrator, or Building Inspector. *{amended July, 2008}*

15.6 PUBLIC HEARING.

The Board of Zoning Appeals shall schedule a reasonable time and place for the required public hearing within sixty (60) days after receiving an appeal application and shall give notice as specified in this Ordinance. Notice of any public hearing which the Board Of Zoning Appeals is required to hold shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for two (2) consecutive weeks and the hearing shall not be held until at least seven (7) days following the last publication. *{amended July, 2008}*

15.7 FINDINGS.

No variances to the provisions of this Chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates such in the minutes of its proceedings.

- (1) *Variance Appeals.*
 - (a) *Unnecessary Hardship.*
Strict Compliance with the zoning regulation(s) from which the variance(s) is/are being sought would create a practical difficulty or be unreasonably burdensome to the property owner in terms of severely limiting or prohibiting the reasonable use of the property as intended under the Zoning Ordinance and when compared to surrounding properties.

- (b) *Unique Property Limitations.*
The unnecessary hardship is due to unique physical limitations of the property that are not generally shared by other surrounding properties.
 - (c) *Public Interest.*
If granted, the variance(s) must not be contrary to the public interest by having an adverse impact on the public health, safety, or welfare of adjoining and surrounding properties or the community.
- (2) *Special Exception Appeals.*
- (a) *Unique Property Limitations.*
The unnecessary hardship is due to unique characteristics or limitations of and/or created by the property that are not generally shared or affected by other surrounding properties.
 - (c) *Public Interest.*
If granted, the variance(s) must not be contrary to the public interest by having an adverse impact on the public health, safety, or welfare of adjoining and surrounding properties or the community. *{amended 5/10/2004}*

15.8 DECISION.

The Board Of Zoning Appeals shall decide in writing 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, Zoning Administrator, Town Plan Commission, and the Dodge County Planning and Development Department (where necessary).

- (1) Conditions may be placed upon any variance or special exception granted and any zoning permit ordered or authorized by this Board. Such conditions shall be related and/or required to eliminate or reduce potential adverse impacts necessary to meet one or more of the Findings of Fact. *{amended 5/13/2002; 5/10/2004}*
- (2) Variances and substitutions granted by the Board shall apply to use and or development of the subject property for an indefinite period of time provide such use or development is consistent with the approval granted. Permits issued by the Board shall expire within twelve (12) months unless substantial progress or work has commenced pursuant to such grant.

15.9 NOTICE TO DNR AND DODGE COUNTY PLANNING AND DEVELOPMENT DEPARTMENT.

The Board Of Zoning Appeals shall transmit a copy of each application for a variance to floodland regulations or to land, structures or uses within floodland and shoreland to the Wisconsin Department of Natural Resources (DNR) and to the Dodge County Planning and Development Department for review and comment. Final action on the application shall not be taken for thirty (30) days or until the DNR and the Dodge County Planning and Development Department have made a recommendation, whichever comes first. A copy of all decisions relating to variances to floodland regulations shall be transmitted to the DNR and the Dodge County Planning and Development Department within ten (10) days of the effective date of such decision.

SECTION 16

DEFINITIONS

16.1 DEFINITIONS OF SPECIFIC WORDS AND PHRASES.

Whenever a word or term in this section appears in the text of this Ordinance, its' meaning shall be construed to mean as set forth in this section. Any minimum or maximum standards, limitations, exclusions, or other requirements included in a definition set forth in this section shall have the same force and effect as if specifically set forth in any other section of this Ordinance. Any words or phrases not defined in this Section shall be presumed to have their customary dictionary definitions.

Accessory Use or Structure

A separate structure, building , or use located on the same lot or parcel that is customarily recognized as being incidental and subordinate to the principal building or use.

Bed and Breakfast

Any place of lodging that provides four (4) or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Buffer Yard

An area within a property or site, generally adjacent to or parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the site to adjacent sites or property.

Building

Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Area

The total area bounded by the interior walls, as measured in square feet from the outside surface of the walls, including only areas completely enclosed from the elements having finished interior walls, ceilings, and floors and having light, ventilation, heating and other requirements of the Building Code, but not including basements, garages, porches, breezeways, unfinished attics, and overhangs.

Building Height

The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof. Mechanical equipment, chimneys, air conditioners, elevator houses, church spires and steeples, and similar appurtenances to a building are exempt from building height requirements provided said appurtenances do not exceed the maximum building height permitted by twenty (20) feet.

Building Setback

See "Setback" and "Yard".

Concentrated Animal Feed/Lot Operation (CAFO)

Single or contiguous lots, parcels and/or buildings intended for the confined feeding, breeding, raising, and/or holding of 250 or more equivalent livestock units specifically designed as a confinement area where manure may accumulate, and, where the concentration of animals is such that vegetative cover cannot be maintained within the lots and parcels, where one (1) equivalent livestock unit equals the following:

Dairy cattle (adult)	1.4 animals
Dairy cattle (young)	.6
Feed/slaughter cattle	1.0
Swine	.4
Sheep	.1
Horses	2.0
Turkeys	.02
Chickens	.02

Community Living Arrangement

The following facilities licensed and operated under the authority of Wisconsin State Statutes: child welfare agencies under Section 48.60, group foster homes for children under Section 48.02(7m), and community-based residential facilities under Section 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, and jails. The establishment of a community living arrangement shall in conformance with Sections 46.03(22), 59.97(15), 62.23(7)(i), and 62.23(7a) of the Wisconsin State Statutes and amendments thereto.

Cluster Development or Subdivision

A development design technique that concentrates allowable development on a part of an overall parcel or tract in order to allow the remaining portion(s) of said parcel or tract to be used for common open space, recreation, agriculture, and/or the preservation of natural and environmentally sensitive features.

Density, Residential

A measure of the number of dwelling units or homesites allowed per acre.

Development

Any manmade change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements to building, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

Dwelling Unit

One or more rooms designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping, and sanitary areas or facilities provided within a building.

Dwelling, Single-Family

One (1) detached dwelling unit designed for or occupied exclusively by one (1) family.

Dwelling, Two-Family

One (1) detached building containing two (2) separate dwelling units, designed for occupancy by not more than two (2) families.

Dwelling, Multi-Family

A residential building designed for or occupied by three (3) or more families, with the number of families in residence not to exceed the number of dwelling units provided.

Essential Services and Facilities

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, 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 above-ground buildings or wireless communication tower facilities that are allowed as conditional uses in appropriate zoning districts. *{amended 3/5/2001}*.

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 unit as a single housekeeping entity, excepting foster family homes.

Family Day Care Home

A dwelling licensed as a day care center by the State of Wisconsin pursuant to Section 48.65 of the Wisconsin Statutes, where care is provided for not more than eight (8) children.

Farm

An area of land principally devoted to and used for all forms of agricultural activities as set forth in Section 91.01 Wisconsin Statutes.

Fence

Any structure serving as a partition, enclosure, barrier, boundary, or screen. In this Ordinance, a fence shall include any structure constructed of wire, metal, wood, stone, brick, or other masonry products, but shall not include shrubs, trees, or other growing plants. A snow fence is a temporarily constructed fence for the purpose of catching wind blown snow and shall not be subject to the provisions of the Zoning Ordinance, provided that no such snow fence shall be installed earlier than November 1st of each year and shall be removed from the property where it is located not later than April 1st of the subsequent year.

Floor Area (gross)

The total of all horizontal floor areas of a building, but excluding the basement floor, as measured in square feet from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, penthouses, interior balconies, enclosed mezzanines and porches, and attic or other storage spaces having headroom of not less than eight (8) feet.

Floor Area Ratio (FAR)

The gross floor area of all buildings and structures on a lot or parcel divided by the total lot area.

Foster Family Home

The primary domicile of a foster parent which is for four (4) or fewer foster children and which is licensed under Section 48.62 of the Wisconsin State Statutes and amendments thereto.

Group Foster Home

Any facility operated by a person required to be licensed by the State of Wisconsin under State Statute Section 48.62 for the care and maintenance of five (5) to eight (8) foster children.

Home Occupations

An occupation or profession for financial gain or profit which is carried on entirely within a dwelling unit located on a lot or parcel by resident occupants of the dwelling unit and which is clearly incidental to and accessory to the residential use of the premises. Home Occupations and Professional Home Offices are permitted accessory uses and do not require a zoning permit provided that: (1) the use of the residential dwelling for the home occupation or professional home office shall not occupy more than 25 percent of the floor area of one floor; (2) the home occupation or professional home office shall not be located in nor conducted in an accessory building or structure; (3) no person other than members of the family residing on

the premises shall be employed or otherwise engaged in the home occupation or professional home office; (4) home occupations and professional home offices shall use only common household equipment and no stock in trade shall be kept or sold except that made on the premises; (5) no traffic shall be generated by the home occupation or professional home office in an amount greater than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided on the lot or parcel and not in any required yard; (6) no outdoor storage of equipment or product shall be permitted.

Home occupations, which comply with the conditions set forth above, may include, but are not limited to baby sitting, in-home daycare, canning, crafts, desktop publishing and other computer-related services, dressmaking, insurance sales, laundering, piano or other musical instrument instruction, teachers, artists, authors, real estate sales, word processing, architectural and other similarly recognized professional and/or consulting services.

Impervious Surface

Any material that prevents the absorption of storm water into the ground, including, but not limited to buildings, structures, paved parking areas, driveways, roads and other paved and compacted gravel surfaces, pools, patios, etc.

Kenel

The principal or accessory use of land and/or buildings, structures and enclosures where five (5) or more dogs, cats or other domestic animals over six (6) months of age are bred, raised, trained, groomed, boarded, and/or sold for a fee or other compensation.

Landscaping

Living material, such as grass, ground cover, flowers, shrubs, vines, hedges, and trees; and non-living durable material, such as rocks, pebbles, sand, mulch, and wood chips or bark, but not including paving. Landscaping is intended to be both decorative and functional. Functional uses of landscaping include protection against erosion, absorption of pollutants, sound retardation, visual barrier, buffering or screening between different land uses, shade to moderate temperatures, protection from wind, and oxygen renewal. Landscaping may serve as screening when it is densely planted.

Lot

A parcel of land having frontage on a public street, 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, and other open space provisions of this Ordinance.

Lot, Corner

A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Double Frontage ("through")

A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. On a double-frontage lot, both street lines shall be deemed front lot lines.

Lot Frontage

The dimension of a lot abutting a public street measured along the street right-of-way line.

Lot, Interior

A lot situated on a single street which is bounded by adjacent lots along each of its other lines.

Lot Coverage

The area of a lot or parcel covered by buildings (see "Impervious Surface").

Lot of Record

A platted lot of a recorded subdivision, certified survey map, or parcel of land for which the deed, prior to the adoption of this Ordinance, is on record with the Dodge County Register of Deeds and which exists as described therein.

Lot Width

The width of a parcel of land measured at the building setback line or required front yard setback.

Manufactured Home

A dwelling structure or component thereof as defined in the Wisconsin Administrative Code that has been fabricated in an off-site manufacturing facility for installation or assembly at the dwelling site and bearing a HUD label of insignia certifying that it has been built in compliance with Federal and State Manufacturing Housing construction and inspection standards.

Mobile and Modular Home

A structure that is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof) or 32 feet or more in length (not including the overhang of the roof), built on a chassis or transported in sections and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

Mother-In-Law Suite.

One or more rooms within a single-family or two-family dwelling designed, occupied, or intended to be occupied by one or more members of a family provided that such rooms do not constitute or include a separate cooking facility and entry designed, occupied, that are intended to be occupied exclusively as a separate dwelling unit. A Mother-In-Law Suite shall not be or included as part of any detached accessory structure or building erected upon the same lot or parcel upon which a principle dwelling is located.

Non-Farm Lot

A lot or parcel created from land located in the AG: General Agricultural Zoning District used exclusively for residential purposes and typically occupied by non-farm residents.

Open Space

Area(s) of a lot, parcel, tract or subdivision not occupied by buildings, structures, roads, parking areas, driveways, or other developed features or facilities that are beyond required setbacks and yards.

Setback

The minimum horizontal distance measured between the property line of a lot or parcel and the nearest vertical wall of a roofed or enclosed portion of a building or any projection thereof, excluding uncovered steps and stoops, gutters, overhangs and awnings.

Sign

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

Sign, Canopy

A sign that is mounted or painted on, or attached to a canopy or marquee.

Sign, Ground

Any sign placed upon or supported by the ground independent of any other structure.

Sign, Pole

A sign that is mounted on a free standing pole or other support so that the bottom of the sign is 10 feet or more above grade.

Sign, Portable

A sign that is not permanent and is not affixed to a building, structure, or to the ground. Such sign is sometimes mounted on wheels to make it transportable.

Sign, Projecting

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

Sign, Roof

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

Sign, Wall-Mounted

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

Sign, Window

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window.

Sign, Copy

The message or advertisement, and any other symbols on the face of a sign.

Sign, Area

The entire face or area, including the advertising surface and any framing, trim, or molding but excluding the support structure, upon which the sign message is painted, mounted or otherwise attached. Where no defined background or mounting surface is used, and, when individually painted or mounted letters, numbers, or figures comprise a sign, sign area shall be calculated as the area of an appropriate rectangle, circle, triangle or combination of each that can be drawn around said figure(s) as defined by the outermost points of said letters, numbers, or figures.

Structure

Any erection, construction, or assembly of materials, such as buildings, towers, canopies, masts, poles, booms, signs, decorations, carports, machinery, retaining walls, and equipment. By this definition, all buildings are structures, however, not all structures are buildings.

Surety

Whenever the terms "surety," "surety bond," or "bond" are used in this Ordinance, said term shall describe only an irrevocable letter of credit, a cash bond, or other financial guarantee approved by the Town Board.

Use

The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Principal

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use is specifically authorized as a use-by-right in a particular zoning district and may be operated after securing the necessary building permit or use approval.

Utilities

Public and private facilities, such as water wells, sanitary sewers, water and sewage pumping stations, water storage tanks, water purification facilities, power and communication transmission lines, electrical power stations and substations, microwave radio relays, and gas regulation stations, wastewater treatment plants, municipal incinerators, and storage yards.

Variance

An authorization granted by the Board of Zoning Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Ordinance.

Vision Triangle

A triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Yard

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