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CHAPTER 1: GENERAL PROVISIONS

1.100 TITLE

This Code shall be known, cited, and referred to as the “Town of Lyndon Code of Ordinances” except as referred to herein, where it shall be known as this Code.” This Chapter shall be known as the “General Provisions Ordinance.”

1.101 AUTHORITY

This Code is enacted pursuant to the authority granted by the Wisconsin Statutes. (*See generally*, Ch. 60 Wis. Stats. and ' 66.0103 Wis. Stats.). Specific statutory references are provided within the body of this Code solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed to limit the application or interpretation of this Code.

1.102 PURPOSE

The purposes of this Chapter are to provide the general rules and definitions by which this Code should be interpreted and administered.

1.103 RATIONALE AND THE APPEARANCE OF ORDINANCE TEXT

- (1) **RATIONALE:** Throughout this Code, paragraphs labeled Rationale may be included to ensure a complete understanding of the purpose and reasoning of the Town in adopting that particular portion of this Code. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall be treated in the same manner as other aspects of legislative history, and shall serve to guide the administrative and judicial interpretation of this Code. The specific rationale expressed in each Rationale section are not intended to be exhaustive; other non-explicit rationale may also be applicable.
- (2) **APPEARANCE OF ORDINANCE TEXT:** The underlined or boldfaced headings used in this Code are inserted primarily for convenience, and are in no way to be construed as a limitation of the scope of the particular section or subsection which they head.
- (3) **ITALICS SECTIONS:** Throughout this Code, comments may appear in *italics* bracketed by parentheses. These comments are intended to explain the Code and provide guidance to the reader, especially on those topics which the Town has decided not to adopt any regulations.
- (4) **OMITTED SECTIONS:** Throughout this Code, sections, subsections, paragraphs and subparagraphs may be omitted from the outline of numbers and letters found herein. These omitted items are intended to be reserved for future use, and should not reflect the existence of a defect or typographical error. In some cases, the phrase “Reserved for Future Use” may be inserted for purposes of clarification.
- (5) **REFERENCES TO AMENDMENTS:** Throughout this Code, there may be references to ordinances which have amended the text of this Code (e.g. *Amended per Ord. 2008-5*). These references are inserted for convenience and should not be construed as an interpretation or limitation on the particular sections in which they occur. These references may be inserted, deleted, or amended by Administrative action, without approval of the Board.
- (6) **REFERENCES TO STATE STATUTES:** Throughout this Code, there may be references to state statutes, usually contained in parentheses. These references are inserted for convenience and should not be construed as an interpretation or limitation on the particular sections in which they occur. These references may be inserted, deleted, or amended by Administrative action, without approval of the Board.

1.104 RESERVED FOR FUTURE USE**1.105 SEPARABILITY AND NON-LIABILITY**

It is hereby declared to be the intention of the Town that the several provisions of this Code are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Code to be invalid, such judgment shall not affect any other provisions of this Code not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Code to a particular act, event, property, water, building, or structure, then such judgment shall not affect the application of said provision to any other act, event, property, water, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation, which is attached to an authorization, license, or permit given under this Code, is found invalid, it shall be presumed that the authorization, license, or permit would not have been granted without the requirement or limitation and, therefore, said authorization, license, or permit shall also be invalid.

1.106 ABROGATION

It is not intended that this Code abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Code abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, licenses, or permits previously entered, adopted, or issued pursuant to law.

1.107 RESERVED FOR FUTURE USE**1.108 JURISDICTION**

This Code is applicable to all territory located within the corporate limits of the Town of Lyndon.

1.109 RE-ENACTMENT AND REPEAL

- (1) This Code, in part, carries forward by re-enactment some of the ordinances adopted prior to the effective date of this Code. It is not the intention of this Code to repeal, but rather to re-enact and continue in force, such pre-existing ordinances so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Code.
- (2) All provisions of pre-existing Ordinances of the Town of Lyndon, which are not re-enacted herein, are hereby repealed.
- (3) The adoption of this Code shall not waive or adversely affect the Town's right to prosecute any violation of any pre-existing Ordinances for violations occurring while the pre-existing Ordinances were in effect.

1.110 EFFECTIVE DATE

This Code shall become effective upon (i) the passage and posting of an enabling Ordinance which adopts this Code according to law, and (ii) the adoption of a new zoning map, whichever occurs later. The Clerk is authorized to insert the effective date on the following line: Zoning 12/16/10, Code 2/10/11

1.115 APPENDIXES, CHECK LISTS, APPLICATION FORMS, AND PERMIT FORMS

Incorporated herein by reference are appendixes, check lists, application forms, and permits, the purpose of which is to help the reader interpret, understand, and apply this Code. The appendixes, check lists, application forms, and permits are a summary or a guide to the detailed rules, regulations, and procedures found in this Code, and are not to be considered a repetition of or a replacement of the text of this Code. Appendixes, check lists, application forms, and permits may be revised from

time to time, by the Town Clerk, whenever, in the Clerk's desecration, a revision is needed. If the information contained in any appendix, check list, application form, or permit is found to be inconsistent with the text of this Code, the text shall be controlling. If the information contained in any appendix, check list, application form, or permit omits information found in the text of this Code, the text shall be controlling.

1.120 INSTRUCTIONS FOR USE OF THIS CODE

Contained in the Appendixes may be instructions regarding how to use this Code. These instructions are intended to outline a step-by-step procedure for applying certain rules and regulations of this Code. However, these instructions are only intended to be an aide, and are not intended to replace or modify the text of this Code. If any instruction is inconsistent with any part of this Code, then the text of this Code shall be controlling. These instructions may be revised from time to time, by the Town Clerk, whenever, in her discretion, a revision is needed.

1.121 RULES OF INTERPRETATION

All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of this Code. The following rules, meanings, and definitions shall be applied in the construction and interpretation of this Code unless such application would be clearly inconsistent with the plain meaning or intent of the particular Ordinance. Other Articles in this Code may use additional definitions.

- (1) ACTS BY AGENTS:** When an Ordinance requires the performance of an act which may be legally performed by an authorized agent of the person or entity responsible for such performance, the requirement shall be construed to include all acts performed by such agent.
- (2) COMPUTATION OF TIME:** In computing any period of time prescribed or allowed by this Code, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless the last day is a Saturday, Sunday or legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this section, legal holiday means any statewide legal holiday specified by state law.
- (3) CONFLICT OF PROVISIONS:** If the provisions of different Chapters conflict with each other, the provisions of each individual Chapter shall control all issues arising out of the transactions, occurrences, events, and persons intended to be governed by that particular Chapter. If the provisions of different sections of the same Chapter conflict with each other, the provision which is more specific in its application to the transactions, occurrences, events or persons raising the conflict shall control over the more general provision. If there is any conflict between the text of this Code and any caption, illustration, or table, the text shall control.
- (4) REPEAL:** When any Ordinance having the effect of repealing a prior Ordinance is itself repealed, such repeal shall not be construed to revive the prior Ordinance or any part thereof, unless expressly so provided.
- (5) WISCONSIN STATUTES:** The term Wisconsin Statutes and its abbreviation Wis. Stats. shall mean the Wisconsin Statutes in effect at the adoption of this Code, as amended from time to time. The provisions of the Wisconsin Statutes listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this Code as if fully set forth herein. Any future amendments, revisions, or modifications of any Statute referred to herein shall also be made a part of this Code.
- (6) WISCONSIN ADMINISTRATIVE CODE:** The term Wisconsin Administrative Code and its abbreviation as Wis. Adm. Code shall mean the Wisconsin Administrative Code in effect at the adoption of this Code, as amended from time to time. The provisions of the Wisconsin Administrative Code listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this Code as if fully set forth herein. Any

future amendments, revisions, or modifications of any Code referred to herein shall also be made a part of this Code.

(7) **MINIMUM REQUIREMENTS:** In their interpretation and application, the provisions of this Code shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and welfare, and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town.

(8) **APPLICATION OF MOST RESTRICTIVE LAW:** Where property or activity is affected by the regulations imposed by any provision of this Code and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Code, no activity shall be conducted, no land shall be developed or used, and no structure shall be erected or maintained in violation of any state or federal regulations.

1.122 CORRECTION OF ERRORS

The Clerk is authorized to correct typographical errors (e.g. misspelled words, grammatical mistakes, numbering errors, pagination errors, etc.) found in this Code, without approval of or action by the Board.

1.123 WORD USAGE

The interpretation of this Code shall abide by the provisions, definitions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the manifest intent of this Code:

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number, unless such construction would be clearly inconsistent with the plain meaning and intent of the particular ordinance.

(3) The masculine gender shall include the feminine, and vice versa.

(4) The words "shall", "must" and "will" are mandatory.

(5) The words "may", "can" and "might" are permissive.

(6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

1.124 STATUTORY REFERENCES

The provisions of the Wisconsin Statutes and Administrative Code Regulations listed herein, including any future revisions or amendments thereto or replacements thereof, are hereby made a part of this Code as if fully set forth herein. Any future amendments, revisions, or modifications of any Statute or Code referred to herein shall also be made a part of this Code.

1.125 ABBREVIATIONS

The following abbreviations in this Code are intended to have the following meanings:

<u>Abbreviation</u>	<u>Meaning</u>
DNR	Wisconsin Department of Natural Resources
DOC	Wisconsin Department of Commerce
DOT	Wisconsin Department of Transportation

1.126 DEFINITIONS

The following words, terms and phrases, wherever they occur in this Code, shall have the meanings ascribed to them by this Section.

Board:	The Town Board of the Town of Lyndon, Juneau County, Wisconsin.
County:	The County of Juneau, Wisconsin.
Fine	Shall be interchangeable with and have the same meaning as the word "forfeiture."
Forfeiture	Shall be interchangeable with and have the same meaning as the word "fine."
Person:	Shall include an individual, firm, corporation, partnership, limited partnership, limited liability company, association, cooperative, trust, and any other legal entity.
State:	The State of Wisconsin.
Town:	The Town of Lyndon, Juneau County, Wisconsin.
Town Board:	The Town Board of the Town of Lyndon, Juneau County, Wisconsin.

CHAPTER 2: DIRECTIVES FROM TOWN MEETINGS

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CHAPTER 2: DIRECTIVES FROM TOWN MEETINGS

2.100 TITLE

This Chapter shall be known as the "Town of Lyndon Directives Ordinance" or "Directives Ordinance," except as referred to herein, where it shall be known as "this Chapter."

2.101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by Subchapter III of Chapter 60 Wis. Stats.

2.102 PURPOSE

The purpose of this Chapter is to officially record any and all directives and grants of authority emanating from an annual or a special Town Meeting, so that all such directives and grants are duly and properly recorded, until each expires or terminates. Specifically, this article is designed, among other things, (i) to provide a location for the recording of all directives and grants of authority; (ii) to provide an easy location for Town Officials and citizens to find directives and grants of authority; and (iii) to provide an easy-to-follow administrative procedure for the recording and preservation of all directives and grants of authority.

2.103 PROCEDURE

- (1) **EXISTING DIRECTIVES OR GRANTS OF AUTHORITY:** All directives or grants of authority, existing on the effective date of this Code, have been inserted below.
- (2) **NEW DIRECTIVES AND GRANTS OF AUTHORITY:** Because directives and grants of authority are not "ordinances," they are neither adopted nor inserted herein pursuant to the procedure for the adoption of ordinances in this Code. After each Town Meeting, the Clerk shall insert below, in the appropriate location, each directive or grant of authority, or each rescission or limitation thereof, adopted by resolution at a Town Meeting. Old directives or grants shall be replaced, where appropriate, with new directives and grants.
- (3) **CONTENT:** The Clerk shall insert the precise terms and conditions of each resolution adopted at the Town Meeting, including whether the directive or grant is general and continuing, or whether it is limited as to purpose, effect, or duration. The Clerk shall also insert the exact number of electors who voted for the resolution so that the Town can determine whether future attempts (if any) to rescind or modify the resolution are successful.

2.104 RESERVED FOR FUTURE USE

2.105 DIRECTIVES OR GRANTS OF AUTHORITY

The following sections record the directives or grants of authority which have been adopted by resolution of a Town Meeting, pursuant to § 60.10 Wis. Stats.

- (1) **RAISE MONEY:** *(No directive or grant of authority regarding the raising of money has been adopted at a Town Meeting pursuant to § 60.10(1)(a) or §60.10(2)(a) Wis. Stats.)*
- (2) **COMPENSATION OF ELECTIVE TOWN OFFICES:** Pursuant to § 60.10(1)(b)1 Wis. Stats., the compensation for Elective Town Offices has been established, by Town Meeting Resolution No. 2009-2, as follows: (Vote: 5 yes ; 0 no; 0 absentions).

	<u>Town Offices</u>	<u>Annual Compensation</u>
meeting	Town Board Supervisors	\$750/yr. plus \$30 per
	Town Board Chairperson	\$1,500/yr. plus \$30 per meeting
	Town Clerk	\$15,000.00
	Town Treasurer	\$7,500.00

- | | | |
|--|----------------|---------------------|
| | Town Assessor | \$ (not applicable) |
| | Town Constable | \$ (not applicable) |
- (3) **COMBINATION OF OFFICES OF CLERK AND TREASURER:** *(No directive or grant of authority regarding the combination of the offices of clerk and treasurer has been adopted at a Town Meeting pursuant to § 60.10(1)(b)2 Wis. Stats.)*
- (4) **APPOINTMENT OF OFFICERS BY BOARD (only in Towns over 2,500 pop.):** *(No directive or grant of authority regarding the appointment of officers by the board has been adopted at a Town Meeting pursuant to § 60.10(1)(b)2m Wis. Stats.)*
- (5) **COMBINED OFFICES OF ASSESSORS AND CLERK:** *(No directive or grant of authority regarding the combination of the offices of clerk and assessor has been adopted at a Town Meeting pursuant to § 60.10(1)(b)3 Wis. Stats.)*
- (6) **TOWN CONSTABLE:** *(No directive or grant of authority regarding the establishment of the office of Town constable has been adopted at a Town Meeting pursuant to § 60.10(1)(b)4 Wis. Stats.)*
- (7) **DESIGNATION OF CLERK AND/OR TREASURER AS “PART-TIME”(annual audit required under § 60.43(2)):** *(No directive or grant of authority regarding the designation of the offices of clerk and/or treasurer as “part-time” has been adopted at a Town Meeting pursuant to § 60.10(1)(b)5 Wis. Stats.)*
- (8) **DESIGNATION OF TOWN BOARD AS “FULL-TIME”:** *(No directive or grant of authority regarding the designation of the office of Town Board Supervisor as “part-time” has been adopted at a Town Meeting pursuant to § 60.10(1)(b)6 Wis. Stats.)*
- (9) **ASSIGNMENT OF SUPERVISORS TO NUMBERED SEATS:** *(No directive or grant of authority regarding the assignment of supervisors to numbered seats has been adopted at a Town Meeting pursuant to § 60.10(1)(c)1 Wis. Stats.)*
- (10) **NOMINATION OF CANDIDATES BY PRIMARY ELECTION:** *(No directive or grant of authority regarding the nomination of candidates by primary election has been adopted at a Town Meeting pursuant to § 60.10(1)(c)2 Wis. Stats.)*
- (11) **CEMETERIES:** *(No directive or grant of authority regarding the acquisition or conveyance of cemeteries has been adopted at a Town Meeting pursuant to § 60.10(1)(e) Wis. Stats.)*
- (12) **ADMINISTRATOR AGREEMENTS:** *(No directive or grant of authority regarding the employment of an administrator for more than 3 years has been adopted at a Town Meeting pursuant to § 60.10(1)(f) Wis. Stats.)*
- (13) **HOURLY WAGE OF CERTAIN EMPLOYEES:** Pursuant to § 60.10(1)(g), the hourly wage to be paid to Town employees who are also elected Town Officers has been established, by Town Meeting Resolution No. 2009-3, to be \$12.50 per hour, provided that the total annual compensation for the employee may not exceed \$5,000.00 per year, pursuant to § 60.37(4)(a) Wis. Stats. (Vote: 5 yes ; 0 no; 0 absentions).
- (14) **MEMBERSHIP OF TOWN BOARD IN POPULOUS TOWNS (with pop. over 2,500):** *(No directive or grant of authority to increase the membership of the Board has been adopted at a Town Meeting pursuant to § 60.10(2)(b) Wis. Stats.)*
- (15) **EXERCISE OF VILLAGE POWERS:** Pursuant to § 60.10(2)(c) Wis. Stats, the Town Board has been authorized, by Town Meeting Resolution No. 2009-4, to exercise the powers of a Village Board under § 60.22(3). The grant or directive of this resolution was general and continuing, and was not limited as to purpose, effect or duration. (Vote: 5 yes ; 0 no; 0 absentions).

- (16) **GENERAL OBLIGATION BONDS:** *(No directive or grant of authority to the Town Board to issue general obligation bonds has been adopted at a Town Meeting pursuant to § 60.10(2)(d) Wis. Stats.)*
- (17) **PURCHASE OF LAND:** *(No directive or grant of authority to the Town Board to purchase land has been adopted at a Town Meeting pursuant to § 60.10(2)(e) Wis. Stats.)*
- (18) **TOWN BUILDINGS:** *(No directive or grant of authority to the Town Board to purchase, lease, or construct buildings for the use of the Town has been adopted at a Town Meeting pursuant to § 60.10(2)(f) Wis. Stats.)*
- (19) **DISPOSAL OF PROPERTY:** *(No directive or grant of authority to the Town Board to dispose of real estate has been adopted at a Town Meeting pursuant to § 60.10(2)(g) Wis. Stats.)*
- (20) **EXERCISE OF CERTAIN ZONING AUTHORITY:** *(No directive or grant of authority to the Town Board to enact a Town Zoning Ordinance under § 61.35 Wis. Stats has been adopted at a Town Meeting pursuant to § 60.10(2)(h) Wis. Stats. The authority to enact a Town Zoning Ordinance is exercised pursuant to the Village Powers granted in § 2.103(15) above.)*
- (21) **WATERSHED PROTECTION AND SOIL AND WATER CONSERVATION:** *(No directive or grant of authority to the Town Board to engage in Watershed protection, soil conservation, or water conservation activities has been adopted at a Town Meeting pursuant to § 60.10(2)(i) Wis. Stats.)*
- (22) **APPOINTMENT ASSESSOR:** Pursuant to § 60.10(2)(j) Wis. Stats., the Town Board has been authorized, by Town Meeting Resolution No. 2009-5, to select an assessor by appointment under § 60.307(2) Wis. Stats. The grant or directive of this resolution was general and continuing, and was not limited as to purpose, effect or duration. (Vote: 5 yes ; 0 no; 0 absentions).
- (23) **COMPENSATION OF ELECTED TOWN OFFICES:** *(No directive or grant of authority to the Town Board to fix the compensation of elected Town Offices, other than the Office of Town Board Supervisor, has been adopted at a Town Meeting pursuant to § 60.10(2)(k) Wis. Stats.)*
- (24) **APPROPRIATION OF MONEY:** *(No directive or grant of authority to the Town Board to appropriate money in the next annual budget for any item has been adopted at a Town Meeting pursuant to § 60.10(3) Wis. Stats.)*
- (25) **PARK COMMISSION:** *(No directive or grant of authority has been adopted at the Annual Town Meeting to establish a Park Commission pursuant to § 60.66 Wis. Stats.)*
- (26) **DATE OF NEXT TOWN MEETING:** *(No directive or grant of authority has been adopted at a Town Meeting to change the date, pursuant to § 60.11(2)(b) Wis. Stats.)*

CHAPTER 3: TOWN ADMINISTRATION

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SUBCHAPTER 3: BOARDS AND COMMISSIONS

SUBCHAPTER 3: BOARDS AND COMMISSIONS**3.300 PLAN COMMISSION**

- (1) **CREATION:** Pursuant to '60.62 Wis. Stats., there is hereby created a Town Plan Commission.
- (2) **MEMBERS, APPOINTMENT AND TERM:** There shall be five (5) members of the Plan Commission, who shall be appointed and shall hold office pursuant to '60.62 (4) Wis. Stats., and all amendments thereto.
- (3) **COMPENSATION:** Compensation shall be set by resolution of the Board.
- (4) **POWERS AND DUTIES:** The Plan Commission shall exercise the powers and duties enumerated in the Wisconsin Statutes (e.g., '60.62(4), '61.35, and '62.23 Wis. Stats.), the Wisconsin Administrative Code, and this Code. The Plan Commission shall also act as the "Town Planning Agency" under Chapter 236 Wis. Stats. The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys. In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Code, one of its most important functions is to make recommendations to the Town Board, which shall be in writing. The Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- (5) **DISCRETIONARY REFERRALS:** The Town Board, or other Town officer or body with final approval authority or referral authorization under this Code, may refer any of the following to the Plan Commission for report:
 - (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
 - (b) A proposed county zoning ordinance or amendment.
 - (c) A proposed county subdivision or other land division ordinance under '236.45, Wis. Stats., or amendment.
 - (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
 - (e) A proposed intergovernmental cooperation agreement, under '66.0301, Wis. Stats, or other statute, affecting land use, or a municipal revenue sharing agreement under '66.0305, Wis. Stats.
 - (f) A proposed plat or other land division under the county subdivision or other land division ordinance under '236.46, Wis. Stats.
 - (g) A proposed county plan, under '236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.

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- (h) Any other matter deemed advisable for referral to the Plan Commission for report.

3.301 ZONING BOARD OF APPEALS

- (1) **CREATION:** Pursuant to '62.23(7)(e) Wis. Stats., there is hereby created a Zoning Board of Appeals for the Town of Lyndon.
- (2) **MEMBERS, APPOINTMENT AND TERM:** The members of the Zoning Board of Appeals shall be appointed and shall hold office pursuant to '62.23(7)(e) Wis. Stats., and all amendments thereto.
- (3) **COMPENSATION:** Compensation shall be set by resolution of the Board.
- (4) **ORGANIZATION:** The Board of Appeals may adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board of Appeals may determine. The Chairman, or in his absence an elected Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals, which is the Clerk's office, and shall be a public record.
- (5) **POWERS AND DUTIES:**
- (a) The Zoning Board of Appeals shall exercise the powers and duties enumerated in the Wisconsin Statutes and this Code, and all amendments thereto. The Board of Appeals shall have the following powers:
1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
 2. To hear and decide variances to the terms of this Code upon which the Board of Appeals is required to pass.
 3. To authorize, upon appeal in specific cases, such variance from the terms of this Code as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
 4. Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- (b) In exercising the above listed powers, the Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Code.
- (c) In addition to the foregoing powers, the Board of Appeals shall have the following

SUBCHAPTER 3: BOARDS AND COMMISSIONS

specific powers:

1. To interpret the provisions of this Code in such a way as to carry out the intent and purpose of the plan, as shown on the Zoning Map accompanying and made a part of this Code, where the street layout actually on the ground varies from the street layout on the aforesaid map.
 2. To call on any other Town officers and departments for assistance in the performance of its duties and it shall be the duty of such other officers and departments to render such assistance as may be reasonably required.
- (d) Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such districts.
- (6) **PROCEDURES:** Except where another procedure is specifically provided in this Ordinance (e.g. variance procedure of 22.910), the following procedures shall apply.
- (a) **Appeals:** Except where Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officers. Such appeal shall be taken within the time established, and if no specific time is established, within a reasonable time, as provided by the rules of the Board of Appeals, by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Town Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide to same within a reasonable time.
- (b) **Notice of hearing:** The Board of Appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) five days prior to the hearing to the holders of title of all land within 300 feet of any part of the subject building or premises involved in the appeal.
- (c) **Hearings:** Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the Board. At the hearing, the appellant or applicant may appear in person, and/or by agent or by attorney. Decisions of the Board following public hearing may be made either in public or closed session as the Board shall determine, in accordance with § 19.82 Wis. Stats.
- (d) **Findings:** Findings of fact and reasons for all actions taken shall be reduced by the Board to writing in the minutes of the proceedings.
- (e) **Decision:** The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.
1. Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.
 2. Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced

SUBCHAPTER 3: BOARDS AND COMMISSIONS

- pursuant to such grant.
3. Applicants receiving variances in floodlands shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums and risk to life or property may result from the granting of the variance. The Board shall keep a record of the notification in its files.
- (f) **Review by Court of Record:** Any persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Board.
- (g) **Fee:**
1. All applicants shall pay an application fee for an appeal, which fee shall be established by resolution of the Town Board.
 2. Appeal fees do not include, and are in addition to, zoning permit fees and other fees established by this Ordinance, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
 3. A fee shall not release the applicant from full compliance with Chapter 22 nor from prosecution for violation of Chapter 22.

3.302 BOARD OF REVIEW

- (1) **MEMBERS:** The Board of Review shall consist of the Supervisors and the Clerk (See, '70.46(1) Wis. Stats.) (*Note: Clerks who are not elected, but appointed, may not serve on the Board of Review under '70.46(1)(m).*)
- (2) **ALTERNATES:** Pursuant to §70.47(6m)(c) and §70.46(1) Wis. Stats, the Board may, by separate Resolution, appoint alternates to serve on the Board of Review in the event a standing Member of the Board is removed or unable to serve for any reason.
- (3) **TRAINING:** Pursuant to '70.46(4) Wis. Stats., the Clerk shall be the voting member who has attended the training required under '73.03(55), and shall be the Chief Executive Officer's designee.
- (4) **COMPENSATION:** Compensation of \$30.00 per diem shall be paid to members of the Board of Review
- (5) **POWERS AND DUTIES:** The Board of Review shall exercise the powers and duties enumerated in the Wisconsin Statutes and all amendments thereto. (*See generally, '70.47 Wis. Stats.*)

3.303 TOWN PARK COMMISSION

(*A Town Park Commission has not been established by Town Meeting under §60.66 Wis. Stats.*)

SUBCHAPTER 3: BOARDS AND COMMISSIONS

CHAPTER 4: BUDGET AND FINANCE

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CHAPTER 4: BUDGET AND FINANCE

4.100 TITLE

This Chapter shall be known as the "Town of Lyndon Budget Ordinance" or "Budget Ordinance," except as referred to herein where it shall be known as "this Chapter."

4.101 AUTHORITY

This Chapter is enacted pursuant to the general authority granted by Subchapter VI of Chapter 60 Wis. Stats. and specifically by §60.22 and Wis. Stats.

4.102 PURPOSE

The purpose of this Chapter is to codify the Town's rules regarding various budgetary and financial matters.

4.103 OFFICIAL DEPOSITORY

The official depository of the Town shall be:

- (1) The Bank of Mauston; and
- (2) If needed, the M&I Bank. (See, '66.0607(1) Wis. Stats.).

4.104 AUTHORIZED SIGNATURES

(See, '66.0607(3) which requires the signature of the Clerk, Treasurer, and Chairperson, unless modified by Ordinance and filed with each public depository. The Town has not modified this statutory requirement).

4.105 SIGNATURES REQUIRED (See, '66.0607(3))

4.106 INTRA-GOVERNMENTAL TRANSFERS

Temporary cash transfers from and between various funds and accounts of the Town may be made whenever necessary to avoid temporary shortages of funds in any particular account, provided (i) that such transfers are repaid as promptly as the revenues of the funds permit, and (ii) that such transfers are made in accordance with accepted municipal accounting procedures, and (iii) such transfers are reported and explained to the Board at the next meeting following the transfer.

4.107 BUDGET (See generally, '65.90 Wis. Stats.)

The Budget shall be formulated and adopted pursuant to state law.

4.108 NON-LAPSING CONTINUING APPROPRIATION ACCOUNTS

The following non-lapsing continuing appropriation accounts are hereby established for the following purposes:

- (1) **Road Maintenance Account:** For the maintenance and repair of Town roads.
- (2) **Ordinance Account:** For the preparation of a new Comprehensive Plan and Code of Ordinances.
- (3) **Boat Launch:** For the maintenance and repair of the boat launch and adjacent public property.

4.109 COLLECTION OF DELINQUENT PERSONAL PROPERTY TAXES

In addition to all other collection methods authorized by law, in the event that personal property taxes remain unpaid for more than 90 days, the Town Treasurer shall place such delinquent personal property taxes as a special charge on one or more of the real estate tax bills (if any) of the person delinquent in paying said personal property taxes, and the same shall then be collected as authorized by law.

4.110 REAL PROPERTY STATUS REPORTS

The Town Clerk is authorized to prepare and provide reports regarding the status taxes, fees, and assessments against real estate. Such reports are often requested for transfers of real property, and commonly include such information as the amount of outstanding special assessments, deferred assessments, or changes in assessments, the amount of taxes, the amount of outstanding municipal bills, contemplated improvements to adjacent municipal facilities, the zoning status of the property, outstanding violations of municipal codes, and similar information. The Town Clerk shall collect a fee as set by the Town Board for furnishing such information.

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CHAPTER 5: LAW ENFORCEMENT

5.100 TITLE

This Chapter shall be known as the “Town of Lyndon Law Enforcement Ordinance” or “Law Enforcement Ordinance,” except as referred to herein where it shall be known as “this Chapter.”

5.101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by §60.22 Wis. Stats.

5.102 PURPOSE

The purpose of this Chapter is to identify the nature and extent of the Town’s law enforcement (if any) and to establish the various positions in law enforcement, along with the rights and responsibilities of each.

5.103 NO TOWN LAW ENFORCEMENT

The Town shall rely upon the services of the Juneau County Sheriff’s Department for law enforcement. The Town does not have its own law enforcement services.

(Note: Under '2.103(6) above, the Office of Town Constable has not been established by a Town Meeting, pursuant to '60.10(1)(b)(4) Wis. Stats.).

CHAPTER 6: AMBULANCE SERVICE

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SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 6: AMBULANCE SERVICE

SUBCHAPTER 1: GENERAL PROVISIONS

6.100 TITLE

This Chapter shall be known as the “Town of Lyndon Ambulance Ordinance” or the “Ambulance Ordinance,” except as referred to herein, where it shall be known as “this Chapter.”

6.101 AUTHORITY

This Chapter is adopted pursuant to §60.565, and §60.22 Wis. Stats.

6.102 PURPOSE

The purpose of this Chapter is to designate the method by which the Town (i) provides ambulance services for the Town, and (ii) charges for ambulance calls in the Town.

6.103 AMBULANCE SERVICE

The Town shall provide ambulance services by contracting with one or more municipalities and/or private ambulance services. The Town Board is hereby authorized to negotiate and enter such contracts, and to pay such reasonable fees and expenses as the Board deems necessary and appropriate to secure ambulance services for the Town.

SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 7: FIRE PROTECTION

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SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 7: FIRE PROTECTION

SUBCHAPTER 1: GENERAL PROVISIONS

- 7.100** **TITLE**
This Chapter shall be known as the “Town of Lyndon Fire Protection Ordinance” or the “Fire Protection Ordinance,” except as referred to herein, where it shall be known as “this Chapter.”
- 7.101** **AUTHORITY**
This Chapter is adopted pursuant to §60.55, §60.555, §60.557 and §60.22 Wis. Stats.
- 7.102** **PURPOSE**
The purpose of this Chapter is to designate the method by which the Town Board (i) provides fire protection for the Town of Lyndon, and (ii) charges for fire call responses within the Town limits.
- 7.103** **FIRE PROTECTION**
The Town shall provide fire protection by contracting with one or more municipalities and/or Fire Departments to provide fire protection services. The Town Board is hereby authorized to negotiate and enter such contracts, and to pay such reasonable fees and expenses, as the Board deems necessary and appropriate to secure fire protection services for the Town.
- 7.104** **DISTRIBUTION OF FIRE DUES FUND**
The Town shall give all dues received under §101.573 and §101.575 Wis. Stats. to the Fire Department(s) providing fire protection services, in amounts proportionate to the equalized valuation of real property improvements within the respective territories of the Town served by each Department.

SUBCHAPTER 1: GENERAL PROVISIONS

SUBCHAPTER 2: FIRE NUMBER SIGNS

SUBCHAPTER 2: FIRE NUMBER SIGNS**7.200 SIGN REQUIRED**

The owners of real estate in the Town, upon which there is located any structure, or other improvement susceptible to damage by fire (but excluding timber and crops), shall have a fire number sign, issued by the Town.

7.201 APPLICATION FOR SIGN

A written application for a sign shall be filed with the Building Inspector on forms provided by the Clerk.

7.202 FEE

A sign fee, in an amount established by separate resolution of the Town Board, shall be paid when the application is filed with the Building Inspector. This fee shall be refunded if the application is denied.

7.203 ERECTION OF SIGN

Upon issuance of a sign, the Town shall erect and display such sign at or near an entrance or driveway to said real estate from a public road, in such manner, location and height as the Town Board may hereinafter establish by resolution.

7.204 DENIAL OF EMERGENCY SERVICES

The Town shall not be obligated to provide fire, rescue, or ambulance service to any location in the Town which does not have a fire number sign issued and erected pursuant to this subchapter.

7.205 ENFORCEMENT AND PENALTIES

- (1) FORFEITURE:** Any person who violates, disobeys, neglects, omits or refuses to comply with this ordinance shall, upon conviction, forfeit not less than \$25.00 plus court costs (if any), plus \$5.00 per day for each day that the sign was not properly installed after receiving written notice thereof from the Town.
- (2) ABATEMENT OF VIOLATION:** In addition to any other penalty provided herein, the Town may abate any violation by erecting a sign pursuant to the following procedure:
 - (a)** The Town shall give the landowner written notice to apply for a fire number sign within thirty (30) days from the date of the notice, which may be personally served upon the landowner or served by US Mail, return receipt requested, to the address of the landowner as shown on the most recent tax bill.
 - (b)** If the landowner fails to apply for a sign within the thirty(30) day period, the Town shall erect a fire number sign in the appropriate location.
 - (c)** Upon erection of a sign, the Town shall send the owner a bill for the erection of the sign, in an amount established by separate resolution of the Town Board.
 - (d)** If the landowner does not pay the aforesaid bill within thirty (30) days of its issuance, the bill, along with a processing fee of \$50, shall be imposed as a special charge against the benefited real estate, pursuant to ' 66.0627 Wis. Stats., and collected in the manner provided therein. In addition, the charge may be collected in any other method provided by law.

SUBCHAPTER 2: FIRE NUMBER SIGNS

SUBCHAPTER 3: FIRE PROTECTION FEES

SUBCHAPTER 3: FIRE PROTECTION FEES**7.300 PURPOSE**

The Town of Lyndon, in order to promote the public health, safety, general welfare and good order of the Town, and in order to defray the expense of providing fire protection in the Town, ordains that fees for fire calls made to persons or locations within the Town shall be charged according to this subchapter.

7.301 AUTHORITY

This subchapter is adopted pursuant to §§ 60.55(2)(b) and 66.0627 Wis. Stats.

7.302 ESTABLISHMENT OF FEE

The Town shall charge an "Emergency Response Fee" (hereinafter "Fee") to the owners of real property, to the owners of personal property, and/or to the persons or entities who are the subject of or who are responsible for causing an emergency or other event, for which emergency services are provided by a Fire Department serving the Town. "Emergency services" include (but are not limited to) Fire Department responses to (i) fire calls, (ii) carbon monoxide calls, (iii) "jaws of life" calls, (iv) EMT calls, and (v) all other emergency calls and services rendered by the Fire Department.

7.303 RESERVED FOR FUTURE USE**7.304 PERSONS LIABLE FOR FEE**

Each owner of real property and/or personal property for which emergency services are provided, and each person responsible for causing or starting an emergency for which emergency services are provided, and each person who is the recipient of emergency services, shall be jointly and severally liable to the Town for the Fees established herein. Persons or property exempt from real property taxes, personal property taxes, and/or income taxes (e.g. governmental entities, churches, schools, etc.) are not exempt from this Fee.

7.305 FEE SCHEDULE

A fee schedule for emergency services shall be established by separate resolution of the Town Board.

7.306 COLLECTION OF FEE

- (1) COMPUTATION OF FEE:** After each emergency service call, the Fire Department rendering the service shall submit to the Town Clerk a report of the services rendered, along with such information as the Town may need to calculate the Fee and to identify the responsible party. Within a reasonable time after receipt of the information from the Fire Department, the Town shall calculate a bill for the emergency services pursuant to the Fee Schedule.
- (2) DUE DATE:** Payment of all Fees shall be due within 30 days of mailing the first bill. (See, §70.47 Wis. Stats.)
- (3) SUBMITTAL FIRST TO KNOWN INSURER:** Upon computation of the Fee, the Town shall mail the bill to the insurer(s), if known, of the person(s) liable for the Fee. The Town shall also mail a copy of this correspondence to the person(s) liable (if known) for the Fee. The Town shall take such additional steps (short of litigation) as the Town deems reasonable and necessary to attempt to obtain payment of the Fee from the insurer(s).
- (4) COLLECTION FROM PERSON(S) LIABLE:** If no insurance exists, or if the Town is unable to identify or locate any insurance, or if the Town is unable to obtain payment from an identified insurer within 60 days of the date on which the aforesaid bill was first mailed,

SUBCHAPTER 3: FIRE PROTECTION FEES

then the Town shall take such steps, as the Town deems reasonable and necessary, to collect the Fee directly from the person(s) liable. If the Town collects a Fee from an insurer after the Fee is collected from the insured, the Town shall reimburse the Fee to the insured.

- (5) **LIEN ON REAL PROPERTY:** All unpaid Fees shall become a lien (i) against the real property, located in the Town, for which the emergency response was provided, and/or (ii) against the real property, located in the Town, which is owned by a person liable for the Fee. If a Fee is not paid within 60 days from the date of first billing, the Fee shall be placed on the tax roll by the Town as a special charge against such real property, pursuant to §66.0627 Wis. Stats.
- (6) **COLLECTION FROM COUNTY FOR FIRE CALLS ON COUNTY TRUCK HIGHWAYS:** Pursuant to §60.557(1) Wis. Stats., if the Town makes a reasonable effort to collect the Fee for a fire call on a county trunk highway, but is unable to collect the Fee from the liable person(s) or the insurer, the Clerk shall submit written proof thereof to the County, and collect from the County an amount allowed by State Law. If the Town collects the cost from an insurer or liable person(s) after the County reimburses the Town, the Town shall return the amount collected to the County.
- (7) **COLLECTION FROM DOT FOR FIRE CALLS ON STATE TRUNK HIGHWAYS:** Pursuant to §60.557(2) Wis. Stats., if the Town makes a reasonable effort to collect the Fee for a fire call on a state trunk highway or interstate highway, but is unable to collect the Fee from the liable person(s) or the insurer, the Clerk shall submit written proof thereof to the DOT, and may collect from the DOT an amount allowed by State Law. If the Town collects the cost from an insurer or liable person(s) after the DOT reimburses the Town, the Town shall return the amount collected to the DOT.
- (8) **ALTERNATIVE COLLECTION:** As an alternative to and in addition to the provisions set forth above, the Town may pursue any remedy available at law or in equity for the collection of an unpaid Fee.

7.307 APPEALS

The Board is hereby authorized and appointed to hear and decide all appeals made by any insurer or liable person upon whom a Fee has been imposed. Any insurer or liable person may appeal any Fee by filing with the Town Clerk a written appeal, within thirty (30) days after the date of the first billing of the fee from which the appeal is taken. Such appeal shall be in writing and shall include the following:

- (a) The name and address of the property owner(s) and responsible person(s);
- (b) The amount of the Fee being contested;
- (c) The date, location and description of the property involved in the emergency; and
- (d) A narrative summary stating, with specificity, the grounds for contesting the Fee.

The Board shall hold a hearing within forty-five (45) days after receipt of such appeal, and shall give written notice to all interested parties at least ten (10) days prior to such hearing. The Chairperson shall administer oaths to all persons providing factual testimony to the Board and may compel the attendance of any witness by subpoena. The appellant shall attend said hearing in person, and may also be represented by counsel. The Board shall decide all appeals within thirty (30) days after the conclusion of said hearing, and shall transmit a signed copy of its decision to the appellant and all other interested parties. Nothing herein shall limit the Board from adjourning and continuing the hearing from time to time and place to place for the purpose of accommodating the attendance of interested persons, witnesses, and Board members, or for the purpose of preparing or presenting additional facts or argument. Moreover, the Board may adopt such additional procedural rules as it deems necessary to ensure a fair, impartial, and expedient hearing on each appeal. The decision of the Board shall be final.

SUBCHAPTER 3: FIRE PROTECTION FEES

7.308 LIABILITY FOR FIRE CALLS FROM OTHER DEPARTMENTS.

It is the policy of the Town to contract with one or more Fire Departments. Any property owner requesting fire protection directly from any Fire Department other than those with whom the Town has contracted shall be responsible for all costs billed to the Town by any other Fire Department. This section shall not apply to the costs of any other Fire Department responding, at the request of an authorized Fire Department, under mutual aid.

SUBCHAPTER 3: FIRE PROTECTION FEES

SUBCHAPTER 3: FIRE PROTECTION FEES

CHAPTER 8: EMERGENCY MANAGEMENT

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CHAPTER 8: EMERGENCY MANAGEMENT

8.100 TITLE

This Chapter shall be known as the "Town of Lyndon Emergency Management Ordinance" or the "Emergency Management Ordinance," except as referred to herein, where it shall be known as "this Chapter."

8.101 AUTHORITY

This Chapter is adopted pursuant to Chapter 166 Wis. Stats. and other applicable Statutes.

8.102 PURPOSE

The purposes of this Ordinance are to identify the persons in control of emergency/disaster situations and of administrative functions; to provide Town Officers and Employees and volunteers a concise, readable, and available list of task assignments to be carried out in the emergency situations; to provide for the continuity of Town Government in the emergency/disaster situations; to provide for the essential elements of the Integrated Emergency Management System (IEMS); and to comply with the requirements of Chapter 166 of the Wisconsin Statutes.

8.103 EMERGENCY TEMPORARY LOCATION OF GOVERNMENT

Whenever during a state of emergency it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the Town Hall, the Town Board may meet at one of the following locations:

- (1) Chairman's Home.
- (2) Clerk's Home.

or at such alternate or substitute places as the Board may establish by Ordinance, Resolution or other manner during the emergency situation. (See, ' 166.06 Wis. Stats.)

8.104 EMERGENCY INTERIM SUCCESSORS

In an emergency, the duties of the Town Chairman shall be discharged by the following persons, in the following order of succession, pursuant to '66.08(6) Wis. Stats.:

- (1) The elected Town Chairman
- (2) Longest serving Town Board Member
- (3) Other Town Board Member
- (4) Town Clerk
- (5) Town Treasurer

8.105 EMERGENCY POWERS

(See, ' 166.23 Wis. Stats.)

8.106 EMERGENCY OPERATION CENTER

The EOC is located at the Town Hall, W1797 Hwy J, Wisconsin Dells, Wisconsin, 53965 (Phone: 608-254-7491).

8.107 EOC ACTIVATION

The Town Chairperson will activate the EOC.

8.108 EMERGENCY OPERATION PLAN

The Board is hereby authorized to adopt by Resolution, and amend as needed, an Emergency Operation Plan for the Town.

CHAPTER 9: PUBLIC WORKS

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SUBCHAPTER 1: TOWN HIGHWAYS

CHAPTER 9: PUBLIC WORKS**SUBCHAPTER 1: TOWN HIGHWAYS****9.100 TITLE**

This Subchapter shall be known as the “Town of Lyndon Highway Ordinance” or the “Highway Ordinance,” except as referred to herein, where it shall be known as “this Subchapter.”

9.101 AUTHORITY

This Subchapter is enacted pursuant to the general authority granted by §60.22, Wis. Stats., and Chapter 82, Wis. Stats.

9.102 PURPOSE

For the safety of the general public, the Town shall determine the location, size, construction, maintenance, and number of Town roads, through the administration of this Section and any other applicable ordinances. It is the Town's intent to provide safe roads throughout the Town, so that property may be developed to its highest and best use and so that vehicular travel and access is not deficient or dangerous to the general public.

9.103 DEFINITIONS

The following definitions shall be used in interpreting this subchapter:

Ditch: The area typically found on each side of the traveled portion of a Highway, located between the edge of the traveled portion and the outer-most edge of the right-of-way.

Highway: Another term for Town Highway.

Road: Another term for Town Highway.

Town Highway: A public highway owned and/or controlled by the Town, including all recorded and unrecorded highways, and including the entire highway right-of-way consisting of the traveled portion of the highway and the ditches. This term does not include federal, state or county highways, or private roads.

Town Road: Another term for Town Highway.

Town Roadway: Another term for Town Highway.

9.104 RESERVED FOR FUTURE USE**9.105 ROAD DAMAGE**

It shall be unlawful to commit damage to any Town road.

9.106 ROAD CLEANING AND MAINTENANCE

(1) **RAKING LEAVES ETC. INTO ROAD:** It shall be unlawful to rake, blow, push, deposit or cause to be deposited onto any Town Road, leaves, brush, grass clippings, or other vegetative material taken or removed from property privately owned or occupied.

(2) **PUSHING SNOW INTO ROAD:** It shall be unlawful to push, plow, shovel, deposit, or cause to be deposited onto any Town Road, snow or ice taken or removed from property privately owned or occupied.

(3) **DUMPING GARBAGE ON ROAD:** It shall be unlawful to deposit, dump, sort, scatter, or leave any rubbish, stone, wire, earth, ashes, cinders, sawdust, hay, glass, manure, filth,

SUBCHAPTER 1: TOWN HIGHWAYS

paper, construction waste, garbage, or other offensive or noxious material onto any Town Road.

- (4) **BURNING IN ROAD:** It shall be unlawful to burn leaves, wood, rubbish or any other material on a Town Road.
- (5) **DISCHARGING WATER ONTO ROADS:** No driveway, drainage way, downspout, gutter, trough, or other artificial structure shall be designed, constructed, or maintained to allow water flowing therein to be cast upon or to flow over the traveled portion of a Town Road. Nothing herein shall prohibit the flow of surface water, from existing structures, to be cast into or to flow into the ditches adjacent to Town Roads.
- (6) **ROAD DITCHES:** It shall be unlawful to obstruct, or cause to be obstructed, the free passage of water in any Town Road ditch, culvert, swale, or drain. It shall also be unlawful to place or cause to be placed any rubbish, dirt, sand, gravel, brush, leaves, grass clippings, or any other matter or thing so that the same is carried by the elements into any Town Road ditch, culvert, swale or drain.
- (7) **GRASS CUTTING:** Grass cut on the Town Road shall not be discharged onto the traveled portion of the Road.
- (8) **PLANTINGS:** No trees, shrubs, plantings, landscaping, or objects of art shall be planted or placed in the Town Road without written permission from the Town.

9.107 WEIGHT LIMITATIONS

- (1) **STATEMENT OF PURPOSE:** In the interest of public safety on Town Roads, the roads and streets, or portions thereof, of the Town of Lyndon are hereby declared to have special weight limitations as set forth herein, because in the absence of such special limitations, there is a likelihood that they would be seriously damaged or destroyed.
- (2) **STATUTORY AUTHORITY:** Such limitations are adopted pursuant to §348.17, §349.16, and §349.17 Wis. Stats., which is hereby adopted by reference and made a part of this ordinance.
- (3) **WEIGHT LIMITATIONS:** The Town Chairperson, or designee, may impose special seasonal limitations on any Road or portion thereof which, in the sole discretion of the Superintendent, could be damaged or destroyed in the absence of such special limitations, because of weakness of the roadbed, climatic conditions, or any other special or temporary condition.
- (4) **NOTICES/SIGNS:** Appropriate signs, informing the public of the weight limitations, shall be erected on the applicable Town Roads, and a map showing the location of the signs shall be on file with the Town Clerk.
- (5) **EFFECT OF LIMITATIONS:** When such limitations are in effect, no person shall operate a motor vehicle weighing in excess of the posted maximum limit.
- (6) **EXCEPTIONS:** The limitations imposed under this section shall not apply to the following:
 - (a) Town vehicles, or vehicles contracted by the Town, engaged in the removal of snow or ice, sanding, salting, or other Town business.
 - (b) Fire, ambulance, and EMS vehicles.
 - (c) Vehicles serving agricultural activities located in the Town.
 - (d) Fuel trucks delivering fuel to Town residents.
 - (e) School buses serving Town residents.
 - (f) Garbage/recycling trucks contracted by the Town.
 - (g) All other users who receive a permit as provided in (7) below.

SUBCHAPTER 1: TOWN HIGHWAYS

- (7) **PERMIT TO ALLOW OVERWEIGHT LOADS:** The Town Chairperson, or designee, is authorized to issue a written permit granting the privilege to exceed the weight limits as specified, pursuant to the following procedure.
- (a) **APPLICATION:** An application for a permit shall be filed with the Town Clerk, and shall include, for the purpose of enforcement of this Ordinance, the following information:
1. Name, address and telephone number of the applicant(s) who intends to exceed the weight limits.
 2. The license number and description of the truck(s) to be used.
 3. A general description of the work to be performed, including an explanation of why the work can not be performed at a later date when the road weight limits are lifted.
 4. The period of time during which the work will be done.
 5. A map showing the roads to be used and the routes to be taken.
 6. Any other information which the Chairman deems necessary to the proper review and understanding of the application.
- (b) **FEES:** The fee to be charged for each application shall be established by separate resolution of the Town Board.
- (c) **INSURANCE REQUIRED:** A permit shall be issued only upon the condition that the applicant provides satisfactory evidence that the applicant has in force, and will maintain during the time the permit is in effect, public liability insurance of not less than \$500,000 per one (1) person and per one (1) accident, and property damage insurance of not less than \$500,000 per accident.
- (d) **TIME LIMITS:** Permits shall be valid for a period of thirty (30) days from the date of approval, unless otherwise indicated in the permit, and may be renewed upon application.
- (e) **ASSUMPTION OF LIABILITY:** A permit shall be issued only upon the condition that the applicant sign a statement that he will indemnify and hold harmless the Town and its officers from all liability for damages caused to the Town's roads by the applicant's exercise of the permit.

9.108 RESERVED FOR FUTURE USE
9.109 EXCAVATIONS IN TOWN ROADS

- (1) **PERMIT REQUIRED:** No person shall make or cause to be made any opening or excavation in any Town Road without a permit therefore. Furthermore, any excavation which may last for longer than 89 days shall also comply with the requirements of '66.0425 Wis. Stats.
- (2) **EXCEPTIONS:** A permit shall not be required under the following circumstances:
- (a) No permit is required for excavations performed by the Town, or persons hired by the Town.
 - (b) No permit shall be required before the commencement of work if an emergency situation exists which requires immediate action to remedy a dangerous condition or to protect property, life, health or safety, provided however, that the person

SUBCHAPTER 1: TOWN HIGHWAYS

performing the work shall notify the Town Clerk or the Town Chairperson before commencing work and shall obtain oral approval for said work. Thereafter, the person performing the work shall apply for a permit as soon as possible, but in no event later than the close of the next business day.

- (3) **APPLICATION:** An application for a permit shall be filed with the Town Clerk, and shall include, for the purpose of enforcement of this Ordinance, the following information:
- (a) Name, address and telephone number of the applicant(s) who intends to perform the work, and the person(s) for whom the work is to be performed.
 - (b) The location of the work.
 - (c) A general description of the work to be performed, the method the applicant proposes to use in doing the work, and the reason for the work.
 - (d) The period of time during which the Road will be affected.
 - (e) The manner in which the traveling public will be notified of the work and will be protected from any danger presented by the work.
 - (f) Any other information which the Clerk deems necessary to the proper review and understanding of the application.
- (4) **TIME LIMITS:** Permits shall be valid for a period of thirty (30) days from the date of approval, unless otherwise indicated in the permit, and may be renewed upon application.
- (5) **FEES/SECURITY DEPOSIT:** The fees to be charged for each application and for the nature of the work to be performed, as well as the time and method of payment and collection thereof, shall be established by separate resolution of the Town Board. The Town Board reserves the right to require the applicant to post a bond, or other financial security, the conditions of which may include any of the following: that this ordinance shall be observed; that the plan of excavation will be carried out; that if there is a violation of this Ordinance or if the excavation plan is not carried out, all penalties, legal costs, and remediation expenses imposed hereunder shall be paid.
- (6) **INSURANCE REQUIRED:** A permit shall be issued only upon the condition that the applicant provides satisfactory evidence that the applicant has in force, and will maintain during the time the permit is in effect, public liability insurance of not less than \$500,000 per one (1) person and per one (1) accident, and property damage insurance of not less than \$500,000 per accident.
- (7) **ASSUMPTION OF LIABILITY:** A permit shall be issued only upon the condition that the applicant sign a statement that he will indemnify and hold harmless the Town and its officers from all liability for accidents and damages caused by any of the work covered by the permit, and that he will comply with the requirements of this Ordinance.
- (8) **FROZEN GROUND:** No openings or excavations shall be permitted between November 15 and April 15, except where it is determined by the Town to be an emergency.
- (9) **PROTECTION OF PUBLIC:**
- (a) Every opening and excavation shall be enclosed and marked with barriers, signs and traffic control devices as may be required by law and Section VI of the Manual of Uniform Traffic Control Devices.
 - (b) All necessary precautions shall be taken to guard persons and property from accidents or damage.

SUBCHAPTER 1: TOWN HIGHWAYS

- (c) Unless otherwise approved, a minimum of one (1) lane of traffic in each direction shall be provided. Every effort shall be made to provide reasonable access to all properties adjacent to the work. The permittee shall perform the work in such a manner so as not to disrupt the flow of traffic in the area.
 - (d) It shall be the permittee's responsibility to have the various utilities locate and mark their facilities prior to excavation. When the work will result in the loss of any utility service to a private property, a reasonable attempt shall be made to notify the occupant of the private property of the loss of service at least twelve (12) hours prior to the loss of service, unless the operation is part of an emergency excavation.
- (10) PAVEMENT REMOVAL:**
- (a) Removal of existing pavement shall be to neat, straight, saw-cut lines. Excavation shall be kept to the minimum possible and acceptable for the convenience and safe performance of work, and in accordance with all applicable codes and regulations.
 - (b) If the pavement is damaged during excavation beyond the original saw cut lines, it shall be saw cut again along neat, straight lines. The finished saw cut shall leave a regular, rectangular section for pavement replacement. Should the road opening occur within, adjacent to, or close to an existing patch or require more than one (1) opening within a short distance, the Town may order the permittee to remove and replace additional pavement up to an existing patch or between openings.
 - (c) Pavement replacement areas shall be parallel with or at right angles to the direction of traffic.
- (11) EXCAVATION:**
- (a) All excavated material shall be piled in a manner such that pedestrian and motor traffic is not unnecessarily disrupted. Ditches shall be kept clear and other satisfactory provisions shall be made for road drainage so that natural water courses are not obstructed.
 - (b) Excavated material to be used for backfilling of a trench must be so handled and placed to minimize inconvenience to public travel and adjoining owners and occupants.
- (12) BACKFILLING:**
- (a) All backfilling materials shall be dry, clean, granular material, and shall be free from cinders, ashes, refuse, vegetable or organic matter, timbers and lumber, boulders, rocks or stones greater than 8 inches in diameter at their greatest dimension, frozen lumps or other material which, in the opinion of the Town Road Superintendent, is unsuitable. All wet spoils shall be removed.
 - (b) In refilling the excavation, if there is not sufficient material excavated suitable for refilling, the deficiency shall be made up with new material brought to the site.
 - (c) Excavations shall be carefully compacted in 6-8 inch lifts from the bottom of the excavation, with special care being made for existing utilities, pipes and other structures.
 - (d) Mechanical compaction shall be used on all materials used for trench backfill. Each layer (8-inch maximum), shall be uniformly compacted. Compaction or consolidation by flooding shall not be permitted.

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- (13) **NOTICES AND INSPECTIONS:** The permittee shall notify the Town at least three (3) business days before such work is to commence, unless an emergency exists as determined by the Town Road Superintendent. The permittee shall also notify the Road Superintendent at least four (4) hours prior to backfilling, and four (4) hours prior to final restoration of the surface.
- (14) **SURFACE RESTORATION:** Surfaces shall be restored as follows within twenty (20) days after the closing of the opening or excavation, unless otherwise permitted by the Road Superintendent.
- (a) **BACKFILL FOR PAVEMENT:** Backfill material on roads shall be left below the original surface to allow for a layer of 1 1/2-inch crushed stone and a layer of 3/4-inch crushed stone, plus the thickness of the previously-existing surface structure. The thickness of each layer of crushed stone shall be in accordance with the specifications on file with the Town. If a hard surface will not be installed as part of the road restoration operation, the opening to the original surface elevation shall be backfilled with compacted 3/4-inch crushed stone.
- (b) **SURFACE RESTORATION:** The road surface shall be restored to the same condition existing before the excavation. The finished surface shall be smooth and free of surface irregularities and shall match the existing adjacent surface.
- (c) **WINTER CONDITIONS:** During winter months, when it is not possible to replace existing hard surface with a like material, the excavation shall be temporarily resurfaced with a minimum of three and one-half inches of cold mix bituminous material. This temporary wearing surface shall be compacted and rolled smooth. These temporary wearing surfaces shall be removed and replaced with material as specified above by not later than the following June 1.
- (d) **OTHER SURFACES:** All other surfaces shall be restored as much as possible to the condition existing prior to the excavation. Contours of the land shall be restored to the extent possible. Grassy areas shall have 3 inches of black dirt placed on the surface and shall be reseeded.
- (e) **VARIANCES:** Upon written application, the Road Superintendent may grant a written variance from the foregoing surface restoration requirements if he determines that the pre-existing condition of the surface was substantially different from or substantially below the quality of the foregoing restoration requirements. In such case, the Road Superintendent may prescribe, in writing, different restoration requirements, provided such requirements create a surface at least as good as the surface existing prior to the opening or excavation.

9.110 OBSTRUCTIONS AND ENCROACHMENTS

- (1) **PROHIBITION:** No person shall encroach upon or in any way obstruct or encumber any Town road, park, public ground or land dedicated to public use, and no person shall permit any encroachment, obstruction or encumbrance to be placed or remain on any such public property adjoining the premises of which he is the owner or occupant, except as provided below.
- (2) **EXCEPTIONS:** The prohibition of subsection (1) shall not apply to the following:
- (a) Temporary encroachments or obstructions authorized by permit pursuant to '66.0425 Wis. Stats.
- (b) Equipment which is temporarily parked for not more than 2 hours, and which does not obstruct more than one-third of the traveled portion of the road, and which is properly flagged or signed to protect the traveling public.

SUBCHAPTER 1: TOWN HIGHWAYS

- (c) Excavations and openings permitted under §9.107 above.

(3) **ROAD PERMIT:**

- (a) **When Issued:** Permits to occupy, obstruct, or encroach upon Town roads or other public ground of the Town may be granted by the Town Board for the purpose of moving, erecting, altering, repairing, or demolishing any building or structure, or for the purpose of occupying, obstructing, or encumbering any road or public ground with the materials or equipment necessary in and about the moving, erection, alteration, repair or demolition of any building or structure.
- (b) **Permit Conditions:** Such permits shall be subject to the following terms and conditions:
- (1) Such temporary obstruction shall not cover more than one-third of any road.
 - (2) Obstructions shall be marked and/or lighted at night so as to be identifiable to the public from all directions.
 - (3) The process of moving any building or structure shall be as continuous as practicable until completed.
 - (4) No building or structure shall be allowed to remain over night on any road crossing or intersection or in such other place as to prevent easy access to any fire hydrant.
 - (5) Buildings shall be moved only in accordance with the route prescribed by the Town.
 - (6) Upon termination of the work necessitating such obstruction, all parts of the roads or public grounds occupied or used shall be vacated, cleaned of all rubbish and obstructions, and placed in at least the same condition they were in before commencement of the work. All damages to the roads and public grounds shall be promptly repaired by the permittee.
- (c) **Insurance and Bond:** A permit shall be issued only upon condition that the applicant submit satisfactory written evidence that applicant has in force and will maintain during the time the permit is in effect, public liability insurance of not less than \$500,000 per one person, \$500,000 per one accident, and property damage coverage of not less than \$500,000, providing coverage for accidents or damage caused by reason of work performed under said permit. The Town may also require the applicant to execute and file a bond in an amount determined by the Town, not exceeding \$50,000, conditioned upon the applicant indemnifying and holding harmless the Town from liability for damages to the roads or public property of the Town resulting from the work under said permit.
- (d) **Fee:** The fee for a road permit shall be set from time to time by resolution of the Board.
- (e) **Termination:** Such permits shall automatically terminate on the date stated in the permit. If any of the conditions of the permit are violated, the permit may be revoked or suspended by the Town, without notice.
- (f) **Statutory Requirements:** If any permit is issued for a period of three (3) months or longer, the requirements of '66.0425 Wis. Stats. shall also be satisfied, and are incorporated herein by reference to the extent applicable.

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9.111 BRUSH/TREE REMOVAL IN ROADS

- (1) **WIDTH OF ROADS:** All town roads shall be presumed to be sixty-six (66) feet wide, unless another width is specifically established by highway order or written conveyance.
- (2) **ROAD CLEARING PROJECTS:** From time to time, the Town Board shall determine when it is reasonable and necessary to clear and improve the right-of-way of Town roads. Whenever such decision is made, the Town shall employ the following procedure:
- (a) **Notification:** Whenever the Town decides to clear and/or improve the right-of-way of a Town road, the Town shall give written notice to all property owners adjacent to that part of the road scheduled for improvement at least thirty (30) days prior to the commencement of work by the Town. Such notice shall state the nature of the work, the location of the work, the anticipated commencement date of the work, and the identity (e.g. name, address, and phone number) of the contractor who will be performing the work. Furthermore, such notice shall ask the landowner to make the election described below regarding marketable timber.
- (b) **Landowner Election:** Each landowner shall be given the opportunity to make one of the following elections, within 14 days of mailing the above notice, regarding the handling of marketable timber to be removed from that portion of the right-of-way adjacent to the landowner's property:
1. **Option No. 1:** The landowner may elect to have the Town dispose of the marketable timber, at no cost to the landowner.
 2. **Option No. 2:** The landowner may elect to have the marketable timber placed on that portion of the landowner's property immediately adjacent to the right-of-way from which the timber is removed. This Option may only be selected only if the topography and condition of the adjacent property provides a suitable location for placement of such timber in the opinion of the Town.
 3. **Option No. 3:** The landowner may elect to have the marketable timber left in the right-of-way from which the timber is removed, provided (i) this Option may only be selected if the topography and condition of the right-of-way provide a suitable location for the placement of such timber in the opinion of the Town, and (ii) the landowner removes the timber from the right-of-way within thirty (30) days of cutting, and (iii) in the event that the landowner fails to remove such timber from the right-of-way within 30 days, the Town shall have the right to remove and dispose of the timber and shall charge the cost thereof to the landowner.
 4. **Option No. 4:** The landowner may elect to execute a written contract with the entity performing the work, to pay the cost to deliver the marketable timber to a location agreed upon in the written contract. If this option is selected, the landowner shall provide a copy of said written contract to the Town within 21 days after mailing of the above-described notice from the Town.
- (c) **Failure of Landowner to make election:** If a landowner fails to make an election, in writing, within 14 days of mailing of the notice, the Town shall assume that the Landowner has elected Option No. 1 and shall proceed accordingly.

SUBCHAPTER 1: TOWN HIGHWAYS

9.112 DISCONTINUANCE OF ROADS

- (1) **PROCEDURE:** The procedure contained in Sec. 66.1003 Wis. Stats. (and all amendments thereto) shall be followed.
- (2) **FEES:** The fee to be charged for each petition shall be established by separate resolution of the Town Board.
- (3) **REVERSION OF TITLE:** Title to the property of any discontinued road shall revert to the adjoining lands as required by §66.1005 Wis. Stats. (and all amendments thereto).
- (4) **COSTS:** The owner(s) of adjoining lands, to which title to the vacated property reverts, shall pay (i) the cost incurred by the Town in discontinuing the road, alley or other public way, and (i) the cost incurred in transferring title of the vacated property to the adjoining landowner(s). These costs include (but are not limited to) survey costs, title costs, document preparation costs, publication costs, recording fees, and transfer fees. Exceptions to these costs may be made, in the sole discretion of the Board, (i) when the cost of transfer would exceed both the value of the property transferred and the value of the adjoining property to which the property is transferred, or (ii) when the public benefit of the discontinuance outweighs the benefit to the adjoining landowner(s). These costs shall be billed directly to the adjoining landowner(s), on a pro-rated basis based upon the square footage of land received by each adjoining landowner, and if not paid, shall be assessed against the adjoining land(s) as permitted by law.

9.113 ENFORCEMENT AND PENALTIES

- (1) **CHAPTER 25:** Except as otherwise specifically provided in this subsection, the penalties for a violation of this subchapter, shall be as provided in Chapter 25 of this Code.
- (2) **ABATEMENT BY TOWN:** In addition to any other penalty provided herein, the Town may abate any violation of this subchapter through the following procedure:
 - (a) **Non-Hazardous Conditions:** The Town may cause the issuance of a written notice to the responsible person(s) directing him to correct and abate the violation on or before a specified date, but not sooner than 72 hours following service of said notice. The written notice may be served by personal service or by certified mail, return receipt requested, to the last-known address of the responsible person(s). If the responsible person(s) to whom notice has been given fails to remove or abate the violation within the time established, the Town may remove or abate said violation at the expense of the responsible person(s).
 - (b) **Hazardous Conditions:** If the Town determines that the violation creates a substantial and immediate danger to public safety, the Town shall attempt to contact the responsible person(s) in any way or form which the Town deems most expedient, in order to give such responsible person(s) notice of the problem and the opportunity to immediately correct the problem. If such responsible person(s) cannot be promptly notified by the Town, or if the responsible person(s) cannot or will not immediately abate the violation, the Town may immediately take steps to abate the violation without providing any further notice to the responsible person(s).
 - (c) **Charges:** An account of the expenses incurred by the Town to remove or abate the violation shall be kept and such expenses shall be charged to and paid by the responsible person(s). Notice of the expenses shall be mailed to the last-known address of the responsible person(s) and shall be payable within ten (10) calendar days from the mailing thereof, and if not paid, the Town Clerk shall enter those charges onto the tax roll as a special tax pursuant to sec. 66.615(5) Wis. Stats. against the real estate of any or all responsible person(s), or the Town may collect such charges through any other lawful procedure.

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- (d) **Authorized Personnel:** The Town Chairperson or the Town Clerk, in conjunction with the Road Superintendent are authorized to make the determinations permitted by this section. The Chairperson, Clerk and Superintendent are authorized to issue the notices permitted by this section.
- (3) **VIOLATIONS:** Each violation and each day a violation continues or occurs, shall constitute a separate offense hereunder. The prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

SUBCHAPTER 2: DRIVEWAYS

SUBCHAPTER 2: DRIVEWAYS**9.200 TITLE**

This Subchapter shall be known as the "Town of Lyndon Driveway Ordinance" or the "Driveway Ordinance," except as referred to herein, where it shall be known as "this Subchapter."

9.201 AUTHORITY

This Subchapter is enacted pursuant to the general authority granted by §60.22, Wis. Stats., and Chapter 82, Wis. Stats.

9.202 PURPOSE

For the safety of the general public, the Town shall determine the location, size, construction, and number of access points to Town roads, through the administration of this Subchapter and any other applicable ordinances. It is the Town's intent to provide safe access to properties abutting Town roads, so that property may be developed to its highest and best use and so that access is not deficient or dangerous to the general public.

9.203 DRIVEWAY PERMITS

- (1) **PERMIT REQUIRED TO CONSTRUCT, RECONSTRUCT, ALTER OR ENLARGE:** No person shall construct, reconstruct, alter, or enlarge any private driveway within the limits of the dedicated portion of any public road under the control and jurisdiction of the Town without first obtaining a permit as provided by this Subchapter. This permit procedure does not apply to State and County Highways.
- (2) **APPLICATION REQUIREMENTS:** All applications for a driveway permit shall be submitted to the Clerk, or designee, who shall determine if the application is complete. The applicant may include more than one driveway on one application and one permit. A complete application shall contain all of the following:
- (a) The name and address of the owner of the lot upon which the driveway will be located, if different from the applicant.
 - (b) The name and address of the architect(s), professional engineer(s) and contractor(s) being used on the project.
 - (c) A legible, scaled drawing of the subject lot showing
 1. the location and dimensions of each existing driveway, and the buildings each driveway services,
 2. the location and dimensions of each proposed new driveway, and the buildings each new driveway will service,
 3. the location of all rights-of-way, easements, parking areas and drainage facilities on the lot, and
 4. the location of the next closest driveway or intersection on each side of the existing and proposed driveways.
 - (e) A statement of the materials to be used in constructing the driveway.
 - (f) The subject property's Standard Zoning District designation (as per the Zoning Ordinance, Chapter 22).
 - (g) A statement explaining why each driveway is needed.
 - (h) A statement that the applicant owns the lot to be served by the proposed driveway, and that such proposed driveway is for the bona fide purpose of securing access to applicant's property and not for the purpose of parking or servicing vehicles, advertising, storage, or merchandising of goods within the dedicated portion of the Town road, or for any other purpose.
 - (i) A statement confirming that the applicant acknowledges the Town's right to make any changes, additions, repairs, or relocations of that portion of the driveway located within the dedicated portion of the Town's right-of-way at any time and for any purpose, including relocation, reconstruction, widening, and maintenance of the Town road, without compensating the applicant or any subsequent owner of

SUBCHAPTER 2: DRIVEWAYS

- the property served by said driveway, for the damage to, destruction, closure, or relocation of that portion of the Driveway located within the Town's right-of-way, provided that all access of the property to a public road shall not be destroyed.
- (j) A statement that the applicant, his successors and assigns, agrees to indemnify and hold harmless the Town, its officials, officers, agents or employees, against any claim or any cause of action for personal injury or property damage sustained by reason of the granting or the exercise of such permit.
 - (k) A statement that the Town does not assume any responsibility for the removal or clearance of snow, ice or sleet from said driveway, nor any responsibility for the opening of any wind-rows of snow, ice, or sleet placed upon the driveway by the Town.
 - (l) Such additional statements as the Town shall deem necessary to ensure that the Town's ownership and control over all rights-of-way are completely vested in the Town and are not directly or indirectly transferred to a property owner by virtue of the granting of a driveway permit.
 - (m) Any other item of information that may be reasonably required by the Town for the purpose of application evaluation.
- (4) **REVIEW BY CLERK:** The Clerk, or designee, shall determine whether the application fulfills the requirements of section (2) above. If the Clerk determines that the application does not fulfill the requirements of section (2) above, or if she determines that additional information is needed to determine compliance with this Chapter, she shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Clerk determines that the application does fulfill the requirements of section (2), she shall review the application to determine if the driveway complies with the requirements of §9.204 below and all other provisions of this Code, and shall render a decision on the application. If the Clerk deems it necessary, the Clerk may refer the application to the Board for input and/or decision.
- (5) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.
- (6) **REVOCAION OF PERMIT:**
- (a) **Noncompliance:** Upon notice to the applicant and after a hearing conducted by the Board, any permit may be revoked by the Board in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.
 - (b) **Installation Delay:** Any driveway permit issued by the Town shall be null and void and automatically revoked in the event that installation of the driveway has not been commenced within 180 days from the date of issuance of the permit, and completed within 240 from the date of issuance of the permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.
 - (c) **Removal:** Upon revocation of a permit, the driveway shall be removed by the permittee within 45 days of such revocation.
 - (d) **Fee Refund:** Revocation shall not entitle the licensee to a total or partial reimbursement of any fees paid.
- (10) **EFFECT ON OTHER PERMITS:** Once a driveway permit is granted, no other permit (e.g. Erosion Control Permit, Zoning Permit, Building Permit, etc.) shall be issued for any development which is inconsistent with the granted driveway permit and this Ordinance.

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(11) FEE:

- (a)** All applicants shall pay a driveway permit fee which shall be established by resolution of the Town Board. Any fee paid hereunder for any one driveway may not be assigned or transferred to any other driveway.
- (b)** Driveway permit fees do not include, and are in addition to, building permit fees established by the Building Code, or the Zoning Code, and other fees which may be imposed under this Code.
- (c)** A double fee shall be charged by the Town if work is started on the Driveway before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (e)** The Town may delay any and all action and steps required above, including public hearings, until such time as all other fees, costs, charges, taxes, or forfeitures owed to the Town have been paid. An application is not considered complete and ready for consideration until all amounts owed to the Town have been paid.

9.204 DRIVEWAY LOCATION, DESIGN, CONSTRUCTION, AND MAINTENANCE REQUIREMENTS

The location, design, construction, and maintenance of driveways in the Town shall be in accordance with the following requirements, in addition to any other applicable ordinances:

- (1) NUMBER OF DRIVEWAYS:** Set by "Access Standards" of §22.505.
- (2) WIDTH OF DRIVEWAYS:**
 - (a) Residential Driveways:** For all residential properties, as determined by the principal use of the lot served by the driveway, within the highway right-of-way the driveway shall not be less than 16 feet nor more than 24 feet wide at the intersection with the property line, and not more than 30 feet wide at the intersection with the traveled portion of the highway. Between the edge of the highway right-of-way and all structures on the property, driveways shall be cleared at least 16 feet high and 16 feet wide of trees and brush to provide access for emergency vehicles.
 - (b) All other Driveways:** For all other properties (e.g. agricultural, commercial, and industrial), as determined by the principal use of the lot served by the driveway, within the highway right-of-way the driveway shall not be less than 16 feet nor more than 30 feet wide at the intersection with the property line, and not more than 36 feet wide at the intersection with the traveled portion of the highway. Between the edge of the highway right-of-way and all structures on the property, driveways shall be cleared at least 16 feet high and 16 feet wide of trees and brush to provide access for emergency vehicles.
- (3) ANGLE OF INTERSECTION:** The centerline of the first 30 feet of the driveway past the edge of the right-of-way, shall intersect the centerline of the highway at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- (4) DISTANCE BETWEEN INTERSECTIONS:** No driveway shall be closer than 150 feet to the closest right-of-way of any public highway, private road, or driveway which intersects the highway to which the driveway connects. If the width of adjacent parcels can not accommodate this distance, the Zoning Administrator is authorized to establish driveway locations which maximize the area available and which promote safety.
- (5) DISTANCE FROM PROPERTY LINE:** Setbacks for driveways are established by the regulations for each zoning district. (See, Subchapter 2 of Chapter 22).
- (6) UTILITIES:** Driveways shall be placed wherever possible as not to interfere with utilities (if any) in place. All costs of relocating utilities shall be the responsibility of the property

SUBCHAPTER 2: DRIVEWAYS

owner. Approval of the utility owner shall be obtained, in writing, before any utility may be relocated and the driveway installed.

- (7) **CULVERTS:** Driveways shall not obstruct or impair drainage in road ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the road, shall have end walls, and shall not be less than the equivalent of an 18-inch diameter metal corrugated pipe. Intermediate manholes adequate for clean-out purposes may be required, in the sole discretion of the Town, where the total culvert length is excessive or where past experience has demonstrated that a particular culvert is susceptible to becoming plugged. The distance between culverts under successive driveways shall not be less than 100 feet.
- (8) **DRAINAGE:** Driveways shall be designed, constructed, and maintained (i) to not interfere with the drainage of the traveled portion of the highway, the ditches, or any structure in the right-of-way, and (ii) to prevent the flow of storm water from the driveway onto the highway.
- (9) **GRADE:** The grade of that portion of a driveway located within the right-of-way of a road shall be lower than the grade of the traveled portion of the connecting edge of the road to assure the drainage of water away from the road and to prevent drainage of water from the driveway onto the road. The grade shall also be established so not to cause an obstruction to the maintenance, plowing, grading, or clearing of the road.
- (10) **PAVING OF ACCESS:** All access approach areas located within the highway right-of-way shall be constructed of a material equal to or better than the surface of the adjacent highway, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way. This requirement must be fulfilled before building occupancy, unless granted a time-specific extension in writing by the Zoning Administrator
- (11) **DITCHES:** The “ditch” area is located within the right-of-way of the highway, between the edge of the traveled portion of the highway and the private property line. The following regulations apply to ditches.

 - (a) No filling or grading of a ditch shall occur, except to specifications approved in writing by the Town.
 - (b) No planting shall occur within the ditch, except for grass not to exceed 12 inches in height.
 - (c) Culvert extensions within the ditch shall be of the same size and of equivalent acceptable material as the culvert under the driveway.
 - (d) The ditch shall not be used for advertising, parking, storage, access, or any other private purpose. The Town may require the landowner to construct a permanent barrier (e.g. curb, wall, rails, posts, etc.) to separate the ditch from the landowner=s lot to prevent use of the ditch for driveway or parking purposes as may be required by the Town.
- (12) **TRAFFIC CONTROL:** The traffic generated on any property shall be channeled and controlled in a manner which avoids (i) congestion on public highways and (ii) other safety hazards. All off-street parking, loading and traffic circulation areas shall be designed and constructed so that all traffic moving into and out of such areas shall be forward moving only, with no backing into highways.
- (13) **EXCEPTIONS:** Exceptions to the foregoing requirements may be granted, in writing, by the Town Board, upon a showing of good cause by the applicant. “Good cause” shall require the applicant to demonstrate either (1) that safety will be substantially enhanced by creating an exception to the rule, or (2) that substantial expense will be saved, that safety will not be detrimentally affected, and that road maintenance will not be detrimentally affected by creating an exception to the rule.

SUBCHAPTER 3: SOLID WASTE COLLECTION & MANDATORY RECYCLING
ORDINANCE

**SUBCHAPTER 3: SOLID WASTE COLLECTION AND
MANDATORY RECYCLING ORDINANCE**

9.300 **TITLE**

This Subchapter shall be known as the "Town of Lyndon Garbage Ordinance" or the "Garbage Ordinance," except as referred to herein, where it shall be known as "this Subchapter."

9.301 **AUTHORITY**

This Subchapter is adopted pursuant to the powers set forth in § 66.0405 Wis. Stats., and Ch. 287, Wis. Stats.

9.302 **PURPOSE**

The purpose of this Ordinance is to conserve natural resources, to enhance, protect, and improve the environment, to promote the health, safety, and welfare of the Town by establishing minimum standards for the storage, collection, transport, processing, separation, recovery, and disposal of refuse.

9.303 **DEFINITIONS**

The definitions set forth in Chs. 287 and 289 Wis. Stats. (and all amendments thereto) are hereby adopted by reference. (For purposes of convenience only, some statutory definitions have been reprinted herein. Subsequent statutory amendments to such definitions shall apply even though the text of this Ordinance may not have been changed to conform to the amendments. Also for convenience, most defined words have been printed in bold to alert the reader to the definition.) In addition, the following definitions shall apply to this Subchapter:

Bi-Metal Container: A container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

Brush: Hedge clippings, tree trimmings, branches, twigs, sticks, and other woody material not exceeding six (6) inches in diameter. (*Amended per Ord. 979*)

Clear Bags: Clear, transparent, plastic bags not exceeding 30 gallons. All such bags shall be waterproof, shall be capable of normal handling in hot and cold weather, and shall be of sufficient strength to allow lifting and loading without tearing.

Compost: Organic materials, consisting of grass clippings, leaves and/or debris from stem parts of house/garden plants and flowers, but excluding pine cones, twigs, sticks, branches, or refuse of any kind.

Compost Receptacle: Bio-degradable paper bags not exceeding thirty (30) gallon capacity, as approved by the Town.

Container Board: Corrugated paperboard used in the manufacture of shipping containers and related products.

Dwelling Unit: A structure or that part of a structure which is used or intended to be used as a home, residence, or sleeping place by one person, or by 2 or more persons maintaining a common household, to the exclusion of all others.

Garbage: See 289.01(9) Wis. Stats.

Glass Containers: All clear glass, brown glass, green glass and other colored glass used for bottles, jars and similar containers, but excluding window glass, ceramics, china, blue glass, pyrex, and mirrors.

HDPE: High Density Polyethylene, labeled by the SPI Code #2.

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Industrial Wastes: Liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.

LDPE: Low Density Polyethylene, labeled by the SPI Code #4.

Magazines: Magazines and other materials printed on similar paper.

Major Appliances: Residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.

Newspaper: Newspaper (excluding inserts on glossy paper) and other materials printed on newsprint, such as telephone books.

Office Paper: High grade printing and writing papers, including (but not limited to) printed white ledger, computer printout paper, notebook paper, typing paper and similar paper. This term does not include newspaper, cardboard, magazines, soiled or wet paper.

Other Resins or Multiple Resins: Plastic resins labeled by the SPI Code #7.

PETE: Polyethylene Terephthalate, labeled by the SPI Code #1.

PP: Polypropylene, labeled by the SPI Code #5.

PS: Polystyrene, labeled by the SPI Code #6.

PVC: Polyvinyl Chloride, labeled by the SPI Code #3.

Plastic Container: (See 287.01(6) Wis. Stats)

Post-consumer Waste: (See 287.01(7) Wis. Stats).

Recyclable Materials: Lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; containerboard; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; bi-metal containers and waste tires.

Refuse: (See 289.01(28) Wis. Stats.)

Sewage: (See 289.01(31m) Wis. Stats.)

Solid Waste: (See 289.01(33) Wis. Stats.)

Solid Waste Facility: (See 289.01(35) Wis. Stats.)

Solid Waste Treatment: (See 289.01(39) Wis. Stats.)

Steel Containers: All steel containers, tin containers, and other ferrous metal containers.

Waste Tires: A tire that is no longer suitable for its original purpose because of wear, damage, or defect.

Wastewater: (See 289.01(42) Wis. Stats.)

Yard Waste: Leaves, grass clippings, and/or debris from house/garden plants and flowers.

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9.304 COMPLIANCE

No person shall dispose of solid waste or place any solid waste for disposal, removal, or collection by the Town, except in strict conformity with the rules and regulations of this Chapter.

9.305 VARIANCES

Where strict enforcement of this Ordinance may result in undue hardship upon any party, such party may petition the Town for a variance from any portion of this Ordinance over which the Town has control. Said petition shall be in writing and shall state all grounds upon which the variance is requested. Upon a finding of undue hardship, the Town may, in its sole discretion, grant a variance, provided, however, any variance (a) must satisfy the general recycling purposes of this Chapter, (b) may not impose a greater economic burden upon the Town without additional compensation from the Applicant, and (c) may not violate state law. A variance shall be made in writing and shall remain in effect until rescinded by the Town. In granting the variance, the Town may establish such terms and conditions as he deems advisable.

9.306 MANDATORY SEPARATION OF RECYCLABLE MATERIALS

All persons who occupy dwelling units in the Town, including (but not limited to) the occupants of single-family residences, duplexes, condominiums, mobile home parks, and multiple-family apartments, shall separate **recyclable materials** from all other **post-consumer waste** and shall divide the **recyclable materials** into the following-listed categories, with each category placed separately in the following-described containers. To the greatest extent practicable, separated **recyclable material** shall be kept clean and free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials. Containers shall be rinsed out, and lids and labels removed.

<u>Category</u>	<u>Type of Waste</u>	<u>Type of Container</u>
A	Aluminum containers, glass containers, plastic containers (including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins), steel containers, bi-metal containers and foam polystyrene packaging.	Clear bag , except plastic containers with handles may be placed on a string, instead of in a bag.
B	Container Board	Clear bag , or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds.
C	Newspaper and Office Paper	Clear bag , or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds.
D	Magazines	Clear bag , or securely tied into bundles, or securely stacked into a cardboard box, or securely stacked in a grocery bag, none of which shall weigh more than 40 pounds.
E	All other post-consumer waste.	Clear bags

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9.307 TOWN COLLECTION

- (1) **DWELLING UNITS:** The Town shall collect **recyclable materials** and **post-consumer waste** (except as provided in (2) below) generated by the owners and/or occupants of all dwelling units located in the Town pursuant to this Ordinance, on such dates and at such times as the Town may establish.
- (2) **COMMERCIAL, RETAIL, INDUSTRIAL, EDUCATIONAL, RELIGIOUS AND GOVERNMENTAL FACILITIES:** The owners and/or occupants of commercial, retail, industrial, educational, religious and governmental facilities located in the Town shall provide for the disposal of their own waste, in the manner required by state law.
- (3) **EXCEPTIONS TO COLLECTION:** Unless the hauler agrees otherwise, the following **recyclable materials** will not be collected by the Town, but instead, shall be managed as set forth below:
 - (a) **Lead acid batteries.** Shall be disposed of by the owner at a private waste battery disposal site or at a retail business engaged in the sale of similar batteries.
 - (b) **Major appliances.** Shall be disposed of by the owner at any facility or store which accepts such items, provided all Freon is removed by a person certified to do so.
 - (c) **Waste oil.** Shall be disposed of by the owner at any private waste oil disposal site, or at any automotive repair business which accepts waste oil.
 - (d) **Yard waste.** Shall be disposed of by the owner.
 - (e) **Waste tires.** Shall be disposed of by the owner at any waste tire disposal site, or at any retail business engaged in the purchase of waste tires.
- (4) **PLACEMENT FOR COLLECTION:** All waste collectible by the Town shall be neatly placed in proper collection containers on the owner's driveway adjacent to the road, or in such other location as may be directed by the Town or the waste hauler.
- (5) **TIME:** All waste collectible by the Town shall be placed at the location designated above not more than 24 hours before the scheduled collection time, and all containers and items not collected shall be removed therefrom not later than 24 hours following the scheduled collection time.
- (6) **STORAGE CONTAINERS:** Between the times of collection, all waste shall be placed in storage containers or storage areas which shall be nuisance-free and odor-free, and which shall be strong enough and secure enough to prevent the scattering of waste by weather conditions or animals.

9.308 FEES

- (1) **PER DWELLING UNIT:** An annual Fee for waste collection service shall be charged to landowners for each dwelling unit located on the owner's real estate. The amount of the fee shall be established by separate Resolution of the Board.
- (2) **MOBILE HOME PARKS:** Fees for waste collection services shall be charged to the owner(s) of the mobile home park.
- (3) **EXEMPTIONS:** Fees shall not be charged to businesses and other entities which dispose of their own waste.

SUBCHAPTER 3: SOLID WASTE COLLECTION & MANDATORY RECYCLING
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- (4) **PAYMENT TERMS:** Annual bills for waste collection services from April 1 to March 31 of each year shall be sent to each landowner in February. Said bills shall be paid in full on or before March 31 following receipt of the bill. If said bill is not paid when due, a late fee shall be charged, in an amount set by resolution of the Town Board. If said bill remains unpaid by the time the next real estate tax bills are being prepared, the Town shall charge an additional processing fee, in an amount set by resolution of the Town Board, and shall impose the bill, plus all additional fees, as a special charge against the benefited real estate pursuant to §66.0627 Wis. Stats.

9.309 PROHIBITED ACTIVITIES AND NON-COLLECTIBLES

- (1) **DUMPING ON PUBLIC PROPERTY PROHIBITED:** No person shall dispose of or dump **solid waste** upon the roads, ditches, parks or other public property of the Town.
- (2) **DUMPING ON PRIVATE PROPERTY PROHIBITED:** No person shall dispose of or dump **solid waste** upon the property or in the receptacle of another person without the express permission of the owner of the property or receptacle.
- (3) **GARBAGE NOT GENERATED IN THE TOWN:** No person shall dump, deposit, or place for collection in the Town, any **solid waste** not generated within the corporate limits of the Town.
- (4) **SCAVENGING:** No person shall scavenge or remove any **recyclable material** placed for collection by another person without the express, written permission of such other person.
- (5) **BURNING:** No person shall burn **solid waste** in the Town, except for **yard wastes** and clean woody vegetative material. This burning ban shall not apply to entities subject to Ch. ILHR 14, Wis. Admin. Code. (NOTE: All burning at "places of employment" or "public buildings" must comply with Ch. ILHR 14, Wis. Admin. Code.)
- (6) **BURYING GARBAGE:** No person shall bury any **solid wastes** on public or private property in the Town. This section shall not apply to the burying of recognized building materials (e.g. rock, rubble, sand, etc.) in the course of construction.
- (7) **NON-COLLECTIBLE MATERIALS:** The Town shall not collect and it shall be unlawful for any person to place for collection any of the following wastes, except on those limited occasions when the Town specifically authorizes the collection of certain specified items as part of a special garbage collection pursuant to §9.310 below:
- (a) Hazardous waste
 - (b) Toxic waste
 - (c) Hot or warm ashes
 - (d) Chemicals and paint
 - (e) Explosives or ammunition
 - (f) Drain or waste oil
 - (g) Flammable liquids
 - (h) Tires, mufflers, tail pipes, batteries and other car parts exceeding 5 pounds or 6 cubic inches

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- (i) Major appliances commonly known as "white goods" (e.g. stoves, refrigerators, dishwashers, etc.)
- (j) Televisions, stereos and other electronic equipment
- (k) Furniture, mattresses and carpeting
- (l) Demolition and building debris generated from the repair, remodeling, reconstruction or demolition of buildings, such as lumber, roof and sheathing scraps, rubble, broken concrete, asphalt, plaster, PVC conduit and pipe, insulation, etc.
- (m) Animal or human feces (this waste should be disposed of in the sanitary sewer system)
- (n) Pathogenic hospital or medical waste
- (o) Trees, logs, stumps, dirt, etc.
- (p) Pallets
- (q) Bulky items whose large size precludes or complicates their handling by normal collection crews and equipment
- (r) All other non-post-consumer waste

9.310 SPECIAL COLLECTIONS

From time-to-time, the Town Board may authorize and conduct special garbage collections for the purpose of collecting items not regularly collected by the Town.

9.311 ENFORCEMENT AND PENALTIES

- (1) **CHAPTER 25:** Except as otherwise specifically provided in this Chapter, the penalties for a violation of this Chapter shall be as provided in Chapter 25 of this Code.
- (2) **COLLECTION REFUSAL:** In addition to any other penalty provided herein, the Town may refuse to collect and dispose of any and all **solid waste** which violates this Ordinance, and may refuse to collect **solid waste** from any premises which is in violation of this Ordinance.
- (3) **LAND OWNER LIABLE:** When any **solid waste** is found to violate this Ordinance, and when the identity of the **person** responsible for generating or placing such refuse or waste cannot be readily determined, the **owner** of the land upon which such garbage is found, shall be presumed to have committed the violation for purposes of the enforcement of this Ordinance and shall be subject to the applicable penalty.
- (4) **CONSENT TO SEARCH:** Every **person** who places for collection or dumps **solid waste** in the Town, is deemed to have given consent to the Town,
 - (a) To inspect and search such **solid waste**, without a warrant, for the sole purpose of enforcing the provisions of the Chapter; and
 - (b) To remove and keep any and all items found by the Town in its search, which items constitute a violation of this Chapter or which may be used to prove a violation of this Chapter; and

SUBCHAPTER 3: SOLID WASTE COLLECTION & MANDATORY RECYCLING
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- (c) To introduce such removed items into evidence in any prosecution for the violation of this Chapter.

- (5) **MULTIPLE VIOLATIONS:** Each violation, and each day a violation continues or occurs, shall constitute a separate offense hereunder. The prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

SUBCHAPTER 3: SOLID WASTE COLLECTION & MANDATORY RECYCLING
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SUBCHAPTER 4: TOWN BOAT LAUNCH

SUBCHAPTER 4: TOWN BOAT LAUNCH**9.400 TITLE**

This Subchapter shall be known as the "Town of Lyndon Boat Launch Ordinance" or the "Boat Launch Ordinance," except as referred to herein, where it shall be known as "this Subchapter."

9.401 AUTHORITY

This Subchapter is enacted pursuant to the authority generally granted by Chapter 60, Wis. Stats., and specifically by §§60.22 and 30.77(3)(e), Wis. Stats.

9.402 PURPOSE

The Town has constructed a boat launch for the use and enjoyment of the general public, and shall be open to the general public. The purpose of this ordinance is to regulate the use of the boat launch for the general public and to impose fees for such use.

9.403 DEFINITIONS

"Boat launch area" shall be defined as all the public property and road right-of-way located at the eastern end of River Bay Road, where the Town has constructed a ramp into the river, a portable pier, and a parking area.

9.404 REGULATIONS

- (1) **DAMAGE:** No person shall cause damage, or allow others to cause damage, to the boat launch area, including (but not limited to) the ramp, pier, lights, signs, fences, and all other property owned by the Town.
- (2) **LITTERING:** No person shall throw or deposit any glass, refuse, garbage, waste, filth, or other liter upon the boat launch area.
- (3) **PARKING:** No vehicle may be parked in the boat launch area, except vehicles which have purchased and properly displayed a parking/launching permit, as described below.
- (4) **BOAT LAUNCHING:** No boat may be launched from the boat launch area, except boats which have purchased and properly displayed a parking/launching permit as described below. A separate permit for launching a boat is not required if a parking permit has been purchased and properly displayed on the vehicle which transported the boat to the boat launch area.

9.405 PARKING/BOAT LAUNCH PERMIT

- (1) **PERMIT REQUIRED:** A parking/launching permit shall be purchased prior to the launching of any boat from the boat launch area and prior to the parking of any vehicle in the boat launch area.
- (2) **ACQUISITION AND PLACEMENT OF PERMITS:** Each person who needs to acquire a parking/launching permit shall utilize the payment system located at the boat launch area. Each such person shall obtain an envelope, with an attached payment stub, from the dispenser at the boat launch area. Each such person shall insert the applicable fee into the payment envelope, tear off the payment stub, and place the envelope (without the stub) into the designated receptacle at the boat launch area. Each such person parking a vehicle in the boat launch area shall place the payment stub on the dashboard of the driver's side of his/her vehicle in a location which is clearly visible by a person standing outside the vehicle who wishes to verify that a permit has been acquired. Each such person who is launching a boat, but who is not parking his/her vehicle in the boat launch area, shall keep the payment stub in his/her boat, and shall, upon request, present it to

SUBCHAPTER 4: TOWN BOAT LAUNCH

any representative of the Town for inspection.

- (3) **VISIBILITY OF STUB:** Vehicles parked in the boat launch area without a visible and valid payment stub on the dashboard of the vehicle's driver's side shall be in violation of this subchapter.

9.406 FEES

- (1) **ESTABLISHMENT:** Fees for parking/launching permits shall be established by separate resolution. The Town may impose different fees for different sizes, types, and frequencies of use. Such fees shall be clearly posted at the boat launch area.
- (2) **USE OF FEES:** Fees shall be placed in a non-lapsing account and used for the maintenance and repair of the boat launch.

9.407 OWNER LIABILITY

- (1) **OWNER OF VEHICLE LIABLE:** When any vehicle is found parked in the boat launch area in violation of any provision of this Subchapter, and when the identity of the operator of such vehicle cannot be readily determined, the owner, as shown by the ownership registration of the vehicle supplied by the Wisconsin Department of Transportation, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of the enforcement of this subchapter and shall be subject to the applicable forfeiture.
- (2) **OWNER OF BOAT LIABLE:** When any boat is found using the boat launch area in violation of any provision of this Subchapter, and when the identity of the operator of such boat cannot be readily determined, the owner, as shown by the ownership registration of the boat supplied by the DNR, or a comparable authority of any other state, shall be deemed to have committed the violation for purposes of the enforcement of this subchapter and shall be subject to the applicable forfeiture.
- (3) **AFFIDAVIT OF NON-RESPONSIBILITY:** A vehicle owner or a boat owner, cited for violation under this subchapter, may complete an "Affidavit of Non-Responsibility" within ten (10) days of receiving the citation if such owner did not commit the violation noted on the citation. Affidavits of Non-Responsibility may be obtained from the Town Clerk. Completing an Affidavit of Non-Responsibility does not invalidate or cancel the citation issued to the owner, who remains liable for the infraction until the person identified by the owner as the operator of the vehicle or boat is found guilty of the violation.

9.408 REMOVAL OF ILLEGALLY PARKED VEHICLES

- (1) **TOWING PERMITTED:** Any vehicle parked in violation of this Subchapter may be towed and/or stored, pursuant to ' 349.13 Wis. Stats. by the Town or by a private party at the direction of the Town.
- (2) **NOTICE REQUIRED:** Upon the towing and/or storing of any vehicle pursuant to this section, the Town shall mail or serve to the owner or operator of the vehicle, a citation for the ordinance violation committed by the vehicle. Such mailing or service shall be accomplished within 24 hours of the towing. With the citation, there shall be included a statement of the towing and storage charges, an explanation of how the vehicle can be obtained by payment of a deposit, and an explanation of the defendant's right to a prompt hearing to determine probable cause for the citation.
- (3) **DEPOSIT AND RELEASE OF VEHICLE:** A towed or stored vehicle shall not be released to the operator or owner until a deposit has been paid to the Town, equal to the cost of the towing and storage, or until the citation has been dismissed, or until the Town elects to pursue another lawful remedy for the collection of the charges. Such deposit

SUBCHAPTER 4: TOWN BOAT LAUNCH

shall be held by the Town pending disposition of the violation which caused the vehicle to be towed and/or stored.

- (4) **PROMPT HEARING:** Upon failure of the defendant to pay the deposit for the release of the vehicle, the defendant may request a prompt hearing for the purpose of determining whether the citation should be dismissed due to the lack of probable cause for the offense charged. Such request can be made by the defendant, or his representative, by contacting the Town Clerk. Upon receipt of such a request, a probable cause hearing shall be held during the next business day before the Town Chairman. If a finding of probable cause is made by someone other than the Circuit Court, then the defendant may request, and upon request shall be entitled to, a de novo probable cause hearing before the Circuit Court, or a commissioner thereof, within 10 days of the request. If it is found that probable cause does not exist, then the Citation shall be dismissed and the vehicle released without charge.

9.409 ABANDONED VEHICLES:

In addition to the requirements of §342.40 Wis. Stats., the following requirements apply:

- (1) **PRESUMPTION OF ABANDONMENT:** Whenever any vehicle, whether operative or inoperative, has been parked in the same place in the boat launch area for more than 72 hours, the vehicle shall be deemed to have been abandoned within the meaning of this section:
- (2) **FORFEITURE AND COSTS:** Any person who violates this subsection, including the Statute incorporated herein, shall be subject to the forfeiture set forth in Chapter 25 of this Code, and shall also be responsible for all costs of impounding and disposing of the vehicle. The Town may impound the vehicle on Town property, and if so, the charge for such impoundment shall be \$2.00 for each day or any fraction thereof.
- (3) **DISPOSAL PROCEDURE:** In addition to the procedure set forth in §342.40 Wis. Stats., the Town may dispose of the vehicle by auction sale, conducted at the front entrance to the Town Hall by a representative of the Town.
- (4) **NOTICE:** No vehicle shall be seized or towed by the City on the sole grounds that the vehicle is abandoned, prior to adjudication of abandonment. Nothing herein shall limit or prevent the towing of a vehicle pursuant to Section 14.37 without prior notice or adjudication.

9.410 PENALTIES

- (1) **PARKING VIOLATIONS:** Except as otherwise provided in this subchapter or by State Statute, the forfeiture for any parking violation shall be as hereinafter provided, in addition to any costs associated with the prosecution thereof which are recovered or authorized by State Statute or Administrative Regulation:
- (a) \$10.00 if paid within 10 days of the issuance of the Citation, or before the mailing of 1st Notice required by ' 345.28 Wis. Stats., whichever is later;
- (b) \$20.00 if paid after the mailing of the 1st Notice required by ' 345.28 Wis. Stats., but before the mailing of the 2nd Notice required by ' 345.28 Wis. Stats.
- (c) \$30.00 if paid after mailing the 2nd Notice required by ' 345.28 Wis. Stats., but before the mailing of the Notice of Suspension to the Wis. Department of Transportation; and
- (d) \$40.00 if paid after the mailing of the Notice of Suspension to the Dept. of Transportation required by ' 345.28 Wis. Stats.

SUBCHAPTER 4: TOWN BOAT LAUNCH

CHAPTER 11: PUBLIC PEACE, SAFETY AND ORDER

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CHAPTER 11: PUBLIC PEACE, SAFETY AND ORDER

SUBCHAPTER 1: STATE CODES ADOPTED

11.100 TITLE

This Chapter shall be known as the "Town of Lyndon Public Safety Ordinance" or the "Public Safety Ordinance," except as referred to herein, where it shall be known as "this Chapter."

11.101 AUTHORITY

This chapter is adopted pursuant to the authority granted by §60.22 and §60.56 Wis. Stats.

11.102 PURPOSE

This Chapter adopts various state statutes which prohibit various forms of conduct. This Chapter allows the Town to control and punish inappropriate conduct in the Town without issuing criminal charges through the Office of the District Attorney.

11.103 STATUTES ADOPTED

(At this time, the Town has elected not to create its own law enforcement agency and, therefore, it has not adopted any statutes for Town enforcement.)

SUBCHAPTER 1: STATE CODES ADOPTED

SUBCHAPTER 2: ALL-TERRAIN VEHICLES (ATVs)

SUBCHAPTER 2: ALL-TERRAIN VEHICLES (ATVs)**11.200 PURPOSE**

This Subchapter regulates the operation of all-terrain vehicles (ATVs), and establishes all-terrain vehicle trails and routes within the boundaries of the Town, and mandates the designation of these routes and trails with the use of proper signage.

11.201 AUTHORITY

This Subchapter is adopted pursuant to the authority granted by §23.33, Wis. Stats., and 64.12(2) of the Department of Natural Resources Administrative Code.

11.203 STATUTORY COMPLIANCE

In addition to the provisions set forth herein, the operator of an ATV in the Town shall comply with and shall be subject to the regulations set forth in §346.02(11) Wis. Stats.

11.204 DEFINITIONS

The definitions found in §23.33(1) Wis. Stats., and all amendments thereto, are incorporated herein by reference.

11.205 OPERATIONAL REGULATIONS**(1) GENERAL OPERATION:**

- (a) Operators must always travel on the extreme right side of the path, route, trail or roadway.
- (b) Operators must always yield the right-of-way to other vehicles and pedestrians.
- (c) Operators must always travel in a single-file fashion.
- (d) Operators must possess a valid driver's license or ATV Safety Certificate.

(2) SEASONAL RESTRICTIONS: (*The Town has not imposed any seasonal restrictions*).**(3) HOURS OF OPERATION: (*The Town has not imposed any time restrictions*).****(4) SPEED: Operators shall observe and follow all posted speed limit signs except:**

- (a) Operators traveling on the frozen surface of public waters shall slow the ATV to 10 mph or less when operating within 100 feet of any person not on an ATV or snowmobile or within 100 feet of an ice shanty.

(5) PRIVATE PROPERTY: No operator shall operate an ATV on any private property not owned or controlled by the operator without the express permission of the property owner.**(6) HOURS OF DARKNESS: Operators must display a lighted head lamp and tail lamp if operating an ATV after sunset and before sunrise.****(7) UNATTENDED ATV PROHIBITED: No person shall leave or allow an ATV, owned or operated by him, to remain unattended on any public property, either while the motor is running or while the starting key is left in the ignition.****11.206 NO ROUTES OR TRAILS**

There are no ATV routes in the Town, nor are there any ATV trails on Town property. No person shall operate an ATV upon any Town highway, Town park, or any other Town property.

SUBCHAPTER 2: ALL-TERRAIN VEHICLES (ATVs)

SUBCHAPTER 3: SNOWMOBILES

SUBCHAPTER 3: SNOWMOBILES**11.300 PURPOSE**

This Subchapter serves to promote, preserve and protect the peace, health, safety, property and general welfare of the Town; to regulate the operation of snowmobile use and the flow of snowmobile traffic; to designate public routes and trails within the Town; and to identify these routes and trails with the use of proper signage.

11.301 AUTHORITY

This Subchapter is adopted pursuant to the authority granted by §60.22, 350.04(2) and 350.18, Wis. Stats.

11.303 STATUTORY COMPLIANCE

The provisions of Chapter 350 and §346.02(10) Wis. Stats. including any future revisions or amendments thereto, are hereby adopted and, by reference, made a part of this Chapter as if fully set forth herein.

11.304 DEFINITIONS

The definitions found in §350.01 Wis. Stats., and all amendments thereto, are incorporated herein by reference.

11.305 RESERVED FOR FUTURE USE**11.306 NO TOWN ROUTES OR TRAILS**

There are no snowmobile routes in the Town, nor are there any snowmobile trails on Town property. No person shall operate a snowmobile upon any Town highway, Town park, or any other Town property.

SUBCHAPTER 3: SNOWMOBILES

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS**11.400 PURPOSE**

This Subchapter serves to promote, preserve and protect the peace, health, safety, property and general welfare of the Town; and to regulate by permit and penalty the possession, display, sale, purchase, and exhibition of certain harmful wild animals and exotic or wild animals in the Town.

11.401 AUTHORITY

This Subchapter is adopted pursuant to the authority granted by §60.22 and §169.43 Wis. Stats.

11.403 STATUTORY COMPLIANCE

The provisions of Chapter 350 and §346.02(10) Wis. Stats. including any future revisions or amendments thereto, are hereby adopted and, by reference, made a part of this Chapter as if fully set forth herein.

11.404 DEFINITIONS

The following definitions shall be used in this Subchapter:

Bovine animal: Domestic cattle and American bison of any age or sex.

Cattle: Any of the various animals of the domesticated genus Bos.

Cervid: A member of the family of animals that includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer. "Cervid" includes all farm-raised deer.

Circus: A scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, and/or trained animals is the primary attraction or principle business.

Domestic animal: Any of the following:

1. Domesticated cats of the subspecies *Felis silvestris catus*.
2. Domesticated dogs of the subspecies *Canis lupus familiaris*.
3. Rodents kept in cages, aquariums, or similar containers, including gerbils, hamsters, guinea pigs, and white mice.
4. Fish kept in aquariums or self-contained bodies of water and farm-raised fish, except fish that have been released to waters of the state.
5. Farm-raised deer that are kept by a person registered under §95.55 Wis. Stats.
6. Livestock.
7. Poultry.
8. Farm-raised game birds, except farm-raised game birds that have been released to the wild.
9. Ratites.
10. Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit, or caracul that are born, bred and raised in captivity and are not endangered or threatened species.
11. Pet birds.
12. Any other animal listed as a domestic animal by rule by the State of Wisconsin, Department of Agriculture and Human and Consumer Protection.

Equine animal: A horse, mule, zebra, donkey, or ass.

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS

Exotic or wild animal: Any animal that is not a domestic animal and specifically includes all of the following:

1. Nonhuman primates and prosimians including chimpanzees and monkeys.
2. Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers, and other felids generally referred to as big cats;
3. Canids, except domesticated dogs of the subspecies *Canis lupus familiaris*, including foxes not born, bred, and raised in captivity, and all wolves, coyotes, and wolf hybrids.
4. Ursids including all bears.
5. Elephants.
6. Crocodylians, including alligators and crocodiles.
7. Marsupials, including kangaroos, wallabies, and opossums.
8. Hippopotami.
9. Rhinoceroses.
10. Hyenas.
11. Mustelids, except domestic ferrets, including skunks, otters, and badgers.
12. Procyonids, including raccoons and coatis.
13. Dasypodidae, including anteaters, sloth, and armadillos.
14. Viverrids, including mongooses, civets, and genets.
15. Reptilia over 12 inches in length, including boa constrictors, pythons, and any other snakes.
16. Venomous reptilia.
17. Cervids, except farm-raised deer that are kept by a person registered under [§95.55](#) Wis. stats.
18. Camelids, except South American camelids.

Farm-raised deer: A captive cervid, but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer" does not include a cervid kept by an institution accredited by the American association of zoological parks and aquariums.

Farm-raised game bird: A captive bird of a wild nature that is not native. "Farm-raised game bird" does not include poultry or ratites, or birds kept pursuant to a license issued under [§169.15](#), [169.19](#), [169.20](#), or [169.21](#), Wis. Stats.

Harmful wild animal: Members of the family ursidae commonly known as bears, the species *felis concolor* commonly known as cougars, and any other animal designated as a harmful wild animal under Wisconsin statutes, or by rule of the State of Wisconsin, Department of Natural Resources.

Livestock: Bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids, and ratites.

Person: An individual, partnership, firm, joint stock company, corporation, association, trust, estate, or other legal entity.

Pet bird: A psittacine or soft bill that is not native, is not identified on the federal list of endangered and threatened species, and is not a migratory bird.

Poultry: domesticated fowl, including chickens, turkeys, and waterfowl, that are bred for the primary purpose of exhibition or producing eggs or meat. "Poultry" does not include ratites.

Possess: To own, control, restrain, transport, or keep.

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS

Public zoo or aquarium: A zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association.

Ratite: A member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.

Self-contained body of water: A body of water that has no inlet from or outlet to a natural body of water, except that it may have pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the State of Wisconsin.

South American camelid: A llama, alpaca, vicuna or guanaco.

Veterinarian: A person who is licensed in the State of Wisconsin to practice veterinary medicine under [Chapter 453](#) Wis. Stats., and who is certified under rules promulgated by the Department of Agriculture and Consumer Protection.

11.405 REGULATIONS

(1) **PERMIT REQUIRED:** No person may possess, display, sell or purchase an exotic or wild animal, or a harmful wild animal, in the Town unless such person first obtains a permit from the Town, except as provided in (2) or (3) below.

(2) **WHO MAY POSSESS WITHOUT A PERMIT:** The following persons may possess, display, sell or purchase exotic or wild animals in the Town without a permit:

- (a) A person licensed by the State of Wisconsin, Department of Natural Resources under Ch. 169 Wis. Stats.
- (b) A veterinarian, for the purpose of providing medical treatment to the animal.
- (c) A public zoo or aquarium, with a permit issued by the town.
- (d) A circus, with a permit issued by the town.

(3) **EXEMPTIONS FOR SPECIFIC ANIMALS:** A person is exempt from holding a License or other approval under §169.04(4) Wis. Stats., or any permit from the Town, to possess live native wild animals, if these wild animals are not endangered or threatened species and are any of the following:

- 1. Arthropods.
- 2. Chipmunks.
- 3. Pocket gophers.
- 4. Mice.
- 5. Moles.
- 6. Mollusks.
- 7. Opossums.
- 8. Pigeons.
- 9. Porcupines.
- 10. Rats.
- 11. Shrews.
- 12. English sparrows.
- 13. Starlings.
- 14. Ground squirrels.
- 15. Red squirrels.
- 16. Voles.
- 17. Weasels.

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS

11.407 PERMITS

- (1) **APPLICATION:** Any person desiring a permit hereunder shall submit an application that contains all the following:
- (a) The name, address, and telephone number(s) of the applicant(s).
 - (b) The name, address, and telephone numbers of the owner(s) of the property upon which the applicant intends to conduct operations permitted hereunder.
 - (c) The address and legal description of the premises where the exotic or wild animals or harmful wild animals will be exhibited, possessed, sold, or purchased.
 - (d) A detailed description of the operation intended by the applicant.
 - (e) A description of the type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold, or purchased.
 - (f) The names and addresses of all property owners within 1,000 feet of the property upon which the animals shall be exhibited, possessed, sold or purchased.
 - (g) A site plan showing the physical characteristics of the proposed operation which clearly demonstrates how the safety of the public will be protected.
 - (h) Information regarding the experience and training of the Applicant (and all proposed staff members) to handle all the needs of the animals expected to be located on the property.
 - (i) Information demonstrating that the Applicant has sufficient financial resources to meet the safety concerns of the public and the needs of the animals.
 - (j) Any other items which the Town deems necessary to make its decision.
- (2) **PUBLIC HEARING:** The Town shall schedule a reasonable time and place for a public hearing to consider the application within sixty (60) days after filing of the complete application. The applicant may appear in person, by agent, and/or attorney.
- (3) **NOTICE:** Notice of the application and the public hearing shall contain a description of the subject property, the proposed animals, and the proposed operation. In addition, at least ten (10) days before said public hearing, the Clerk shall mail an identical notice to the Applicant; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 1,000 feet of the boundaries of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (4) **FORMAL DECISION:** Within thirty (30) days after the holding of the public hearing, or any extension of said period approved by the Applicant and granted by the Town, the Town Board shall make its findings and its determination regarding the application as a whole. The Board may request further information and/or additional reports from the Applicant or any consultant. The Board may take final action on said Application at the time of the Public Hearing, or said proceedings may be continued from time-to-time for further consideration. The Board shall make a written report of its findings and determinations concerning the standards of subsection (e) below.
- (5) **STANDARDS OF REVIEW:** The following factors must be found to exist by the Board in making its decision regarding a request for a Permit, and each factor shall be addressed in the Board's official written decision:
- (a) The requested Permit must be in compliance with the Comprehensive Master Plan, and the Town Zoning Ordinance.
 - (b) The Applicant must have presented a plan of the physical characteristics of the proposed operation which clearly demonstrates how the safety of the public will be protected.
 - (c) The Applicant must have demonstrated sufficient experience and training to

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS

-
- handle all the needs of the animals expected to be housed on the property.
- (d) The Applicant must have demonstrated that he has sufficient financial resources to fulfill the safety concerns of the public and the needs of the animals.
 - (e) The issuance of a permit at this particular site, for this particular operation, must not be a substantial detriment to adjacent properties.
 - (f) The issuance of a permit must not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the granting of the permit.
- (6) **FEE:**
- (a) All applicants shall pay an application fee and/or a renewal fee which shall be established by resolution of the Town Board.
 - (b) A double application fee shall be charged by the Town if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks a Permit. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (c) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered "complete" and ready for consideration until all fees have been paid.
- (7) **ANNUAL RENEWAL:** Permits issue hereunder shall expire after 1 year, unless renewed by the Applicant, pursuant to the same procedure required of initial applications.

SUBCHAPTER 4: HARMFUL AND EXOTIC WILD ANIMALS

CHAPTER 13: HEALTH & WELFARE

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SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 13: HEALTH & WELFARE

SUBCHAPTER 1: GENERAL PROVISIONS

13.100 TITLE

This Chapter shall be known as the “Town of Lyndon Health & Welfare Ordinance” or the “Health & Welfare Ordinance,” except as referred to herein, where it shall be known as “this Chapter.”

13.101 AUTHORITY

This Chapter is adopted pursuant to §60.22 and 823.01 Wis. Stats., and the Police powers granted to all Wisconsin Municipalities.

13.102 PURPOSE

The purpose of this Chapter is to promote, preserve and protect the peace, health, safety, property and general welfare of the Town; to protect, maintain and preserve property values; to abate and prevent blighted areas; and to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of buildings, yards, and vacant areas.

13.103 DEFINITIONS

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

Basement: A space of full story height below the first floor which is not designed or used primarily for year around living accommodations. Space, partly below grade, which is designed and finished as habitable space is not defined as basement space.

Dwelling: Any building or structure and attached appurtenances wholly or partly used or intended to be used by humans for living or sleeping.

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

Gang Graffiti: Any structure or marking determined by the Juneau County Sheriff Department to be a gang-related symbol or sign.

Garbage: Solid wastes from domestic or commercial preparation, cooking, and dispensing of food, or from the handling, storage, and sale of meat, fish, fowl, fruits, vegetables, and other vegetable and animal matter.

Infestation: The continuous presence within or around a dwelling of any insects, rodents, or other pests.

Noxious weeds: Canada thistle, leafy spurge, field bindweed (creeping Jenny), in any part of the Town, and all plants growing in sidewalk cracks or cracks next to buildings in any area zoned commercial or industrial.

Occupant: Any person living, sleeping, or eating in, or having actual possession of, a dwelling unit or rooming unit.

Operator: Any person, not an owner, who has charge or care of any premises, dwelling, or part thereof.

Owner: Any person who shall be the legal record holder of title of a premises or dwelling,

SUBCHAPTER 1: GENERAL PROVISIONS

including the legal record holder of a land contract vendee's interest.

Premises: Any lot, plot, or parcel of land and the buildings thereon.

Recyclable Waste: Waste material that is routinely remanufactured into useable products including (but not limited to) glass, plastics, newspapers, cardboard, and metals (aluminum, steel, tin, brass, etc.).

Refuse: All waste material, except garbage, rubbish, and recyclable waste, including (but not limited to) grass, leaves, sticks, tree branches and logs, stumps, cement, boards, furniture or household appliances, and garden debris.

Rubbish: Waste material, except garbage, that is incidental to the operation of a building, including (but not limited to) tin cans, bottles, rags, paper, cardboard, and sweepings.

SUBCHAPTER 2: PUBLIC NUISANCES

SUBCHAPTER 2: PUBLIC NUISANCES**13.200 PUBLIC NUISANCE PROHIBITED**

No occupant, operator or owner shall erect, cause, continue, maintain, or permit to exist any public nuisance within the Town.

13.201 PUBLIC NUISANCE DEFINED

The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances:

- (1) **COMMON LAW:** Any public nuisance known at common law or in equity jurisprudence.
- (2) **IN GENERAL:** Any act, occupation, condition, or use of property which shall continue for such length of time as to:
 - (a) Substantially annoy, injure, or endanger the comfort, health, repose, or safety of the public;
 - (b) In any way render the public insecure in life or in the use of property;
 - (c) Greatly offend the public morals or decency;
 - (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous for passage, any street, alley, highway, navigable body of water, or other public way, or the use of public property.
- (3) **CODE VIOLATIONS:** Any place or premises within the Town where Town ordinances or state laws relating to the public health, safety, peace, morals, or welfare are openly, continuously, repeatedly, and intentionally violated.
- (4) **BLIGHTED PREMISES:** Any structure, building, improvement, or premises which is a menace to public health, safety, morals, or welfare in its present condition, or which endangers life or property by threat of fire or other hazard, due to any of the following reasons:
 - (a) Faulty design or construction,
 - (b) Failure to maintain the premises, or
 - (c) The accumulation thereon of junk, garbage, or rubbish.
- (5) **ATTRACTIVE NUISANCE:** Any artificial condition existing on land which presents an unreasonable risk of harm to children, who, because of their youth, may not discover the condition or realize the risk of intermeddling or coming within the area of danger, and the utility to the possessor of maintaining the condition and the burden of eliminating the danger are slight as compared to the risk to children. Attractive nuisances shall include, but are not limited to, the following:
 - (a) Vacant buildings or structures which possess unsecured doors or windows;
 - (b) Abandoned wells or shafts which are not securely sealed or covered;
 - (c) Basements and excavations which are unprotected or unfenced;
 - (d) Abandoned refrigerators or freezers which do not have the doors removed therefrom;
 - (e) Structurally unsound fences and structures;
 - (f) Abandoned, untitled, or unlicensed motor vehicles which possess unsecured doors, windows, or trunks.

SUBCHAPTER 2: PUBLIC NUISANCES

- (6) **PUBLIC HEALTH:** The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances, affecting public health, but such enumeration shall not be construed to exclude other health nuisances:
- (a) **Adulterated Food:** All decayed, harmfully adulterated, or unwholesome food or drink sold or offered to the public for human consumption.
 - (b) **Unburied Carcasses:** Carcasses of animals, birds, or fowl, not intended for human consumption or food, which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (c) **Breeding Places for Vermin, etc.:** Accumulation of decayed animal or vegetable matter, garbage, refuse, rubbish, rotting lumber, bedding, packing materials, scrap metal, or any materials whatsoever in which flies, mosquitoes, disease-carrying insects, rats, or other vermin may breed.
 - (d) **Stagnant Water:** All stagnant water in which mosquitoes, flies, or other insects can breed.
 - (e) **Privy Vaults and Garbage Cans:** Privy vaults and garbage cans which are not fly-tight.
 - (f) **Noxious Weeds:** All noxious weeds.
 - (g) **Air Pollution:** The emission or escape into the open air of such quantities of smoke, ash, dust, soot, cinders, acid, or other fumes, dirt, noxious gases, or other material, in such place or manner that causes or is likely to cause injury, detriment, or nuisance to any appreciable number of persons within the Town.
 - (h) **Water Pollution:** The pollution of any public well or cistern, stream, lake, canal, or other body of water.
 - (i) **Noxious Odors, Etc.:** Any use of property, substances, or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odor, gas, effluvia, or stench extremely repulsive to ordinary persons, or which annoy, discomfort, injure, or inconvenience the health of any appreciable number of persons within the Town.
 - (j) **Road Pollution:** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any public highway or public place within the Town.
 - (k) **Animals at Large:** All animals running at large. An animal is considered to be "running at large" if it is off the premises of its owner and not under the control of the owner or some other person.
 - (l) **Accumulations of Waste:** Accumulations of garbage, refuse, rubbish, or recyclable waste, which exists for more than 10 consecutive days and which is not stored completely in an enclosed structure.
- (7) **PUBLIC PEACE AND SAFETY:** The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and/or safety, but such enumeration shall not be construed to exclude other nuisances:
- (a) **Signs, Billboards, Lights, Etc.:** All signs, billboards, awnings, lights, and other similar structures which are over or near highways, and which because of color, location, brilliance, or manner of operation, unreasonably distract or blind the

SUBCHAPTER 2: PUBLIC NUISANCES

users of highways and thereby create an unreasonable danger to public safety.

- (b) **Unauthorized Traffic Signs:** All unauthorized signs, signals, markings, or devices placed or maintained upon or in view of any public highway which purport to be or may be mistaken as an official traffic control device, or railroad sign or signal, or which because of their color, location, brilliance, or manner of operation, interfere with the effectiveness of any official device, sign, or signal.
 - (c) **Obstructions of Streets and Excavations:** All obstructions of highways, and all excavations in or under the same, except as permitted by this Code, or which, although made in accordance with this Code, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit issued.
 - (d) **Flammable Liquids:** Repeated or continuous violations of this Code or State law relating to the storage of flammable liquids.
 - (e) **Open Cisterns, Wells, Basements, or Other Dangerous Excavations:** Any open cisterns, cesspools, wells, unused basements, excavations, swimming pools, or other dangerous openings, unless such places are filled, securely covered, or fenced in such manner as to prevent injury, provided any cover shall be of a design, size, and weight that the same cannot be removed by small children.
 - (f) **Abandoned Refrigerators:** Any abandoned, unattended, or discarded ice box, refrigerator, or other container which has an airtight door or lid, snap lock, or other locking device, which may not be released from the inside.
 - (g) **Tree Limbs:** All limbs of trees which project over a public highway less than fourteen (14) feet above the surface thereof.
 - (h) **Dead Trees:** All dead or dying trees and tree limbs, which are so situated that the tree or limb could fall onto a public highway or public property, or onto property which is not owned the owner of the tree.. A tree or limb shall be presumed to be dead or dying if 50% or more of the tree or limb does not have leaves on it during the growing season.
 - (i) **Fireworks:** All use or display of fireworks, except as provided by the laws of the State of Wisconsin.
 - (j) **Wires Over Streets:** All wires over public highways or public grounds, which are strung less than sixteen (16) feet above the surface thereof.
 - (k) **Noisy Animals or Fowl:** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing, or other noise, shall greatly annoy or disturb a person of ordinary sensibilities within the Town.
 - (l) **Gang Graffiti:** The display of gang graffiti.
- (8) **PUBLIC MORALS AND DECENCY:** The following acts, omissions, places, conditions, and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances which may offend public morals and decency:
- (a) **Disorderly Houses:** All disorderly houses, bawdy houses, houses of ill fame, gambling houses, and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse, or gambling.

SUBCHAPTER 2: PUBLIC NUISANCES

- (b) **Gambling Devices:** All illegal gambling machines and gambling places as defined in Chapter 945 Wis. Stats.
 - (c) **Unlicensed Sale of Liquor or Beer:** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured, or rectified without a permit or license as required by this Code, or otherwise contrary to State law.
 - (d) **Illegal Drinking or Drugs:** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages, or for the purpose of consuming drugs or other illegal substances, in violation of State law.
- (9) **BUILDINGS, STRUCTURES AND PREMISES:** The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting buildings, structures, and premises but such enumeration shall not be construed to exclude other nuisances regarding buildings and structures:
- (a) **Illegal Buildings:** All buildings erected, repaired, or altered in violation of the provisions of this Code or state law.
 - (b) **Dilapidated Structures:** All buildings or structures so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human use or occupancy.
 - (c) **Rodents:** Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entrance to a structure which is not maintained to prevent the entrance and harborage of rats, mice, or other vermin.
 - (d) **Fences:** Every fence which is not kept in a reasonably good state of repair.
 - (e) **Motor Vehicles:** Abandoned, untitled, or unlicensed motor vehicles which are not stored in a completely enclosed structure.

SUBCHAPTER 3: PROPERTY MAINTENANCE

SUBCHAPTER 3: PROPERTY MAINTENANCE

13.300 NO MAINTENANCE STANDARDS

Except as otherwise provided in this Code, no additional maintenance standards have been adopted by the Town.

SUBCHAPTER 3: PROPERTY MAINTENANCE

SUBCHAPTER 4: JUNK CONTROL

SUBCHAPTER 4: JUNK CONTROL**13.400 PURPOSE**

The purpose of this subchapter is to regulate the possession, storage, accumulation, parking, and placement of junk within the Town of Lyndon, in order to protect the environment, to protect land and property values, to protect the aesthetic beauty of the Town, to protect and promote the prosperity and economic well-being of the Town, and to protect and promote the public health, safety, general welfare, and good order of the Town.

13.401 DEFINITIONS

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them by this section. Any word, term, or phrase not defined below shall have the meaning provided by § 340.01 Wis. Stats.

Automobile Graveyard: The term “automobile graveyard” shall have the definition provided by §84.31(2) Wis. Stats. and all amendments thereto.

Construction Equipment: The term “construction equipment,” as used herein, shall mean and include all equipment commonly used to perform construction work including, but not limited to, the following: excavators, backhoes, scrapers, dozers, crawlers, trenchers, trucks, cranes, loaders, skid loaders, end loaders, forklifts, paving equipment, concrete equipment, compaction equipment, forestry equipment, graders, tankers, elevators, lifts, compressors, generators, pumps, welding equipment, and all similar equipment.

Farm Equipment: “Farm equipment” shall mean and include all equipment commonly used to perform work on a farm including, but not limited to, the following:

- (a) Tractors and all parts thereof;
- (b) Implements commonly drawn by a tractor, such as plows, planters, sprayers, hay bines, choppers, bailers, rakes, manure spreaders, and all parts thereof, and implements commonly affixed to a tractor such as hydraulic buckets, combines, power take offs, and all parts thereof;
- (c) Equipment which is self-propelled such as trucks, chemical sprayers, combines, skidsters, skid loaders, end loaders, dozers, excavators, and all parts thereof;
- (d) Equipment used to store, move, or deliver produce or feed, such as feeders, feeding troughs, augers, elevators, blowers, milking equipment, bulk tanks, and all parts thereof;
- (e) Equipment which was last used upon a farm; and
- (f) Equipment which is actually located upon a farm.

Junk: The term “junk” shall mean and include all of the following:

- (a) “Junk” as defined in §84.31(2) Wis. Stats. and all amendments thereto.
- (b) Items which are commonly discarded or thrown away by most people, but which may be used again in some form and are often collected by salvage yards and/or junk yards for resale.

Junk Construction Equipment: The term “junk construction equipment” shall mean all construction equipment which is not in operating condition. The phrase “not in operating condition,” as used herein, shall mean:

- (a) In the case of self-propelled equipment, equipment which can not be immediately started and operated for the purpose for which it was designed, without repair or without installation of a tire, battery, or other part; and
- (b) In the case of non-self-propelled equipment, equipment which can not be immediately used for the purpose for which it was designed, without repair or without installation of any part.

SUBCHAPTER 4: JUNK CONTROL

A piece of equipment which is located outside and which has not been moved for more than 1 year is rebuttably presumed to be “not in operating condition.”

Junk Farm Equipment: The term “junk farm equipment” shall mean all farm equipment which is not in operating condition. The phrase “not in operating condition,” as used herein, shall mean:

- (a) In the case of self-propelled equipment, equipment which can not be immediately started and operated for the purpose for which it was designed, without repair or without installation of a tire, battery, or other part; and
- (b) In the case of non-self-propelled equipment, equipment which can not be immediately used for the purpose for which it was designed, without repair or without installation of any part.

A piece of equipment which is located outside and which has not been moved for more than 1 year is rebuttably presumed to be “not in operating condition.”

Junk Motor Vehicle: The term “junk motor vehicle” shall mean and include all of the following:

- (a) A “junk vehicle” as defined in §340.01(25j) Wis. Stats.
- (b) A motor vehicle which has been “junked” as defined in 340.01(25g) Wis. Stats.
- (c) A “salvage vehicle” as defined in §340.01(55g) Wis. Stats.
- (d) A motor vehicle which is not in operating condition. A motor vehicle is “not in operating condition” if, upon inspection, the vehicle can not be immediately started and legally driven upon a public highway by the inspector, without repair and without installation of a tire, battery, or other part. A motor vehicle which is located outside and which has not moved under its own power for more than 30 days is rebuttably presumed to be not in operating condition.
- (e) A motor vehicle which has been unlicensed for more than 90 days.

Junk Trailer: The term “junk trailer” shall mean a trailer which is not in operating condition. A trailer is “not in operating condition” if, upon inspection, the trailer can not be immediately hooked up to a motor vehicle and legally drawn upon a public highway by the inspector, without repair or without installation of a tire, tongue, or other part. A trailer which is located outside and which has not been moved for more than 1 year is rebuttably presumed to be not in operating condition.

Junked: The term “junked” shall have the definition provided by §340.01(25g) Wis. Stats. and all amendments thereto.

Junkyards: The term “junkyards” shall have the definition provided by §84.31(2) Wis. Stats. and all amendments thereto.

Municipality: The term “municipality” shall mean a Town, village, town, county, state, or any agency thereof.

Person or Entity: The terms “person” or “entity” shall mean and include a natural person, sole proprietorship, partnership, limited partnership, corporation, governmental entity, municipality, school district, limited liability company, or any other ownership organization recognized under Wisconsin law as having the power to conduct business.

13.403 **JUNK PROHIBITED**

No person or entity shall possess, store, accumulate, park, dump, or locate junk, junk construction equipment, junk farm equipment, junk trailers, junk motor vehicles, junkyards, or automobile graveyards, within the Town, except as provided in §13.405 below, or except as allowed by permit pursuant to §13.407 below.

SUBCHAPTER 4: JUNK CONTROL

13.404 PRE-EXISTING ACCUMULATIONS

Pre-existing accumulations of items, which are subject to this ordinance, (i) shall not be increased or expanded, in number or geographic area, without a permit, and (ii) shall be brought into compliance with the provisions of this ordinance no later than two (2) years from the date of the adoption of this ordinance. Furthermore, one regulated item (e.g. a junk car) shall not be replaced with another regulated item (e.g. a different junk car), without a permit.

13.405 EXCEPTIONS

The following activities are allowed within the Town of Lyndon without a Permit:

- (1) **10 INDOOR ITEMS:** A person or entity may possess up to (but not exceeding) 10 items prohibited by this Ordinance, provided all such items are located entirely inside a completely enclosed structure.
- (2) **3 OUTSIDE ITEMS:** A person or entity may possess, outside of a completely enclosed structure, up to (but not exceeding) 3 items prohibited by this Ordinance, provided all such items are located in such a place as to be entirely invisible (i) from persons using the public highways, and (ii) from persons using adjacent neighboring land that is not owned by the person or entity which owns the land upon which the items are located.
- (3) **TRAVELING ITEMS:** A person or entity may possess items prohibited by this Ordinance (i) if such items are being transported through the Town, and (ii) if such items are only temporarily located in the Town for not more than 2 hours. Such items may not be unloaded and reloaded within the Town.

13.407 PERMITS FOR JUNK

A person may obtain a permit from the Town to possess, store, accumulate, park, dump, or locate junk, junk construction equipment, junk farm equipment, junk trailers, junk motor vehicles, junkyards, or automobile graveyards, within the Town of Lyndon, pursuant to the procedure and under the conditions prescribed herein.

13.408 APPLICATION FOR PERMIT

A written application for a permit shall be filed with the Town Clerk and shall contain the following:

- (1) The name, address, telephone number, and signature of the applicant(s).
- (2) The name, address, telephone number, and signature of all land owner(s).
- (3) The name, address, and telephone number of the intended operator(s).
- (4) The name and address of all property owners who own property adjacent to the property upon which the site will be located.
- (5) The address of the proposed site.
- (6) An aerial photograph of the proposed site, including all land within 1,000 feet of the site. (These photos can be obtained from the Juneau County Land Information Office).
- (7) A detailed description of the type of materials intended to be stored at the site, and a detailed plan of operation.
- (8) A statement describing the amount or number of items intended to be stored at the site.
- (9) A statement that the applicant and land owner shall comply with all Federal, State, County, and Town rules and regulations regarding the operation intended.
- (10) A copy of the permits and licenses received from the Federal, State, and County authorities, which authorize the proposed operation (e.g. a salvage yard license from the State; a junkyard license from the County; etc.).
- (11) Any other information which the Town Board deems necessary to properly review the application, e.g. proof of financial responsibility of the applicant, operator, and/or owner; a transportation impact study; an environmental impact study; and any other information deemed necessary.

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13.409 FEE

An application fee, in an amount established by separate resolution of the Town Board, shall be paid when the application is filed with the Clerk.

13.410 PUBLIC HEARING AND NOTICE

A public hearing on the application shall be conducted by the Town Board, no sooner than 30 days after filing of the application. Notice of the public hearing shall be posted and published by the Clerk as a Class 2 notice, and notice shall be mailed by the Clerk to all adjacent property owners at least 10 days before the public hearing.

13.412 STANDARDS OF REVIEW

The following issues shall be considered and addressed by the Town Board in deciding whether to issue a permit:

- (1) Whether the proposed operation on the proposed site complies with the Town's Zoning Ordinance.
- (2) Whether the proposed operation, in its proposed location and as depicted on the required site plan, will cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may exist in the future.
- (3) Whether the proposed operation will comply with the regulations set forth below.
- (4) Whether the proposed owner and operator have demonstrated the experience, knowledge, financial ability, and willingness to comply with the regulations set forth below.
- (5) Whether the potential public benefits of the proposed operation outweigh the potential adverse impacts of the proposed operation, after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.
- (6) Whether the size and scope of the proposed operation is appropriate for the site.

13.413 DECISION

Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Board), the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection 8.13 above. In making its decision, the Board may take any of the following actions:

- (1) **APPROVE:** The Board may approve the application as proposed; or
- (2) **APPROVE WITH MODIFICATIONS OR CONDITIONS:** The Board may approve the application with such modifications and conditions as it deems necessary and appropriate after consideration of the purposes of this Ordinance, after consideration of the standards of review set forth above, after consideration of the regulations set forth below, and after consideration of the recommendations of citizens, experts, its own members, and any other source; or
- (3) **DENY:** The Board may deny the application.

The Board's approval, with or without modifications or conditions, shall be considered the approval of a unique request, and shall not be construed as precedent for any other similar application.

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13.414 EFFECT OF DENIAL

An application which has been denied (in whole or in part) shall not be resubmitted for a period of 12 months from the date of said denial, unless the Clerk first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

13.416 REGULATIONS

Any person or entity who wishes to apply for a permit or who receives a permit to possess, store, accumulate, park, dump, or locate items regulated by this Subchapter, shall comply with the following regulations:

- (1) No operation shall be conducted in such a way as to constitute a public or private nuisance.
- (2) No operation shall be conducted within 1,000 feet of any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation.
- (3) No operation shall be conducted in a location which is visible from any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
- (4) No operation shall be conducted within 1,000 feet of any public highway or Town road in existence when the operation is commenced.
- (5) No operation shall be conducted in a location which is visible from any public highway or Town road. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
- (6) No operation shall be placed in a location and conducted in such a manner as to adversely affect the value of surrounding lands.
- (7) No operation shall be conducted in such a manner as to permit dust, dirt, debris, or other materials, substances, or odors to be carried by wind across the boundary of the parcel of land being used for the operation.
- (8) The operation shall comply with the Zoning Ordinance of the Town of Lyndon.
- (9) The operation shall comply with all Federal, State (e.g. 175.25 Wis. Stats), County (Ord. 9), and Town rules and regulations regarding the operation intended.
- (10) The operation shall obtain and maintain all permits and licenses required by the Federal, State, and County authorities, which authorize the proposed operation (e.g. a salvage yard license from the State; a junkyard license from the County; etc.).
- (11) No operation shall be modified, altered, or expanded beyond the terms and conditions of the permit, without prior approval by the Board.

13.417 BOND

The Town Board reserves the right to require the applicant, the owner, and/or the operator to post a bond, or other financial security, the conditions of which may include any of the following: that this ordinance shall be observed; that the plan of operation will be carried out; that if there is a violation of this Ordinance or if the operation plan is not carried out, all penalties, legal costs, and remediation expenses imposed hereunder shall be paid.

13.418 CHANGE OF OWNERSHIP

Permits shall run with the land. All requirements of a permit shall be maintained, regardless of ownership of the subject property. However, no permit may be transferred to a new owner without the express approval of the Town Board, which approval may be granted after the new owner complies with the procedure set forth above for new applicants.

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13.420 ENFORCEMENT AND PENALTIES

- (1) **REVOCATION:** Upon violation of this Ordinance, any permit issued hereunder may be revoked by the Town Board, pursuant to the following procedure. Written notice of the violation shall be filed with the Town Clerk and mailed to the permittee, along with notice of a hearing, which shall be scheduled not less than 20 days after mailing of the notice. The Town and the permittee may produce evidence and witnesses, cross-examine witnesses, and be represented by counsel. The Town Board shall consider the evidence and testimony, and then render a decision regarding whether this ordinance has been violated, and if so, whether the permit should be revoked. Nothing herein shall prevent or limit the Town's right to seek the other remedies provided herein, in addition to or in lieu of revocation of the permit.
- (2) **FORFEITURES:** Except as otherwise provided herein, any person or entity who shall violate any provision of this Ordinance shall, upon conviction thereof, be subject to the following forfeitures:
- (a) \$100 for the 1st day a violation occurs; and
 - (b) \$10 per day for each day the violation continues, without full and complete abatement, for the next 29 days (i.e. days 2 thru 30); and
 - (c) \$25 per day for each day the violation continues, without full and complete abatement, for the next 90 days (i.e. days 31 thru 120); and
 - (d) \$50 per day for each day the violation continues, without full and complete abatement, for the next 90 days (i.e. days 121 thru 210) ; and
 - (e) \$100 per day for each day the violation continues thereafter, without full and complete abatement (i.e. violations longer than 210 days).
- (3) **MONEY JUDGMENT AND EXECUTION:** Whenever any person or entity fails to pay any forfeiture, the Court, in lieu of imprisonment or in addition to imprisonment or after release from imprisonment, may do the following:
- (a) The Court may render a money judgment against the defendant in favor of the Town for such forfeiture, and said judgment may then be docketed and collected by the Town in any manner permitted by law; and/or
 - (b) The Court may issue an execution against the property of the defendant for the payment of such forfeiture and costs, pursuant to the procedures set forth in Chapter 815 of the Wisconsin Statutes.
- (4) **ABATEMENT OF VIOLATIONS:** In addition to any other penalty provided herein, the Town may seek the removal, prevention, and/or abatement of any violation of any provision of this Ordinance. Such remedies may be joined with any action seeking a forfeiture, or may be separately commenced and maintained. When any such remedy is sought, the Court may order, in addition to any forfeiture authorized herein, the removal, prevention, and/or abatement of a violation as follows:
- (a) By the violator at the violator's sole expense, and/or
 - (b) If the violator fails to remove, prevent, and/or abate the violation within the time limits established by the Court, then by the Town at the sole expense of the violator. If the Town incurs expenses in the removal, prevention, and/or abatement of any violation, the Town may collect said expenses by application to the Court for one or more of the following:
 - 1. The Court may impose upon the violator a new or additional forfeiture in the amount not to exceed the expenses incurred, and in default of payment of such forfeiture, the Court may imprison the violator in the county jail until such forfeiture is paid, but not exceeding 90 days; and/or

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2. The Court may issue an execution against property of the violator for such expenses pursuant to Chapter 815 Wis. Stats.; and/or
 3. The Court may render a money judgment against the violator in favor of the Town for such expenses, and said judgment may then be docketed and collected by the Town in any manner permitted by law.
- (5) **RESTITUTION:** In addition to any other penalty provided herein, the Court may order the payment of restitution for violations of this Code in conformity with § 943.24 and 943.50 Wis. Stats., and shall use the restitution procedures as provided therein.
- (6) **MULTIPLE VIOLATIONS:** Each violation and each day a violation continues or occurs, shall constitute a separate offense. Prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

13.421 OTHER LAWS APPLICABLE

Nothing herein shall be deemed to limit or restrict the application of any Federal, State, or County law, ordinance, or rule regulating the subject of this Ordinance. Compliance with this Ordinance does not excuse compliance with all other applicable laws.

13.422 SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a Court to be invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SUBCHAPTER 4: JUNK CONTROL

SUBCHAPTER 5: DUMPING AND DISPOSAL OF WASTE

SUBCHAPTER 5: DUMPING AND DISPOSAL OF WASTE**13.500 PURPOSE**

The purpose of this Subchapter is to regulate the dumping or disposal of waste, garbage, refuse, and sludge within the Town, in order to protect the environment, to protect land and property values, to protect the aesthetic beauty of the Town, and to protect and promote the public health, safety, general welfare, and good order of the Town.

13.501 DEFINITIONS

The following words, terms, and phrases, when used in this Subchapter, shall have the meanings ascribed to them by this section

Dumping or Disposal: The terms “dumping” or “disposal” shall mean unloading, throwing away, discarding, emptying, abandoning, discharging, burning, or burying waste, garbage, refuse, or sludge, on, into, or under any property or lands, whether publicly or privately owned, within the Town of Lyndon.

Garbage: The term “garbage” shall mean discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.

Municipality: The term “municipality” shall mean any city, village, town, county, state, or subdivision thereof.

Refuse: The term “refuse” shall mean all combustible and noncombustible discarded material (except garbage) including, but not limited to trash, rubbish, paper, wood, metal, glass, plastic, rubber, cloth, ashes, litter and street rubbish, white goods, discarded appliances, tires, industrial waste, dead animals, mine tailings, gravel pit and quarry spoils, and material and debris resulting from construction or demolition.

Person or Entity: The terms “person” or “entity” shall mean a natural person, sole proprietorship, partnership, limited partnership, corporation, governmental entity, municipal corporation, limited liability company, or any other ownership organization recognized under Wisconsin Law as having the power to conduct business.

Sludge: The term “Sludge” shall mean sewage treatment residue in any form whatsoever, whether solid, semi-solid, or liquid, which has been processed or treated in any way, form or manner, including, by way of illustration and not by way of limitation, the contents of any septic tank or septic system.

Waste: The term “waste” shall mean garbage, refuse, and all other discarded or salvageable material, including waste materials resulting from industrial, commercial, and agricultural operations and from domestic use and public service activities.

13.502 RESERVED FOR FUTURE USE**13.503 DUMPING AND DISPOSAL PROHIBITED**

No person or entity, shall dump or dispose of waste, garbage, refuse, or sludge within the Town, except as provided in §13.505 below, or except as allowed by permit pursuant to §13.507 below.

SUBCHAPTER 5: DUMPING AND DISPOSAL OF WASTE

13.504 PRE-EXISTING ACCUMULATIONS

Pre-existing accumulations of items, which are subject to this ordinance, (i) shall not be increased or expanded, in number or geographic area, without a permit, and (ii) shall be brought into compliance with the provisions of this Ordinance no later than two (2) years from the date of the adoption of this Ordinance. Furthermore, the removal of one regulated item (e.g. a discarded appliance) shall not be replaced with another regulated item (e.g. another discarded appliance), without a permit.

13.505 EXCEPTIONS

The following dumping or disposal activities do not require a Permit:

- (1) **HOUSEHOLD WASTE:** Sites used for the dumping or disposal of waste, garbage, or refuse generated from a single family, a single household, or a single farm, which meet all of the following requirements:
 - (a) The family or farm generating the waste must be located on the property where the items are dumped (i.e. waste can not be dumped on a neighbor's property);
 - (b) The waste, garbage, or refuse must be dumped in a location hidden from the view of all neighbors' homes and from the view of all persons using the public highways;
 - (c) The waste, garbage, or refuse must not cause a public or private nuisance (i.e. it must not generate offensive odor, or create a breeding ground for pests, or pollute streams or groundwater, etc).
 - (d) The activity must comply with all Federal, State, County, and Town rules and regulations regarding the dumping and disposal of waste, garbage, and refuse.
- (2) **PRIVATE SEPTIC SYSTEMS:** The construction and use of sanitary privies and what are commonly known as seepage beds, septic systems, mound systems, or septic tanks, which conform to all applicable rules and regulations of the State, County, and Town.
- (3) **PUBLIC SEWERAGE SYSTEMS:** The construction and use of a public sewerage system which conforms to all applicable rules and regulations of the State, County, and Town.
- (4) **TOWN WORK:** Any dumping or disposal operation under the direction and control of the Town of Lyndon.

13.506 RESERVED FOR FUTURE USE**13.507 PERMITS FOR DUMPING OR DISPOSAL**

A person may obtain a permit from the Town to dump or dispose of waste, garbage, refuse, or sludge within the Town of Lyndon, pursuant to the procedure and under the conditions prescribed herein.

13.508 APPLICATION

A written Application for a permit shall be filed with the Town Clerk and shall contain the following:

- (1) The name, address, telephone number, and signature of the applicant(s).
- (2) The name, address, telephone number, and signature of all land owner(s).
- (3) The name, address, and telephone number of the intended operator(s).
- (4) The name and address of all property owners who own property adjacent to the property upon which the site will be located.
- (5) The address of the proposed dump site.
- (6) An aerial photograph of the proposed site, including all land within 1,000 feet of the site. (These photos can be obtained from the Juneau County Land Information Office).

SUBCHAPTER 5: DUMPING AND DISPOSAL OF WASTE

- (7) A detailed description of the type of materials intended to be dumped at the site, and a plan of operation.
- (8) A statement describing the amount or number of items intended to be stored at the site.
- (9) A statement that the applicant and land owner shall comply with all Federal, State, County, and Town rules and regulations regarding the dumping and disposal of waste, garbage, and refuse.
- (10) A copy of the permits and licenses received from the Federal, State, and County authorities, which authorize the proposed operation.
- (11) Any other information which the Town Board deems necessary to properly review the application, e.g. proof of financial responsibility of the applicant, operator, and/or owner; a transportation impact study; an environmental impact study; and any other information deemed necessary.

13.509 FEE

An application fee, in an amount established by separate resolution of the Town Board, shall be paid when the application is filed with the Clerk.

13.510 PUBLIC HEARING AND NOTICE

A public hearing on the application shall be conducted by the Town Board, no sooner than 30 days after filing of the Application. Notice of the public hearing shall be posted and published by the Clerk as a Class 2 notice, and notice shall be mailed by the Clerk to all adjacent property owners at least 10 days before the public hearing.

13.511 RESERVED FOR FUTURE USE**13.512 STANDARDS OF REVIEW**

The following issues shall be considered and addressed by the Board in deciding whether to issue a permit:

- (1) Whether the proposed operation on the proposed site complies with the Town's Zoning Ordinance.
- (2) Whether the proposed operation, in its proposed location and as depicted on the required site plan, will cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may exist in the future.
- (3) Whether the proposed operation will comply with the regulations set forth below.
- (4) Whether the proposed owner and operator have demonstrated the experience, knowledge, ability, and willingness to comply with the regulations set forth below.
- (5) Whether the potential public benefits of the proposed operation outweigh the potential adverse impacts of the proposed operation, after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.
- (6) Whether the size and scope of the proposed operation is appropriate for the site.

13.513 DECISION

Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Board), the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of §13.512 above. In making its decision, the Board may take any of the following actions:

- (1) **APPROVAL:** The Board may approve the application as originally proposed; or
- (2) **APPROVAL WITH MODIFICATIONS OR CONDITIONS:** The Board may approve the application with such modifications and conditions as it deems necessary and appropriate after consideration of the purposes of this Ordinance, after consideration of the standards

SUBCHAPTER 5: DUMPING AND DISPOSAL OF WASTE

of review set forth above, after consideration of the regulations set forth below, and consideration of the recommendations of citizens, experts, its own members, and any other source; or

- (3) **DENIAL:** The Board may deny the application.

The Board's approval, with or without modifications or conditions, shall be considered the approval of a unique request, and shall not be construed as precedent for any other similar application.

13.514 EFFECT OF DENIAL

An application which has been denied (in whole or in part) shall not be resubmitted for a period of 12 months from the date of said denial, unless the Clerk first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

13.515 RESERVED FOR FUTURE USE

13.516 REGULATIONS

Any person or entity authorized by a Permit granted hereunder, or by §13.505 above, to engage in dumping or disposal operations in the Town shall comply with the following regulations:

- (1) No operation shall be conducted in such a way as to constitute a public or private nuisance.
- (2) No operation shall be conducted within 2,500 feet of any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation.
- (3) No operation shall be conducted in a location which is visible from any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
- (4) No operation shall be conducted within 2,500 feet of any public highway or Town road in existence when the operation is commenced.
- (5) No operation shall be conducted in a location which is visible from any public highway or Town road. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
- (6) No operation shall be placed in a location and conducted in such a manner as to adversely affect the value of surrounding lands.
- (7) No operation shall be conducted in such a manner as to permit dust, dirt, debris, or other materials, substances, or odors to be carried by wind across the boundary of the parcel of land being used for the operation.
- (8) A covering of dirt shall be placed over all of the area used for dumping or disposal within a reasonable time (not exceeding 10 days) after each dumping or disposal occurs.
- (9) The operation shall comply with the Zoning Ordinance of the Town of Lyndon.
- (10) The operation shall comply with all Federal, State, and County rules and regulations regarding the operation intended.
- (11) The operation shall obtain and maintain all permits and licenses required by the Federal, State, and County authorities, which authorize the proposed operation (e.g. a license from the State and/or County to operate a dump).
- (12) Any "permitted" operation shall comply with the terms, conditions, and restrictions imposed by the permit.

SUBCHAPTER 5: DUMPING AND DISPOSAL OF WASTE

13.517 BOND

The Town Board reserves the right to require the applicant, the owner, and/or the operator to post a bond, the conditions of which may be: that this ordinance shall be observed; that the dumping or disposal plan will be carried out; that if there is a violation of this Ordinance or if the dumping or disposal plan is not carried out, all penalties, legal costs, and remediation expenses imposed hereunder shall be paid.

13.518 CHANGE OF OWNERSHIP

Permits shall run with the land. All requirements of a permit shall be maintained, regardless of ownership of the subject property.

13.519 RESERVED FOR FUTURE USE**13.520 ENFORCEMENT AND PENALTIES**

- (1) **REVOCACTION:** Upon violation of this Ordinance, any permit issued hereunder may be revoked by the Town Board, pursuant to the following procedure. Written notice of the violation shall be filed with the Town Clerk and mailed to the permittee, along with notice of a hearing, which shall be scheduled not less than 10 days after mailing of the notice. The Town and the permittee may produce evidence and witnesses, cross-examine witnesses, and be represented by counsel. The Town Board shall consider the evidence and testimony, and then render a decision. Nothing herein shall prevent or limit the Town's right to seek the other remedies provided herein, in addition to or in lieu of revocation of the permit.
- (2) **FORFEITURES:** Except as otherwise provided herein, any person or entity who shall violate any provision of this Ordinance shall, upon conviction thereof, be subject to the following forfeitures:
 - (a) \$100 for the 1st day a violation occurs; and
 - (b) \$10 per day for each day the violation continues, without full and complete abatement, for the next 29 days (i.e. days 2 thru 30); and
 - (c) \$25 per day for each day the violation continues, without full and complete abatement, for the next 90 days (i.e. days 31 thru 120); and
 - (d) \$50 per day for each day the violation continues, without full and complete abatement, for the next 90 days (i.e. days 121 thru 210) ; and
 - (e) \$100 per day for each day the violation continues thereafter, without full and complete abatement (i.e. violations longer than 210 days).
- (3) **MONEY JUDGMENT AND EXECUTION:** Whenever any person or entity fails to pay any forfeiture, the Court, in lieu of imprisonment or in addition to imprisonment or after release from imprisonment, may do the following:
 - (a) The Court may render a money judgment against the defendant in favor of the Town for such forfeiture, and said judgment may then be docketed and collected by the Town in any manner permitted by law; and/or
 - (b) The Court may issue an execution against the property of the defendant for the payment of such forfeiture and costs, pursuant to the procedures set forth in Chapter 815 of the Wisconsin Statutes.
- (4) **ABATEMENT OF VIOLATIONS:** In addition to any other penalty provided herein, the Town may seek the removal, prevention, and/or abatement of any violation of any provision of this Ordinance. Such remedies may be joined with any action seeking a forfeiture, or may be separately commenced and maintained. When any such remedy is sought, the Court may order, in addition to any forfeiture authorized herein, the removal, prevention, and/or abatement of a violation as follows:

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- (a) By the violator at the violator's sole expense, and/or
 - (b) If the violator fails to remove, prevent, and/or abate the violation within the time limits established by the Court, then by the Town at the sole expense of the violator. If the Town incurs expenses in the removal, prevention, and/or abatement of any violation, the Town may collect said expenses by application to the Court for one or more of the following:
 - 1. The Court may impose upon the violator a new or additional forfeiture in the amount not to exceed the expenses incurred, and in default of payment of such forfeiture, the Court may imprison the violator in the county jail until such forfeiture is paid, but not exceeding 90 days; and/or
 - 2. The Court may issue an execution against property of the violator for such expenses pursuant to Chapter 815 Wis. Stats.; and/or
 - 3. The Court may render a money judgment against the violator in favor of the Town for such expenses, and said judgment may then be docketed and collected by the Town in any manner permitted by law.
- (5) **RESTITUTION:** In addition to any other penalty provided herein, the Court may order the payment of restitution for violations of this Code in conformity with § 943.24 and 943.50 Wis. Stats., and shall use the restitution procedures as provided therein.
- (6) **MULTIPLE VIOLATIONS:** Each violation and each day a violation continues or occurs, shall constitute a separate offense. Prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

13.521 OTHER LAWS APPLICABLE

Nothing herein shall be deemed to limit or restrict the application of any Federal, State, or County law, ordinance, or rule regulating the subject of this Ordinance. Compliance with this Ordinance does not excuse compliance with all other applicable laws.

13.522 SEVERABILITY

Should any section, clause, or provision of this Ordinance be declared by a Court to be invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

13.523 RESERVED FOR FUTURE USE**13.524 EFFECTIVE DATE**

- (1) **EFFECTIVE DATE:** This Ordinance shall become effective upon its passage and publication.
- (2) **REPEAL:** Existing Ordinances 7 and 7A (including all resolutions adopted pursuant thereto) are hereby repealed, except for the following:
 - (a) Any offense or act committed, any penalty or forfeiture incurred, or any contract or right established or accruing, under old Ordinance 7 or 7A before the effective date of this Ordinance.
 - (b) Any resolution, passed under old Ordinance 7 or 7A, which is not in conflict with the provisions of this new Ordinance.
 - (c) Any permit or other right granted by the Town under old Ordinance 7 or 7A.
- (3) **ENFORCEMENT OF REPEALED ORDINANCES:** Nothing herein shall be construed to limit or prevent the Town from enforcing, after the effective date of this Ordinance, the repealed Ordinance 7 or 7A, for any violation occurring prior to the effective date of this new Ordinance. The adoption of this new Ordinance shall not constitute a waiver of any

SUBCHAPTER 5: DUMPING AND DISPOSAL OF WASTE

violation of the previous ordinances or resolutions, nor shall it cause any such prior violations to become permitted or grandfathered, nor shall it cause any such prior violations to become legal non-conforming uses or structures, regardless of whether such violations were known or unknown, discovered or discoverable, by the Town prior to the effective date of this Ordinance.

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CHAPTER 15: LICENSES AND PERMITS

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SUBCHAPTER 1: ALCOHOL BEVERAGES

CHAPTER 15: LICENSES AND PERMITS**SUBCHAPTER 1: ALCOHOL BEVERAGES****15.100 TITLE**

This Subchapter shall be known as the "Town of Lyndon Alcohol Ordinance" or the "Alcohol Ordinance," except as referred to herein, where it shall be known as "this Subchapter."

15.101 AUTHORITY

This Subchapter is adopted pursuant to §§ 125.10 and 60.22 Wis. Stats.

15.102 PURPOSE

The Town of Lyndon, in order to promote the public health, safety, general welfare and good order of the Town, and to comply with the requirements of State Law, hereby adopts this Subchapter.

15.103 STATE STATUTES ADOPTED

The provisions of Chapter 125 of the Wisconsin Statutes, including any future revisions or amendments thereto, describing and defining the rules and regulations concerning the sale of alcohol beverages, are hereby adopted and, by reference, made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by Chapter 125, is required or prohibited by this Chapter. Any penalty imposed by Chapter 125, is not imposed or adopted by this Chapter, but instead, the separate penalties prescribed herein shall be imposed, provided however, the penalties prescribed herein shall be limited to and shall not exceed the penalties prescribed by Chapter 125 for the same act. Any future amendments, revisions, or modifications of Chapter 125 are intended to be made a part of this Chapter.

15.104 LICENSES AND FEES

The following classes and denominations of Licenses may be issued by the Clerk, upon approval by the Board, upon compliance with the specified law, and upon payment of the specified fee:

<u>LICENSE</u>	<u>FEE</u>
(1) Class "A" Fermented Malt Beverage License under § 125.25 Wis. Stats.	\$100.00 per year or prorated according to the number of months or fraction thereof for which the license is issued
(2) Class "B" Fermented Malt Beverage License under § 125.26(1) Wis. Stats.	\$100.00 per year or prorated according to the number of months or fraction thereof for which the license is issued
(3) Class "B" Fermented Malt Beverage 6 month License under § 125.26(5) Wis. Stats.	50% of the license fee charged for licenses issued under ' 125.26(1) Wis. Stats.
(4) Class "B" Fermented Malt Beverage Picnic License under § 125.26(6) Wis. Stats.	\$10.00 per event
(5) Wholesaler's License under § 125.28 Wis. Stats.	\$25.00 per year or fractional part thereof
(6) "Class A" Intoxicating Liquor License under § 125.51(2) Wis. Stats.	\$150.00 per year and prorated for any fraction thereof
(7) "Class B" Intoxicating Liquor License under § 125.51(3) Wis. Stats.	\$500.00 per year and prorated for any fraction thereof. \$10,000.000 for an initial issuance of a reserve "Class B" license
(8) Temporary "Class B" Wine License under § 125.51(10) Wis. Stats.	\$10.00 per event, except that no fee may be charged if a temporary "Class B" license is issued for the same event

SUBCHAPTER 1: ALCOHOL BEVERAGES

(9) Operator's License under § 125.17(1) Wis. Stats.	\$35.00 per year or any fraction thereof
(10) Temporary Operator's License under §125.17(4) Wis. Stats.	\$15.00 per period
(11) Provisional License under ' 25.17(5) Wis. Stats.	\$15.00
(12) Manager's License under ' 125.18 Wis. Stats.	\$25.00 per year or any fraction thereof
(13) Provisional Retail Licenses under ' 125.185 Wis. Stats	\$15.00
(14) Class "C" License under § 125.51(3m) Wis. Stats.	\$100 per year or any fraction thereof

15.105 ADDITIONAL REQUIREMENTS

In addition to all statutory requirements, the following requirements shall be fulfilled for each license:

- (1) **LICENSE APPLICATION:** License application forms, supplied by the Town, shall be prepared and filed with the Clerk, and shall provide the following information:
- (a) Name, address and telephone number of the applicant.
 - (b) Date of birth of the applicant.
 - (c) Name, address and phone number of the applicant's proposed new employer.
 - (d) Name, address and telephone number of the applicant's last employer for whom the applicant tended bar (if applicable).
 - (e) Name, address and phone number of each municipality from which the applicant received a license issued under Ch. 125 Wis.Stats. regarding alcohol beverages.
 - (f) Certification that the Applicant is familiar with, and shall obey the requirements of, all applicable statutes, regulations, and this Chapter.
- (2) **QUALIFICATIONS:** In determining the suitability of an Applicant, consideration shall be given to the moral character and financial responsibility of the Applicant, the appropriateness of the location and premises proposed, and generally, the Applicant's fitness for the trust to be imposed.
- (3) **OUTSTANDING DEBTS:** No License shall be granted for any premises for which taxes, assessments, or other claims of the Town are delinquent and unpaid, or to any person who is delinquent in payment to the Town of taxes, assessments or claims, including (but not limited to) unpaid forfeiture judgments to the Town and Town utility bills.
- (4) **INVESTIGATION:** The Clerk, or designee, shall investigate (to the extent applicable) the following for each new applicant:
- (a) The last known alcohol business for which the applicant worked.
 - (b) The law enforcement agency for the last known municipality in which the applicant worked in an alcohol business.
 - (c) The last known municipality which issued an alcohol license to the applicant.
 - (d) The applicant's criminal conviction record, traffic record, and ordinance violation record, including the applicant's record of any pending criminal charge and the circumstances of the charge, provided however, such investigation shall comply with the requirements, limitations, and prohibitions of §111.335 Wis. Stats. regarding employment discrimination.

SUBCHAPTER 1: ALCOHOL BEVERAGES

- (5) **REFERRAL BY CLERK:** If the Clerk's investigation does not reveal any violation, infraction, or other questionable conduct which, in the Clerk's sole discretion, relates to the circumstances of the license for which the applicant has applied, then the Clerk may place the application upon the next Board agenda for action. However, if the Clerk's investigation reveals any violation, infraction, or other questionable conduct which, in the Clerk's sole discretion, relates to the circumstances of the license for which the applicant has applied, then the Clerk shall summarize such information and forward the information to the Board, which shall conduct a confidential review of the information, in closed session, to determine the following:
- (a) Whether the Applicant has habitually been a law offender as per §125.04(5)(b) Wis. Stats;
 - (b) Whether the Applicant has been convicted of a felony and has not been duly pardoned as per §125.04(5)(b) Wis. Stats; or
 - (c) Whether a pending charge or a conviction for any felony, misdemeanor, or other offense substantially relates to the circumstances of the job permitted by the License requested as per §111.335(1)(c) Wis. Stats.

In making the foregoing determinations, the Committee may require the Applicant to appear before the Committee, and may conduct an evidentiary hearing thereon, pursuant to §19.85(1)(b) Wis. Stats.

(Rationale: It is the purpose of this subsection to provide a procedure by which the Town can carefully investigate the background of each applicant, and at the same time comply with Wisconsin's discrimination laws. *See generally*, §111.321 *et seq* Wis. Stats.)

15.106 CONDUCT PROHIBITED

In addition to all other requirements of the Statutes and this Code, the following requirements shall also be observed:

- (1) **DISORDERLY CONDUCT:** Each licensed or permitted premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct or gambling, proscribed by this Code or State Statute, shall be allowed at any time on any such premises. It shall be a violation of this Section for any operator to fail to take reasonable steps to prevent, to avoid, and to stop such proscribed conduct.
- (2) **SALES BY CLUBS:** No club operating under a Class "B" or "Class B" permit shall serve, sell, dispense, or give away any alcohol beverages, except to members or to guests invited and accompanied by members.
- (3) **AGENTS AND EMPLOYEES:** A violation of this Chapter by an authorized agent or employee of a licensee shall constitute a violation by the licensee.
- (4) **SANITATION AND SAFETY:** All licensed premises shall conform to all state and local sanitary, safety, and health rules, regulations, and codes.
- (5) **FALSE APPLICATIONS:** No person or organization shall submit a false application for a license. No person or organization shall submit an application on the behalf of, or as a "front" for, any other person or organization.
- (6) **INSPECTION FOR ENFORCEMENT:** Section 139.08(4) Wis. Stats., and all amendments thereto, are incorporated herein by reference.

SUBCHAPTER 1: ALCOHOL BEVERAGES

15.107 NON-RENEWALS, REVOCATIONS AND SUSPENSIONS

In addition to all Statutory procedures and requirements, the Town may also revoke, suspend, or non-renew any license as provided in this Section.

(1) ABANDONMENT:

- (a)** Whenever a licensee fails to use such license for a period of 180 days, the licensee shall be deemed to have forfeited such license. "Use" as used herein shall mean the regular, daily operation of the premises so licensed for the regular sale of alcohol beverages.
- (b)** The Clerk shall, by certified mail, notify the licensee of said forfeiture. Within fifteen (15) days of the receipt of said notice, the licensee may petition to the Town for a 90-day extension of time within which to use such license. The Board shall grant such extension if the licensee demonstrates to the satisfaction of the Board that the license was not used due to undue hardship or unusual circumstances beyond the licensee's control. In making its decision, the Board may consider such factors as financial hardship; damage to the premises rendering it temporarily unfit for safe operation; a closing of the premises for a reasonable period to alter, repair, remodel or redecorate; closing the premises prior to a sale when such sale shall be reasonably anticipated and documented Licensee; or an illness of the licensee with proof of such illness. The granting of an extension shall not be unreasonably denied, however the decision of the Board shall be final and no further extensions shall be authorized.
- (c)** If the premises shall be destroyed or damaged by fire or other natural causes, and cannot be reasonably repaired or rebuilt within the 90-day extension, the Board, upon a showing that the licensee is making substantial efforts to repair the premises and reopen for regular business, may grant one (1) additional extension of 90 days. "Substantial efforts" shall include, but not be limited to, a showing that the licensee has employed someone to make the necessary repairs, that work is being done, and that repairs will be completed within the period of the extension.

- (2) FAILURE TO PAY:** Whenever an applicant, who has been granted a license, fails to pay for the license or fails to pick up the license from the Town Clerk office, within 30 days after such license is granted, such license shall be deemed to have been forfeited, and the Clerk shall, by certified or registered mail, notify the grantee thereof.

15.108 CLASS "B" FERMENTED MALT BEVERAGE PICNIC LICENSES

In addition to all statutory requirements, the following requirements shall be fulfilled for each Class "B" Fermented Malt Beverage Picnic License issued pursuant to §125.26(6) Wis. Stats.

- (1) SITE PLAN:** The application for a Class "B" Fermented Malt Beverage Picnic License shall be accompanied by a site plan, which shall show the location where the beer shall be dispensed and the location of the fencing required below.
- (2) FENCING:** Unless the Board otherwise permits, all organizations shall install a fence around the area (indoors and outdoors) where fermented malt beverage is to be sold and consumed. No sale or consumption of fermented malt beverages shall be permitted outside of the fenced area and no underage person shall be permitted within the fenced area unless such underage person is accompanied by his or her parent, guardian, or spouse who has attained the legal drinking age. The organization shall also continually station a person at the entrance of the fenced area for the purpose of checking age identification. There shall be only one point of ingress and egress, and the fence shall be a minimum of four (4) feet high. If consumption is to occur indoors, a fence need not be used if persons under the legal drinking age are not permitted to enter the building.

SUBCHAPTER 1: ALCOHOL BEVERAGES

- (3) **SIGNS:** All organizations issued a Class "B" License shall post, in a conspicuous location, at the main point of sale and at the point of entry, a sufficient number of signs stating that no fermented malt beverage shall be served to any underage person or to any person without proper identification.
- (4) **NOTICE TO NEIGHBORS:** All property owners within one hundred (100) feet of a proposed outside beer garden shall be given notice of a pending application for a Class "B" picnic license at least three (3) days prior to the Board meeting at which such license shall be acted upon. Notice shall be given by first class mail.

15.109 UNDERAGE PERSONS ON PREMISES

Pursuant to §§125.07(3)(a)8 and 125.07(3)(a)10 Wis. Stats., underage persons may enter and remain on Class "B" or "Class B" licensed premises, provided the licensee first obtains a written authorization from the Board permitting underage persons on the premises on the date specified in the authorization.

15.110 "CLASS B" LICENSES: OFF-PREMISES CONSUMPTION

Pursuant to § 125.51(3)(b) Wis. Stats., the Town hereby authorizes all retail "Class B" licenses to sell intoxicating liquor in the original package or container, in multiples not to exceed 4 liters at any one time, to be consumed off the premises where sold; however, wine may be sold for consumption off the premises in the original package or container in any quantity.

SUBCHAPTER 1: ALCOHOL BEVERAGES

SUBCHAPTER 2: DOG LICENSES AND KENNELS

SUBCHAPTER 2: DOG LICENSES AND KENNELS**15.200 TITLE**

This Subchapter shall be known as the "Town of Lyndon Dog Ordinance" or the "Dog Ordinance," except as referred to herein, which it shall be known as "this Subchapter."

15.201 AUTHORITY

This Subchapter is adopted pursuant to §60.22 and Chapter 174 Wis. Stats.

15.202 PURPOSE

The Town of Lyndon, in order to promote the public health, safety, general welfare and good order of the Town, and to comply with the requirements of State Law, hereby adopts this subchapter.

15.203 STATE STATUTES ADOPTED

The provisions of Chapter 174 of the Wisconsin Statutes, including any future revisions or amendments thereto, describing and defining the rules and regulations concerning the regulation of dogs, are hereby adopted and, by reference, made part of this Subchapter and fully set forth herein. Any act required to be performed or prohibited by Chapter 174, is required or prohibited by this Subchapter. Any penalty imposed by Chapter 174 is not imposed or adopted by this Subchapter, but instead, the separate penalties prescribed herein shall be imposed, provided however, the penalties prescribed herein shall be limited to and shall not exceed the penalties prescribed by Chapter 174 for the same act. Any future amendments, revisions or modifications of Chapter 174 are intended to be made part of this Subchapter.

15.204 LICENSES

The Licenses required by Chapter 174 shall be issued by the Town.

15.205 LISTING OFFICIAL

The listing official for the Town shall be the Clerk. (See, ' 174.06(2) Wis. Stats.)

15.206 FEES

Pursuant to ' 174.05 Wis. Stats., the Town shall charge a "license tax", which shall be established by separate resolution of the Town Board and which shall not be less than the minimum fees required by ' 174.05 Wis. Stats.

15.207 NOISY DOGS PROHIBITED

No person shall harbor or keep any dog in the Town which by frequently growling, barking, yelping, or howling shall repeatedly annoy or disturb a person, of ordinary sensibilities, in the neighborhood or passing nearby on a highway.

15.208 RESERVED FOR FUTURE USE**15.209 DOG KENNELS**

- (1) **DEFINED:** The term "kennel" means any tax parcel on which more than three (3) dogs all over five (5) months of age, are kept.
- (2) **PERMIT REQUIRED:** No person may own or operate a kennel without obtaining a "kennel permit" and without compliance with the regulations herein.
- (3) **APPLICATION FOR PERMIT:** A written application for a permit shall be filed with the Town Clerk and shall contain the following:
 - (a) The name, address, telephone number and signature of the applicant(s).

SUBCHAPTER 2: DOG LICENSES AND KENNELS

- (b) The name, address, telephone number and signature of all land owner(s) upon whose land the kennel will be located (if different than the applicant).
 - (c) The name, address and telephone number of the intended operator(s) of the kennel (if different than the applicant).
 - (d) The name and address of all property owners who own property within 500 feet of the property upon which the kennel will be located.
 - (e) An aerial photograph of the kennel site, including all land within one thousand (1,000) feet of the site (these photos can be obtained from the Juneau County Land Information Office).
 - (f) A drawing of the kennel structure(s), including a description of all materials to be used (e.g. Fencing material, Flooring, Housing, etc).
 - (g) A statement describing the breed(s) of dog(s) to be raised in the kennel.
 - (h) A statement describing the minimum and maximum number of dogs to be housed in the kennel.
 - (i) An environmental impact statement as described in ' 1.11 Wis. Stats.
 - (j) An agricultural impact statement as described in ' 32.035 Wis. Stats.
 - (k) A statement verifying that the applicant has investigated and made arrangements for the purchase of insurance as required by §15.207(10) below.
 - (l) Any other information which the Town Board deems necessary to review the application.
- (4) **FEE:** An application fee for a kennel permit, in an amount established by separate resolution by the Town Board, shall be paid when the application is filed with the Clerk.
- (5) **PUBLIC HEARING AND NOTICE:** A public hearing on the application shall be conducted by the Town Board, no sooner than thirty (30) days after filing of the application. Notice of the public hearing shall be posted and published by the Clerk as a Class 1 Notice, and notice shall be mailed by the Clerk to all adjacent property owners within 500 feet of the kennel property, at least ten (10) days before the public hearing.
- (6) **STANDARDS OF REVIEW:** The following standards shall be considered and addressed by the Town Board in deciding whether to issue a permit. To approve an application, the Board must find that each of the following criteria has been, or will be, satisfied by the proposed kennel.
- (a) The proposed operation on the proposed site, must comply with the Town's zoning ordinance.
 - (b) The proposed operation, in the proposed location will not cause a substantial or undo adverse impact on the nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property rights-of-way or other matters affecting the public health, safety or general welfare, either as they now exist or as they may exist in the future.
 - (c) The proposed kennel operation will comply with the regulations set forth below.
 - (d) The proposed owner(s) and operator(s) have demonstrated the experience, knowledge, financial ability, and willingness to comply with the regulations set forth below and to operate the kennel as proposed in the application.

SUBCHAPTER 2: DOG LICENSES AND KENNELS

- (e) The potential public benefits of the operation outweigh the potential adverse impacts of the proposed operation, after taking into consideration the applicant's proposal, including the applicant's suggestions to remediate any adverse impacts.
 - (f) The size and scope of the proposed operation is appropriate for the site.
- (7) **DECISION:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Board), the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection (6). In making its decision, the Board may take any of the following actions:
- (a) **Approve:** The Board may approve the application as proposed; or
 - (b) **Approve with Modifications or Conditions:** The Board may approve the application with such modifications and conditions as it deems necessary and appropriate after consideration of the purposes of this Ordinance, after consideration of the standards of review set forth above, after consideration of the regulations set forth below, and after consideration of the recommendations of citizens, experts, its own members, and any other source; or
 - (c) **Deny:** The Board may deny the application.

The Board's approval, with or without modifications or conditions, shall be considered the approval of a unique request, and shall not be construed as precedent for any other similar application.

- (8) **EFFECT OF DENIAL:** An application which has been denied (in whole or in part) shall not be resubmitted for a period of 12 months from the date of said denial, unless the Clerk first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.
- (9) **REGULATIONS:** Any person or entity who wishes to apply for a permit or who receives a permit to own or operate a kennel, shall comply with the following regulations:
- (a) No operation shall be conducted in such a way as to constitute a public or private nuisance.
 - (b) No operation shall be conducted within 1,000 feet of any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation.
 - (c) No operation shall be conducted in a location which is visible from any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
 - (d) No operation shall be conducted within 1,000 feet of any public highway or Town road in existence when the operation is commenced.
 - (e) No operation shall be conducted in a location which is visible from any public highway or Town road. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
 - (f) No operation shall be placed in a location and conducted in such a manner as to adversely affect the value of surrounding lands.

SUBCHAPTER 2: DOG LICENSES AND KENNELS

- (g) No operation shall be conducted in such a manner as to permit dust, dirt, debris, or other materials, substances, or odors to be carried by wind across the boundary of the parcel of land being used for the operation.
 - (h) The operation shall comply with the Zoning Ordinance of the Town of Lyndon.
 - (i) The operation shall comply with all Federal, State (e.g. 175.25 Wis. Stats), County (Ord. 9), and Town rules and regulations regarding the operation intended and shall obtain and maintain all permits and licenses required by the Federal, State, and County authorities.
 - (j) No operation shall be modified, altered, or expanded beyond the terms and conditions of the permit, without prior approval by the Board.
 - (k) No operation shall be conducted without the insurance required by §15.207(10) below.
 - (l) No operation shall be conducted on land which is not owned and occupied by the applicant.
- (10) **INSURANCE:** The owner and operator of each kennel shall purchase and maintain liability insurance which provides insurance for injuries and damages caused by the dogs which the kennel expects to house. No permit hereunder shall be issued by the clerk unless and until the applicant provides proof of such insurance to the Clerk.
- (11) **CHANGE OF OWNERSHIP:** Permits issued hereunder are not transferable, and shall not run with the land. The sale of the kennel operation and/or the sale of the real estate upon which a kennel is located will automatically constitute the termination of the "kennel permit," and will require the new owner to apply for a new permit.
- (12) **SUSPENSION OR REVOCATION OF PERMITS**
- (a) **Authority:** The Town may suspend or revoke any Permit issued under the regulations of this Subchapter and may stop the operation of any kennel for any of the following reasons:
 1. Whenever the Town finds at any time that applicable ordinances, laws, orders, plans, or specifications are not being complied with, and that the holder of the Permit has refused to conform after written warning has been issued to him.
 2. Whenever there is any violation of any condition or provision of either the application for a Permit or the Permit itself.
 3. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications, or certified lot or plot plan on which the issuance of the Permit or other approval was based.
 4. Whenever there is a violation of any of the conditions of a Permit.
 5. Whenever the operation of the kennel creates a nuisance.
 - (b) **Notice:** The notice suspending or revoking a Permit shall be in writing and shall be served upon the applicant, the owner of the premises (or its agent), or on the person apparently in charge of the kennel. A revocation placard shall also be posted upon the building, structure, equipment, or premises in question. The Notice shall state the reasons for the suspension or revocation.

SUBCHAPTER 2: DOG LICENSES AND KENNELS

- (c) **Effect of Notice:** After the notice is posted and served upon the persons aforesaid, it shall be unlawful for any person to continue operation of the kennel until the reasons for the notice have been corrected and the Town has thereafter inspected and verified that the violations have been corrected. However, after the issuance of the notice, the Town may authorize such kennel operations as it deems necessary for the preservation of life, property, and safety.

SUBCHAPTER 2: DOG LICENSES AND KENNELS

SUBCHAPTER 3: CIGARETTE AND TOBACCO PRODUCTS

15.300 TITLE

This Subchapter shall be known as the “Town of Lyndon Cigarette Ordinance” or the “Cigarette Ordinance,” except as referred to herein, where it shall be known as “this Subchapter.”

15.301 AUTHORITY

This Subchapter is adopted pursuant to §134.65 and §134.66, Wis. Stats.

15.302 PURPOSE

The Town of Lyndon, in order to promote the public health, safety, general welfare and good order of the Town, and to comply with the requirements of state law, hereby adopts this Subchapter.

15.303 STATE STATUTES ADOPTED

The provisions of §134.65 and §134.66, Wis. Stats., and any Administrative Code regulations pertaining thereto, including any future revisions or amendments thereto, are hereby adopted and, by reference, made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by §134.65 or §134.66 is required or prohibited by this Chapter. Any future amendments, revisions, or modifications of §134.65 or §134.66 are intended to be made a part of this Chapter.

15.304 LICENSES REQUIRED

No one shall in any manner, or upon any pretense, or by any device, directly or indirectly, sell, expose for sale, possess with intent to sell, exchange, barter, dispose, or give away cigarettes or tobacco products in the Town to any person without first obtaining a license from the Clerk.

15.305 APPLICATION

A written application for a permit shall be filed with the Town Clerk and shall contain the following:

- (1) The name, address, telephone number and signature of the applicant(s) seeking to be the licensee.
- (2) The name, address, telephone number and signature of all land owner(s) upon whose land the products will be sold (if different than the applicant).
- (3) The address and legal description of the premises where such business is to be conducted.
- (4) A statement regarding whether the applicant intends to sell, exchange, barter, dispose of, or give away the products over the counter or in a vending machine.
- (5) Such additional information as the Town or State may require.

15.306 FEES

Pursuant to §134.65(2), Wis. Stats., the Town shall charge a fee for the license, which shall be established by separate resolution of the Board.

SUBCHAPTER 5: SHORT-TERM RENTALS

15.500 TITLE

This subchapter shall be known as the “Town of Lyndon Short-Term Rental Ordinance” or the “Short-Term Rental Ordinance,” except as referred to herein, where it shall be known as “this Subchapter.”

15.501 AUTHORITY

This Subchapter is adopted pursuant to §66.0615 and §66.1014 Wis. Stats., and the police powers granted to all municipalities.

15.502 PURPOSE

The purpose of this Subchapter is to ensure that the design, construction, maintenance, and operation of accommodations for short-term rentals (also called “Rooming Houses”) within the Town of Lyndon, is adequate for (a) the protection of the traveling public’s health, safety, and general welfare; (b) the protection of the health, safety, and general welfare of Town residents; and (c) the protection of property values in the Town. This includes, among other things, establishing minimum standards of design for human occupancy; establishing adequate levels of maintenance and operation; establishing minimum duties for owners and property managers; establishing a process for the licensing and monitoring of short-term rentals; and establishing a process for the enforcement of this Subchapter.

15.503 DEFINITIONS

The following definitions shall be used in interpreting this Subchapter:

Bathroom: A single, separate, private room containing (1) a sink and faucet, (2) a toilet, (3) a shower or a bath/shower combination, and (4) a single door for ingress and egress that locks from the inside.

Bedroom: Each room in a Rooming House that has furniture for sleeping. For purposes of this definition, furniture for sleeping includes all sizes of beds (e.g. twin beds, bunk beds, double beds, queen beds, king beds, etc.); fold-out couches, also known as sofa beds or sleeper sofas; blow-up mattresses, also known as blow-up beds or air mattresses; and every other similar device used like a bed for sleeping.

License: An individual Rooming House License issued under this Subchapter.

Occupant: A person who rents or occupies a Short-Term Rental.

Owner: The definition of §66.0615(1)(d) and all amendments thereto are incorporated herein.

Property Manager: A person or entity engaged in the business of property management services, (i) who has been appointed in writing by the Owner to act as the Property Manager, (ii) who has his residence (or in the case of an entity, the residence of the employee of the entity assigned to manage this Rooming House) within 25 miles of the Rooming House, and (iii) who has not habitually been a law offender or been convicted of a felony, subject to §111.321, §111.322 and §111.335 Wis. Stats.

Resident Agent: A person or entity who is engaged in the business of serving as a Wisconsin registered agent for others, and who is appointed and authorized, in writing, to accept service of process on behalf of the Owner, at a convenient location in Wisconsin.

Residential Dwelling: The definition of §66.0615(1)(di) and all amendments thereto are incorporated herein.

Rooming House: A residential dwelling used as a “Short-Term Rental.”

Short-Term Rental: The definition of §66.0615(1)(dk) and all amendments thereto are incorporated herein.

Sleeping Capacity: The sleeping capacity of a Short-Term Rental shall be determined by adding up all the sleeping spaces in the Rooming House using the following chart:

<u>Item</u>	<u>Capacity</u>
Twin Bed	1
Double Bed	2
Queen Bed	2
King Bed	2
Fold-out Couch	1 for twin bed; 2 for larger beds
Regular Couch	1
Blow-up Mattresses	1 for twin mattress; 2 for larger mattress

15.504 LICENSE REQUIRED

No person shall own or operate a Short-Term Rental, also known as a Rooming House, in the Town without first (1) obtaining a License hereunder from the Town, (2) obtaining a License from the State (if necessary), and (3) complying with all the requirements of this Subchapter.

15.505 EXEMPTIONS

The following operations are exempt from complying with the requirements of this Subchapter:

- (1) A boarding house, as defined by §22.408(15) of the Lyndon Zoning Ordinance.
- (2) A bed and breakfast establishment, as defined by §22.408(12) of the Lyndon Zoning Ordinance.
- (3) A commercial indoor lodging facility, as defined by §22.408(11) of the Lyndon Zoning Ordinance.

15.506 SHORT-TERM RENTAL REQUIREMENTS

All Short-Term Rentals shall comply with the following requirements at all times:

- (1) **LICENSES:** No person may operate a Short-Term Rental without (i) a License issued by the Town and (ii) a License issued by the State if required by §66.1014(2)(d)2 Wis. Stats. (i.e., under current law, if a person maintains, manages, or operates a Short-Term Rental for more than 10 nights per year, the person must have a Tourist Rooming House License from the State).
- (2) **PROPERTY MANAGER:** Every Short-Term Rental shall be operated and managed by a Property Manager. An Owner may serve as the Property Manager provided the Owner's principal place of residence is located within 25 miles of the Rooming House. If the Owner's principal place of residence is not located within 25 miles of the , Rooming House then the Owner shall appoint, in writing, a Property Manager located within 25 miles of the Rooming House. The name, address and phone number of the Property Manager shall be posted in a conspicuous place at the Rooming House, near the front door.
- (3) **RESIDENT AGENT:** If the Owner is not a resident of Wisconsin, the Owner shall appoint, in writing, a Wisconsin Registered Agent.
- (4) **OTHER ORDINANCES:** Each Short-Term Rental shall comply with all other Town of Lyndon Ordinances.
- (5) **OUTSTANDING DEBTS:** Each Short-Term Rental must be free from any outstanding taxes, fees, penalties or forfeitures owed to the Town.
- (6) **MINIMUM ROOMING HOUSE REQUIREMENTS:** Each Short-Term Rental shall meet the following minimum Rooming House requirements:
 - (a) **Bathrooms:** One (1) Full Bathroom for every six (6) occupants.
 - (b) **Maximum Occupancy:** The maximum occupancy for a Short-Term Rental shall be determined as 1. Not less than one hundred (150 square feet of floor space

for the first occupant thereof and at least an additional one hundred (100) square feet of floor space for every additional occupant thereof; the floor space shall be calculated on the basis of total habitable room are.

- (c) **Bedrooms:** Each Bedroom shall have
 1. a minimum ceiling height of 7 feet; and
 2. at least 400 cubic feet of air space for each occupant over 12 years of age, and 200 cubic feet for each occupant 12 years and under; and
 3. at least one (1) means of direct exit to the exterior by door or egress window meeting the Uniform Dwelling Code, which is 20"x24" or larger in size and in location for an adult to escape the room in the event of danger; and
 4. at least one door which leads to a hallway or other passage within the Rooming House that provides egress to the exterior.
 - (d) **Smoke Detectors:** Functional smoke detectors and carbon monoxide detectors in accordance with the requirements of the Wisconsin Administrative Code.
 - (e) **Parking:** Not less than one (1) onsite, off-street parking space for every three (3) sleeping spaces as determined by evaluation of the sleeping capacity of the Rooming House. Written instructions for proper parking shall be provided, including notice that parking is prohibited in the public road or road right-of-way.
 - (f) **Fire Places:** If the Rooming House has a fireplace, the fireplace shall be equipped with glass or metal doors which can be closed while the fire is burning. An annual inspection of chimney and fire nips required. A sign shall be mounted on or near the fireplace, explaining the steps for the safe operation of the fireplace, including how to open and close the flu.
 - (g) **Grills:** All grills (including, but not limited to, charcoal grills, gas grills, hibachi grills, and other similar devices) used for outdoor cooking or heating, shall be permanently positioned and installed at least 10 feet from the wall or overhang of any structure; positioning and installation are not allowed on decks. Also, written instructions for the operation of the device shall be provided, including how to safely terminate use of the device.
- (7) **INSURANCE:** Each Rooming House shall carry casualty and liability insurance which specifically provides coverage for injury and damages arising out of the operation of a Short-Term Rental at the Rooming House.
- (8) **ADVERTISING:** No Owner, other person or entity may advertise the availability of a Rooming House before the Rooming House is in full compliance with the requirements of this Subchapter, nor may they advertise that a Short-Term Rental offers accommodations or features which are false or contrary to the requirements of this Subchapter.
- (9) **LESS THAN 7 DAYS PROHIBITED:** Short-Term Rentals for less than 7 days are prohibited. (See, §66.1014(2)(a)).
- (10) **NUISANCES PROHIBITED:** Short-Term Rentals shall not create nuisances in any form, including (but not limited to) the following:
- (a) **Noise:** Excessive noise. More than two (2) visits to the Rooming House by law enforcement or Town Officials within a 12-month period during which the officer/Official confirms the existence of excessive noise, shall be proof of excessive noise.
 - (b) **Smell:** Excessive smell. More than two (2) visits to the Rooming House by law enforcement or Town Officials within a 12-month period during which the officer/Official confirms the existence of excessive smell shall be proof of excessive smell.
 - (c) **Garbage:** Excessive garbage accumulation: More than two (2) visits to the Rooming House by law enforcement or Town Officials within a 12-month period during which the officer/Official confirms the existence of excessive amounts of garbage shall be proof of excessive garbage.

15.507 LICENSING, RENEWAL AND ENFORCEMENT

- (1) **APPLICATIONS:** Applications for Short-Term Rental Licenses shall be filed with the Town Clerk on forms provided by the Town. A complete Application shall contain all information requested on the Form, including the following :
- (a) Name, mailing address, e-mail address, and phone number of each and every Owner of the proposed Rooming House, along with the Owner's Sales Tax number issued by the Wisconsin Department of Revenue. If the applicant is not a natural person (i.e. if the applicant is a corporation, LLC, or other entity) the identity and contact information of the officers, directors, members, managers and agents shall also be provided.
 - (b) If applicable, the name, mailing address, e-mail address, and phone number of the Resident Agent, along with a copy of the written document by which the Resident Agent was appointed by the Owner;
 - (c) If applicable, the name, mailing address, e-mail address, and phone number of the Property Manager, along with a copy of the written document by which the Property Manager was appointed by the Owner;
 - (d) Name and mailing address of all other property owners within 500 feet of the lot upon which the Rooming House is located;
 - (e) A copy of the Tourist Rooming House License issued by the State, if required (i.e., if the Rooming House will be operated for more than 10 days per year).
 - (f) A copy of a completed Lodging Establishment Health Inspection form dated within one (1) year of the date of first application or request for renewal.
 - (g) A certificate of insurance confirming that the Owner has the insurance required herein.
 - (h) An interior floor plan of the Rooming House, drawn to scale, showing the following:
 - 1. The layout of each floor of the Rooming House;
 - 2. Calculation of the living space in the Rooming House;
 - 3. The location of each Bedroom in the Rooming House, the dimensions of each Bedroom with the size and location of beds on the floor plan, the sleeping capacity of each Bedroom, and the location of each means of exit from each Bedroom.
 - 4. If applicable, the location of each fireplace and a copy of the posted instructions for safe operation of the fire place.
 - 5. If applicable, the location of each grill and a copy of the instructions for safe operation of the grill.
 - (i) An exterior site plan, drawn to scale, showing the following:
 - 1. The Rooming House;
 - 2. All other structures on the lot upon which the Rooming House is located;
 - 3. The location of the driveway;
 - 4. The location of the public road;
 - 5. The location of all parking, along with an explanation of how the parking meets the requirements of this Subchapter;
 - (j) Certification clause which affirms that the Owner and the Rooming House meet the requirements of this Subchapter.
 - (k) The application fee.
- (2) **REVIEW BY ZONING ADMINISTRATOR:** The Clerk shall submit the Application to the Zoning Administrator, who shall determine whether the Application is complete. In evaluating the Application, the Zoning Administrator may inspect the proposed Rooming House and may withhold his or her approval until the inspection is completed. If the Application is incomplete, the Zoning Administrator shall return the Application to the Applicant along with a brief explanation of how the Application is incomplete. If the Application is complete, the Zoning Administrator shall inform the Clerk.
- (3) **PUBLIC HEARING:** Upon receipt of notice from the Zoning Administrator that the Application is complete, the Clerk shall place the Application on the agenda of the Town

Board for a Public Hearing and for discussion and action by the Board. The Applicant shall appear in person, by Agent, and/or by attorney at the Public Hearing.

- (4) **NOTICE:** Notice of the Application and the public hearing shall be published as a Class 1 notice and shall contain at a minimum (1) the address of the Rooming House (2) the identity of the Owner(s), (3) the identity of the Registered Agent and Property Manager (if applicable), and (4) the date and location of the Public Hearing. In addition, at least 10 days before the Public Hearing, the Clerk shall mail a similar notice to all property owners within 500 feet of the boundary of the lot upon which the Rooming House is located.
- (5) **DECISION:** Within 60 days after the Public Hearing, the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of a meeting. The Decision may (i) approve the Application, (ii) deny the Application, or (iii) approve the Application with such modifications and conditions as it deems necessary and appropriate to achieve the purposes of this Subchapter.
- (6) **EFFECT OF DENIAL:** No application which has been denied (in whole or in part) may be re-submitted for a period of 12 months from the date of denial, unless the Zoning Administrator determines that there has been a substantial change of circumstances regarding an issue which, in the sole discretion of the Zoning Administrator, was relevant to the prior decision to deny the application.
- (7) **EFFECT OF APPROVAL; ISSUANCE OF LICENSE:** Upon approval, the Zoning Administrator shall issue a License to the Applicant, which shall set forth the terms and conditions of the License. The Owner receiving a License shall comply during the term of the License with all requirements of this Subchapter in the operation and maintenance of the Rooming House.
- (8) **CHANGE OF OWNERSHIP:** All Licenses shall automatically terminate upon any change of Ownership of the Rooming House or the real estate upon which the Rooming House is located. The conveyance of a mortgage on the real estate shall not constitute a change of ownership under this Subchapter.
- (9) **LICENSES NON-TRANSFERABLE:** The Licenses issued under this Subchapter are not transferable to another person or entity. Any and all new Owners must apply for a new License.
- (10) **TERM OF LICENSE:** All Licenses shall expire on June 30 of each year. A License shall run for a term of one year, from July 1 through June 30, unless terminated earlier as provided under this Subchapter.
- (11) **POSTING OF LICENSE:** A copy of the License shall be posted at the licensed Rooming House in a conspicuous place near the front door.
- (12) **RENEWAL OF LICENSE:** On or before June 1st of each year, Owners may apply for the renewal of a License by filing with the Clerk an application to renew a License on forms supplied by the Town. In addition to the information requested on an original application, the Town may request information regarding any issues or problems that surfaced during the preceding License period. Applications to renew a License shall be handled in the same way as an original application, except that a Public Hearing and Notice (as described in sections (3) and (4) above) may be eliminated.
- (13) **TERMINATION OF LICENSE:** Any License found not to be in compliance with this Subchapter may be revoked by the Board at any time. The Owner and Property Manager (if any) shall be given notice at least 7 days before the Board meeting at which the License shall be discussed and acted upon. Notice may be given by depositing Notice in the U.S. Mail at least 10 days before the Hearing, addressed to the addresses provided in the last Application.
- (14) **PENALTIES:** In addition to the termination of a License, violations of this Subchapter shall subject the Owner to the enforcement and penalty provisions of Chapter 25 of this Code.
- (15) **FEES:**
 - (a) All applicants shall pay a non-refundable application fee which shall be established by resolution of the Board.
 - (b) A fee equal to 3 times the application fee shall be charged to those applicants who commence operation of a Short-Term Rental before the issuance of a

License hereunder. (Commencement of operations before issuance of a License may also be a basis to deny the issuance of a License).

- (c) Upon being granted a License, Owners shall pay a License fee established by resolution of the Board.
- (d) All applicants for the renewal of a License shall pay a renewal fee established by resolution of the Board.
- (e) Upon renewal of a License, Owners shall pay a License fee established by resolution of the Board.
- (f) If there is a complaint special fees may be assessed for additional inspections.
- (g) All fees are non-refundable.

CHAPTER 17: BUILDING CODE

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SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 17: BUILDING CODE**SUBCHAPTER 1: GENERAL PROVISIONS****17.100 TITLE**

This chapter shall be known as the "Town of Lyndon Building Code" or the "Building Code," except as referred to herein, where it shall be known as "this Chapter."

17.101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by §60.61(1m) Wis. Stats. and the Wisconsin Administrative Code (*see generally*, COMM 20.02 et seq).

17.102 PURPOSE

The purposes of this Code are as follows:

- (1) To exercise jurisdiction over the construction and inspection of new 1 and 2-family dwellings;
- (2) To exercise jurisdiction over the construction and inspection of additions to 1 and 2-family dwellings;
- (3) To establish a permit procedure to monitor, for tax assessment purposes, the construction, extension, removal, alteration and repair of all buildings and structures within the Town;
- (4) To establish and collect fees to defray costs; and
- (5) To provide remedies and penalties for violations.

17.103 RE-ENACTMENT AND REPEAL

This Chapter, in part, carries forward by re-enactment some of the prior provisions of the Building Code adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such pre-existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter. All provisions of previous Building Code which are not re-enacted herein, are hereby repealed. However, the adoption of this Chapter shall not waive or adversely affect the Town's right to prosecute any violation of the predecessor Ordinance, provided the violation occurred while that Ordinance was in effect.

17.104 RESERVED FOR FUTURE USE**17.105 DEFINITIONS**

The definitions contained in Chapter Comm. of the Wisconsin Administrative Code are incorporated herein by reference, along with all amendments thereto and all definitions referred to therein. In addition, the following definitions shall apply to this Chapter:

Addition: In addition to the definition provided by Comm. 20.07(2), an "addition" shall include (but not be limited to) the construction of the following items:

1. Decks made of any material and elevated more than 2 feet.
2. Balconies.
3. Fireplaces

Alteration: See, Chapter COMM 20.07(4).

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State Building Code: Those sections of Chapter COMM of the Wisconsin Administrative Code which regulate building construction, specifically including, but not limited to, the UDC, the CBC, the Plumbing Code, and the Electrical Code.

Comm: Shall mean those chapters of the Wisconsin Administrative Code dedicated to the Wisconsin Department of Commerce.

Commercial Building Code (CBC): Those provisions of the Wisconsin Administrative Code contained in the following chapters, and any future amendments, revisions or modifications thereto, and any orders, rules and regulations issued by authority thereof:

Comm 60 -- Erosion control, sediment control and storm water management.

Comm 61 -- Administration and Enforcement

Comm 62 -- Buildings and Structures

Comm 63 -- Energy Conservation

Comm 64 -- Heating, Ventilating and Air Conditioning

Comm 65 -- Fuel gas appliances

Comm 66 -- Existing buildings

Detached Building: In addition to the definition provided by COMM 20.07(24), a "detached building" shall include (but not be limited to) the following:

1. Garages
2. Storage sheds which are secured to the real estate.

Department (DOC): The Wisconsin Department of Commerce.

Electrical Code: Those provisions of the Wisconsin Administrative Code, and any future amendments, revisions, or modifications thereto, contained in the following Chapters:

Comm 16 – Electrical

Comm 24 – Electrical Standards

Multiple-family Dwelling: Any building which contains three or more dwelling units.

Person: An individual, partnership, firm, corporation, or other legal entity.

Plumbing: (See, Section 145.01(10), Wis. Stats.)

Plumbing Code: The provisions of Chapter 145, Wis. Stats., and the provisions of the Wisconsin Administrative Code, and any future amendments, revisions, or modifications thereto, contained in the following Chapters:

Comm 25 – Plumbing

Comm 81 – Definitions and Standards

Comm 82 – Design, Construction, Installation, Supervision, Maintenance and Inspection of Plumbing

Comm 83 – Private on-site wastewater treatment systems

Comm 84 – Plumbing products

Comm 85 – Soil and site evaluations

Comm 86 – Boat and on-shore sewage facilities

Comm 87 – Private on-site wastewater treatment system replacement or rehabilitation financial assistance program

Uniform Dwelling Code (UDC): Those provisions of the Wisconsin Administrative Code contained in the following chapters, and any future amendments, revisions or modifications thereto, and any orders, rules and regulations issued by authority thereof:

Comm 20 -- Administrative and Enforcement

Comm 21 -- Construction Standards

Comm 22 -- Energy Conservation Standards

Comm 23 -- Heating, Ventilating and Air Conditioning

Comm 24 -- Electrical Standards

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Comm 25 -- Plumbing and Potable Water Standards
Comm 28 – Smoke Detectors

17.106 RESERVED FOR FUTURE USE**17.107 DISCLAIMER OF LIABILITY**

Nothing herein shall impose liability upon the Town for injuries or damages to any person or property arising out of the construction, movement, alteration, enlargement, repair, maintenance, demolition, or conversion of any building, structure, or addition subject to this Chapter. The Town does not assume any legal responsibility to owners or third parties for the design, construction, or safety of buildings, structures, additions or alterations subject to this Chapter. The inspections performed hereunder are intended to report conditions of noncompliance with Code standards that are readily apparent at the time of inspection and that are the responsibility of the applicant (or its contractors) to correct. The inspections do not involve a detailed examination of all aspects of construction, of mechanical systems, or of closed structural and non-structural elements of the building. No warranty, express or implied, regarding (i) safety or durability of the structure or materials, or (ii) fitness for use or operation of the structure or materials, or (iii) compliance with the Building Codes, is made by the Town or the Building Inspector through the administration and enforcement of this Chapter.

17.108 CONFLICTS

If, in the opinion of the Building Inspector, the provisions of the Codes adopted by this Chapter shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Chapter.

17.109 RELATED RULES AND REGULATIONS

The following is a list of other Ordinances and statutes which may be applicable to any building project.

- (1) **ZONING ORDINANCES:** Rules regarding the location, size and use of all structures are found in the Zoning Ordinance (Chapter 22), in the Juneau County Shoreland-Wetland Zoning Ordinance and in the Juneau County Floodplain Ordinance.
- (2) **HIGHWAYS:** Rules regarding the use of highways, or excavations or obstructions in highways, are found in the Public Works Ordinance (Chapter 15).
- (3) **DRIVEWAYS:** Rules regarding the location, design and construction of driveways are found in the Public Works Ordinance (Chapter 15).
- (4) **SUBDIVISIONS:** Rules regarding subdividing property are found in the Subdivision Ordinance (Chapter 20).
- (5) **RAZING DILAPIDATED STRUCTURES:** Rules regarding razing dilapidated structures are found in §66.0413 Wis. Stats.

SUBCHAPTER 1: GENERAL PROVISIONS

SUBCHAPTER 2: APPLICABLE CODES AND PERMITS

SUBCHAPTER 2: APPLICABLE CODES AND PERMITS**17.200 PERMITS REQUIRED**

No building or structure shall be constructed, extended, removed or altered by any owner, occupant, contractor or other person, unless the applicable building, electrical, plumbing, zoning and other codes are complied with, and unless all appropriate Permits have first been obtained from the Town pursuant to the following rules and procedures.

17.201 1 AND 2-FAMILY DWELLINGS

- (1) **JURISDICTION:** The Town hereby asserts jurisdiction over the construction, extension, repair, removal or alteration of 1-family and 2-family dwellings for the purpose of determining whether such dwellings are in compliance with the UDC.
- (2) **ADOPTION OF UNIFORM DWELLING CODE:** The UDC is hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by the UDC is required or prohibited by this Chapter. Any future amendments, revisions, or modifications to the UDC are intended to be made a part of this Chapter to secure uniform statewide regulation of 1-family and 2-family dwellings in the Town.
- (3) **WISCONSIN UNIFORM BUILDING PERMIT REQUIRED:**
 - (a) **New Buildings:** No owner, occupant, contractor or other person shall build or cause to be built, on or after the effective date of this Subsection, any 1- or 2-family dwelling without first obtaining from the Town a UDC Permit for such dwelling.
 - (b) **Additions:** No owner, occupant, contractor or other person shall build or cause to be built, on or after the effective date of this Subsection, any addition to any 1 or 2-family dwelling without first obtaining from the Town a UDC Permit for such addition.
- (4) **FIRE NUMBER SIGNS:** A Building Permit shall not be issued unless the landowner has applied for and received a Fire Number Sign, pursuant to §7.200 et seq.
- (5) **CERTIFICATE OF OCCUPANCY REQUIRED:** No person shall occupy or use any 1- or 2-family dwelling, or any addition thereto, which is subject to the requirements of this Ordinance, without first obtaining either (1) a Temporary Occupancy Permit, or (2) a Certificate of Completion and Occupancy Permit as required herein.

17.202 MULTIPLE FAMILY DWELLINGS

- (1) **JURISDICTION:** The Town does not assert or exercise jurisdiction over the construction, extension, repair, removal or alteration of multiple-family dwellings for the purpose of determining whether such dwellings are in compliance with State Building Codes. Such Codes shall be administered and enforced by the DOC.

SUBCHAPTER 2: APPLICABLE CODES AND PERMITS

17.203 PUBLIC BUILDINGS

- (1) **JURISDICTION:** The Town does not assert or exercise jurisdiction over the construction, extension, repair, removal or alteration of public buildings for the purpose of determining whether such buildings are in compliance with State Building Codes. Such Codes shall be administered and enforced by the DOC.

17.204 PLACES OF EMPLOYMENT

- (1) **JURISDICTION:** The Town does not assert or exercise jurisdiction over the construction, extension, repair, removal or alteration of buildings or structures constituting places of employment for the purpose of determining whether such places are in compliance with State Building Codes. Such Codes shall be administered and enforced by the DOC.

17.205 DETACHED BUILDINGS

- (1) **JURISDICTION:** The Town does not assert or exercise jurisdiction over the construction, extension, repair, removal or alteration of detached buildings for the purpose of determining whether such buildings are in compliance with State Building Codes. Such Codes shall be administered and enforced by the DOC.

17.206 COMMERCIAL BUILDING CODE

- (1) **NO JURISDICTION:** The Town does not assert or exercise jurisdiction over structures which are subject to the CBC. The CBC shall be administered and enforced by the DOC.

17.207 PLUMBING CODE

- (1) **NO JURISDICTION:** The Town does not assert or exercise jurisdiction over structures which are subject to the Plumbing Code, except for 1-family and 2-family dwellings. The Plumbing Code shall be administered and enforced by the DOC.

17.208 ELECTRICAL CODE

- (1) **NO JURISDICTION:** The Town does not assert or exercise jurisdiction over structures which are subject to the Electrical Code, except for 1-family and 2-family dwellings. The Electrical Code shall be administered and enforced by the DOC.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS**17.300 BUILDING INSPECTOR**

In addition to the duties and powers set forth in §3.206, the Building Inspector shall have the following additional duties and powers under this Chapter:

- (1) Advise citizens as to the provisions of this Chapter concerning the application of the UDC, and to answer their questions regarding the preparation of permit applications and the interpretation of the UDC.
- (2) Evaluate and administer applications for UDC Permits to determine compliance with the UDC, to issue conditional approvals, to conduct inspections, to issue Certificates of Occupancy, to administer and issue UDC Permits, and to prepare and submit the Town's recommendation regarding any application for a variance under Comm. 20.
- (3) Keep records as required by the DOC of all approvals, permits, and certificates issued, refused, and revoked, inspections made, and other official actions and administrative tasks.
- (4) Have access to all buildings, structures, or premises between the hours of 8:00 a.m. and 6:00 p.m. for the purpose of performing these duties.
- (5) Investigate violations, serve notices of violations, and report violations to the Town.

17.301 RESERVED FOR FUTURE USE**17.302 BUILDING PERMIT PROCEDURE**

- (1) **WHEN REQUIRED:** A Building Permit shall be obtained from the Town pursuant to the requirements of Subchapter 2 above. Furthermore, no building, addition, or alteration, which requires a UDC Permit, shall be occupied unless a "Temporary Occupancy Permit" or a "Certificate of Completion and Occupancy Permit" has been issued by the Town.
- (2) **APPLICATION:** Three (3) copies of an application for a Building Permit shall be filed with the Town Clerk upon forms furnished by the Department, along with an application fee. All information required by the applicable sections of the UDC shall be provided by the applicant. In addition, the following information will be provided by the applicant:
 - (a) Name and address of the land owner.
 - (b) The legal description, address, and tax parcel number of the land upon which the work is to be performed.
 - (c) A description of the current use and the expected use of the structure on which the work is to be performed, along with a copy of the Land Use Permit (if applicable) issued by the Town, or a copy of the application for a Land Use Permit.
 - (d) A completed Energy Worksheet on forms provided by the DOC.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

- (e) A set of the drawings required by the UDC.
 - (f) A list of architects, engineers, contractors, and subcontractors, including their addresses and telephone numbers, who have performed work or who are expected to perform work on the project.
 - (g) Any additional information requested by the Town to evaluate the proposed project and to determine its compliance with Town Ordinances and State regulations.
- (3) **EVALUATION OF APPLICATION:** Upon receipt of an application, the Town shall review the application to determine the following:
- (a) **Completeness:** Whether the application contains the information required by §17.302(2) above.
 - (b) **Zoning:** Whether the subject property, and the proposed project, comply with the Zoning Ordinance (Chapter 22). This analysis shall include (but not be limited to) a review of the following:
 - 1. Whether the current use of subject property is a permitted use, conditional use, or non-conforming use, and whether the proposed work will change or expand this use in conformity with the Zoning Ordinance.
 - 2. Whether the current structures on the subject property are conforming or non-conforming structures, and whether the proposed work will change or expand these structures in conformity with the Zoning Ordinance.
 - 3. Whether the proposed project will violate any of the regulations applicable to the zoning district in which the project is located (e.g. whether the project will violate a setback, height, density, or intensity regulation).
 - (c) **Streets:** Whether the subject property properly abuts a Town highway, whether the proposed project will be adequately serviced by the Town's highways, and whether any driveway complies with the Town's driveway regulations (§9.200 et seq.).
 - (d) **Subdivision:** Whether the subject property and the proposed project comply with the Town's Subdivision Ordinance (Chapter 20).
 - (e) **Delinquent fees:** Whether the subject property, or the owner thereof, owes any fees, charges, or forfeitures to the Town which are delinquent.
- (4) **DECISION ON APPLICATION:** The Town shall review the application within ten (10) business days, and shall take one of the following actions:
- (a) **Rejection:** The Town may reject and return the application if it fails to contain the information required by § 17.302(2) above. If the application is rejected, the Town shall inform the applicant of the inadequacies of the application, and thereafter the applicant may correct and resubmit the application, along with a reapplication fee.
 - (b) **Denial:** The Town may deny the application if the Town determines that the proposed project will not comply with the UDC or any other Town Ordinance. If an application is denied, the Town shall inform the applicant of the reasons for the denial, and thereafter the applicant may correct the infraction and resubmit the application, along with a reapplication fee. If an application is denied, the Town may also revoke any Permit to Start Construction which may have been issued pursuant to §17.306 below.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

- (c) **Approval:** The Town shall approve the application if the Town determines that the proposed project will comply with this UDC and all other Town Ordinances. If the Town approves the Application, the Town shall issue a Building Permit to the applicant and, when necessary, send a copy thereof to the DOC. Thereafter, the approved plans and specifications shall not be altered or changed without approval of the Town.
- (5) **MODIFICATIONS:** The recipient(s) of a Building Permit (or their contractors, agents, or assigns) shall not change or alter the plans and specifications upon which a Building Permit was issued by the Town, without the express written approval of the Town. All requests for modifications shall be submitted in writing to the Town, prior to the construction thereof, along with a modification fee. The Town shall review, analyze, and decide upon the request for a modification using the same procedure as set forth above for initial applications.
- (6) **FEES:**
- (a) The applicant shall pay such fees as may be set from time-to-time by resolution of the Town Board. No application is considered complete and ready for consideration until all fees have been paid.
- (b) A double application fee shall be charged by the Town if an application is submitted after the applicant has committed an act for which the applicant seeks a Permit.
- (c) The applicant shall pay all delinquent fines, forfeitures, fees, or charges to the Town, owed by the applicant or by the property for which a permit is requested. No application is considered complete and ready for consideration until all such amounts have been paid.

17.303 RESERVED FOR FUTURE USE**17.304 POSTING OF PERMITS**

Any Permit issued hereunder shall be posted in a conspicuous place at the building site before and during construction, and until a final Occupancy Permit is issued.

17.305 INSPECTIONS

- (1) **INSPECTION POWERS:** The Town is authorized to enter upon public or private property, at all reasonable hours, for the purpose of performing the inspections required by the UDC and this Chapter. No person shall interfere with the exercise of the Town's authority to inspect, nor shall anyone refuse access to any property, building, or structure which is properly subject to inspection.
- (2) **INSPECTION REQUESTS:** It is the obligation of the applicant (or agent) to contact the Town when the applicant is ready for each of the inspections required by this Chapter and the Building Code. Requests for inspections shall be made directly to the Building Inspector, and not to Town Hall.
- (3) **INSPECTION WARRANTS:** If the Town is denied access to any property, building, or structure, the Town may seek and obtain an Inspection Warrant, pursuant to §66.0119. All costs, including reasonable attorneys' fees, incurred by the Town in seeking, obtaining, and executing an Inspection Warrant to administer this Chapter shall be imposed as a special charge against the applicant and the owner(s) of the subject property, and any Building Permit issued hereunder shall be revoked until such charges are paid.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

17.306 PERMITS TO START CONSTRUCTION (FOOTINGS AND FOUNDATION)

Prior to issuance of a Building Permit, a Permit to Start Construction may, but need not, be requested by filing with the Town a request therefore on forms furnished by the Town. The issuance of a Permit to Start Construction shall permit the applicant to commence work only on the footings and foundation prior to the issuance of a Building Permit, and shall not relieve the applicant from full compliance with §17.302.

17.307 CERTIFICATES OF OCCUPANCY

No building, alteration, or addition, for which a Building Permit has been issued, may be used or occupied until it has been inspected by the Building Inspector, and until the Building Inspector has issued either (1) a Temporary Occupancy Permit or (2) a Certificate of Completion and Occupancy Permit. A Certificate of Completion and Occupancy Permit shall be issued only if all work has been satisfactorily finished and the Building Inspector's final inspection has been completed. A Temporary Occupancy Permit may be issued in the sole discretion of the Building Inspector and upon such terms and conditions as the Building Inspector may impose.

17.308 PERMIT LAPSES

Any Permit issued hereunder shall lapse and be void unless building operations are commenced within six (6) months from the date of issuance, or if construction has not been completed within one (1) year from the date of issuance.

17.309 SUSPENSION OR REVOCATION OF PERMITS

- (1) **AUTHORITY:** The Town may suspend or revoke any Permit, Certificate of Occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices, or appliances for any of the following reasons:
- (a) Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans, or specifications are not being complied with, and that the holder of the Permit has refused to conform after written warning has been issued to him.
 - (b) Whenever the continuance of any construction becomes dangerous to life or property.
 - (c) Whenever there is any violation of any condition or provision of either the application for a Permit or the Permit itself.
 - (d) Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
 - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications, or certified lot or plot plan on which the issuance of the Permit or other approval was based.
 - (f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of new materials, equipment, methods, construction devices or appliances.
 - (g) Whenever the work being performed exceeds the scope of the Permit and or the scope of the application for the Permit.
- (2) **NOTICE:** The notice suspending or revoking a Permit, or a Certificate of Occupancy or approval, shall be in writing and shall be served upon the applicant, the owner of the premises (or its agent), or on the person apparently in charge of construction. A revocation placard shall also be posted upon the building, structure, equipment, or premises in question.

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- (3) **EFFECT OF NOTICE:** After the notice is posted and served upon the persons aforesaid, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and a Permit which has been revoked shall be null and void, and before any construction or operation is again resumed, a new Permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this Chapter. However, after the issuance of the notice, the Town may authorize such work as it deems necessary for the preservation of life, property, and safety.

17.310 VARIANCES

- (1) **NEW BUILDINGS OR ADDITIONS SUBJECT TO THE BUILDING CODE:** For all new construction, and for all new additions and alterations which are subject to the Building Code adopted herein, the procedure for variances shall be the procedure established by the applicable Building Code. The Building Inspector shall prepare and submit all paperwork and recommendations required by the Code.
- (2) **ADDITIONS AND ALTERATIONS NOT SUBJECT TO THE BUILDING CODE:** For all additions and alterations which would not be subject to the State Building Code but for the provisions of this Chapter (e.g. additions to 1& 2-family dwellings constructed prior to 06/01/1980), the procedure for variances shall be as follows. An application form provided by the Town shall be prepared by the applicant and filed with the Town Clerk along with the appropriate fee. The Town Clerk shall submit the application to the Building Inspector, who shall review the application and issue a written decision. If the variance is denied by the Building Inspector, the applicant may appeal the denial to the Board of Appeals, which shall have the power to overrule the decision of the Building Inspector if it determines that the granting of such variance does not result in lowering the level of health, safety, and welfare established or intended by the specific rule from which the appeal is taken.
- (3) **FEES:** The Town Board, by resolution, may fix and adopt, from time to time, fees to be paid by an applicant for a variance.

17.311 RECORDS

The Town Clerk shall maintain copies of all Applications, Permits, and Certificates generated through the foregoing procedures. The Town Building Inspector shall also maintain copies of the foregoing documents, plus records of inspections.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

CHAPTER 20: SUBDIVISION ORDINANCE

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SUBCHAPTER 1: GENERAL PROVISIONS

CHAPTER 20: SUBDIVISION ORDINANCE

SUBCHAPTER 1: GENERAL PROVISIONS

20.100 TITLE

This Chapter shall be known as the “Town of Lyndon Subdivision Ordinance” or “Subdivision Ordinance,” except as referred to herein where it shall be known as “this Chapter.”

20.101 AUTHORITY

This Chapter is adopted pursuant to §236.45 Wis. Stats.

20.102 PURPOSE

The purpose of this Chapter is to promote the public health, safety and general welfare of the community; to lessen congestion in the roads and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air, including access to sunlight for solar collectors; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements; to facilitate the further re-subdivision of large tracts into smaller parcels of land; to preserve and protect property values; to provide the best possible environment for human habitation in the Town; and to encourage the most appropriate use of land throughout the Town.

20.103 COMPLIANCE

- (1) **APPROVAL REQUIRED:** Within the Town of Lyndon, no lot, parcel, or tract of land shall be subdivided, and no plat, certified survey map, deed, or other conveyance creating or causing the subdivision of a lot, parcel, or tract of land shall be recorded in the office of the Register of Deeds, unless and until such subdivision, plat, certified survey map, deed, or conveyance complies with the terms, conditions, and procedures of this Ordinance, and all other applicable laws and ordinances.
- (2) **MAPPING REQUIRED:** No lot, parcel, or tract of land shall be subdivided except by the preparation, approval, and filing of either a Certified Survey Map or a Plat.
- (3) **EXCEPTIONS:** This Chapter shall not apply to:
 - (a) Transfers of interest in land by Will or pursuant to Court Order;
 - (b) Leases for a term not to exceed ten (10) years, mortgages, or easements;
 - (c) The sale or exchange of parcels of land between owners of adjoining property, if additional lots are not thereby created and if the resulting lots are not reduced below the minimum sizes required by this Chapter or by any other applicable laws or ordinances; and
 - (d) Subdivisions exempted by another Town Ordinance.

SUBCHAPTER 1: GENERAL PROVISIONS

20.104 APPLICATION

Unless specifically exempted by law, all persons, all governmental entities, including local, state and federal governmental entities, and all private entities, natural and corporate, are required to comply with this Chapter.

20.105 RELATIONSHIP TO OTHER ORDINANCES AND LAWS

- (1) **STATUTES ADOPTED:** All plats, re-plats, certified survey maps, and subdivisions shall comply with the applicable provisions of Chapters 236 and 703 of the Wisconsin Statutes, including all amendments thereto, which are incorporated herein by reference.
- (2) **COUNTY ORDINANCES:** All plats, re-plats, certified survey maps, and subdivisions shall comply with the applicable provisions (if any) of Juneau County Ordinances, including all amendments thereto, which are incorporated herein by reference.
- (3) **OTHER TOWN ORDINANCES:** This Chapter supersedes the provisions of any other Ordinance which may affect the subdivision of land, except where another Ordinance is more restrictive than this Chapter, such other Ordinance shall continue in full force and effect to the extent of the greater restriction.
- (4) **EXISTING PLATS, ETC:** This Chapter is not intended to repeal, abrogate or impair any existing deeds, conveyances, plats, restrictions, covenants or easements. However, such existing documents shall be subject to any Ordinance in effect at the time such documents were executed.

20.106 DEFINITIONS

The following terms used in this Chapter shall mean:

Alley: A strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a public highway.

Block: A group of lots existing within well defined and fixed boundaries, usually being an area surrounded by roads or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.

Certified Survey Map (CSM): A map which complies with the requirements of §236.34 Wis. Stats. and all amendments thereto.

Cul-de-sac: A minor road with only one outlet onto a secondary road or a major road, and with a turn around at the end for the safe and convenient reversal of traffic movement.

Easement: A grant by the property owner of the use of a strip of land to the public or to one or more private persons for a specific purpose or purposes.

Final Plat: The map or plan of a subdivision, and any accompanying material, as described in Section 6.0 of this ordinance.

Grade: The center line gradient of a highway specified in percent.

Highway: All public ways and thoroughfares and bridges on the same. It includes all recorded and unrecorded highways, including the entire width of the right-of-way, as established by record or by operation of law (*See generally*, §82.18 and §82.31 Wis. Stats.).

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- Improvement:** All public improvement consisting of any sanitary sewer, storm sewer, drainage ditch, water main, roadway, road grading and surfacing with or without curbs and gutter, sidewalk, planting strip, crosswalk, off-road parking areas or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- Lot:** A parcel of real estate described or identified as a **lot** in any formal, recorded **Addition**, **Plat**, **Certified Survey Map**, or **Subdivision** in the Town.
- Outlot:** A parcel of real estate described or identified as an **outlot** in any formal, recorded **Addition**, **Plat**, **Certified Survey Map**, or **Subdivision** in the Town. An “outlot” may be conveyed like any other lot, but an “outlot” may not be used as a building site. The conversion of an “outlot” to a regular “lot” constitutes a “subdivision” which requires compliance with this ordinance.
- Parcel:** Any piece of real estate located within the Town for which there is a tax parcel number.
- Plan Commission:** The Plan Commission of the Town.
- Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted to the Town Plan Commission for purposes of preliminary consideration, as described in Section 5.0 of this ordinance.
- Pyramiding:** The act of obtaining or providing access to public bodies of water across private lots or lands in a manner which increases the number of families which have access to that water to a greater degree than what would occur with individual riparian owners having individual lots fronting on the water. The effect of pyramiding is to funnel access from off-shore lots of residences via a narrow parcel of land to the water. For the purposes of this ordinance, pyramiding shall be defined as situations where 2 or more lots, not fronting on a body of water, share access to the body of water via a narrow parcel of land.
- Replat:** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, CSM, or part thereof. The legal dividing of a large block, lot, or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot, or outlot is not a replat.
- Road:** Another term for “highway.”
- Road, Frontage:** A minor road auxiliary to and located on the side of a major road, designed to control access onto the major road and to provide access to the abutting development.
- Road Jog:** A discontinuity in the highway center line by an offset of the dedicated highway right-of-way.
- Road, Major:** A highway of great continuity, sometimes called an arterial highway, which serves or is intended to serve as a principle traffic-way for fast or heavy traffic, and which taken together comprise the basic structure of the highway system of the Town and surrounding area. Major roads include all Federal Highways, State Trunk Highways, and all County Trunk Highways located in the Town, as well as all other roads designated as major roads by the Town.
- Road, Minor:** A Town highway of limited continuity intended primarily to provide pedestrian and vehicular access to abutting properties.
- Road, Private:** A privately owned and maintained parcel of land, which is used by one or more private persons for ingress and egress to one or more lots or parcels.

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Road, Secondary: A Town highway of considerable continuity, sometimes called a collector road, which serves or is intended to serve as a secondary traffic-way and as a feeder between minor roads and one or more major roads.

Subdivider: Any person who creates, or proposes to create, a subdivision.

Subdivide/Subdivision: The division of a lot or parcel into two or more smaller lots or parcels, including (but not limited to) any plat, CSM or deed which includes the creation of any part of one or more roads, public easements, or other rights-of-way for access to or from such lots or parcels, and/or including the creation of new or enlarged parks, playgrounds, plazas, or open spaces. A Subdivision includes the re-subdivision of one or more lots or parcels in a subdivision, plat, or addition made and recorded prior to or after the date these regulations were adopted. "Subdivision" includes the conversion of an "outlot" to a regular "lot." The construction of or application to construct two or more dwellings on a parcel or lot, or the construction of or application to construct one or more additional dwellings on a parcel or lot where one or more dwellings already exists, shall be construed as a building development envisioning future transfer of ownership and shall be regarded as a subdivision.

Variance: An authorized departure from the terms of this Chapter.

SUBCHAPTER 2: DESIGN STANDARDS

SUBCHAPTER 2: DESIGN STANDARDS**20.200 LAND SUITABILITY**

No land shall be subdivided which is deemed to be unsuitable for any proposed use by the Plan Commission for reason of flooding, inadequate drainage, soil and rock formations, severe erosion potential, unfavorable topography, inadequate water supply or sewer disposal capabilities, or any other feature likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community (e.g. a swamp shall not be subdivided into residential lots). The Plan Commission in applying the provisions of this ordinance shall cite, in writing, the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and shall afford the subdivider an opportunity to present evidence regarding such suitability at a public hearing. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

20.201 ROADS

The subdivider shall dedicate land for and shall construct roads as provided herein:

- (1) The arrangement, character, extent, width, grade, and location of all roads shall be considered in relation to existing official maps, existing and planned roads, topographical conditions, natural features, utilities, land uses, drainage, and public convenience and safety.
- (2) The arrangements of roads in a subdivision (a) shall provide for the continuation or appropriate extension of existing roads in surrounding areas; (b) shall provide for the extension of new roads within the subdivision to the boundary line of the subdivision unless prevented by topography or by other physical conditions; and/or (c) shall conform to the plan adopted by the Plan Commission to meet a particular situation where topographical or other conditions make continuance of or conformance to existing roads impractical.
- (3) Minor roads shall be so laid out that their use by through traffic is discouraged.
- (4) Where a subdivision abuts or contains an existing or proposed major road or secondary road, the Plan Commission shall discourage and may, at its discretion, prohibit direct access of lots onto the major road or secondary road, and may require (i) frontage roads and/or minor roads to serve the subdivision, (ii) reverse frontage of lots with a screen planting contained in a no-access reservation along the rear property lines, or (iii) other designs that it deems advisable to give adequate protection to residential properties and afford separation of through traffic from local traffic.
- (5) Reserve strips controlling access to roads shall be prohibited except where their control is definitely placed with the Town or County under conditions approved by the Plan Commission.
- (6) Road jogs shall be avoided.
- (7) (Reserved for Future Use)
- (8) When connecting road lines deflect from each other by more than ten degrees, they shall be connected by a curve of adequate radius to insure clear visibility for all vehicles.
- (9) Roads shall intersect each other as nearly as possible at right angles, and no angle of intersection shall be less than 60 degrees. No more than two (2) roads shall intersect at one point.
- (10) The following distances between private driveways and roads which intersect the following classes of roads shall be observed:

SUBCHAPTER 2: DESIGN STANDARDS

<u>CLASS OF ROAD</u>	<u>DISTANCE</u>
Major	1,000 ft.
Secondary	500 ft.
Minor	100 ft.

- (11) Right-of-way and roadway widths shall be not less than as follows:

<u>CLASS OF ROAD</u>	<u>RIGHT-OF-WAY</u>	<u>ROADWAY</u>
Major	80 feet	50 feet
Secondary	66 feet	40 feet
Minor	66 feet	30 feet
Alleys	20 feet	20 feet

- (12) Half-roads shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other standards of these regulations, and where the Plan Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever there exists a half road adjacent to a tract to be subdivided, the other half shall be platted within such tract.
- (13) Dead-end roads designed to be permanently without outlets shall be avoided. When it shall be necessary to provide dead-end roads in order to economically develop the plat, the dead-end roads shall be no longer than 300 feet and shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least 115 feet and a road property line diameter of at least 130 feet.
- (14) Road names shall be approved by the Town. No road names shall be used that will duplicate or be confused with the names of existing roads. All road names shall conform to the road name pattern (if any) developed for the Town.
- (15) Alleys may be required in commercial and industrial districts to provide off-road loading and cargo discharge, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions. Dead-end alleys shall not be approved, and shall never intersect with major roads.
- (16) Dead-end alleys shall be avoided, but if unavoidable, shall be provided with adequate turn-around facilities at the closed end, with not less than a 20 foot radius.
- (17) When residential lots within a proposed subdivision are adjacent to the right-of way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct Vehicular access to (name of road) from lots (number of lots) abutting said road is prohibited."
- (18) Unless necessitated by exceptional topography subject to approval of the Town, the centerline grade of any road shall not be more than 11%, nor less than 0.5%.
- (19) Construction of all roads shall conform to Wis DOT's Standard Specifications for Road & Bridge Construction and any other construction standards or specifications that have been adopted as the Town's construction specifications and shall be subject to approval of the Town before acceptance. Roads shall have a minimum 8-inch gravel base, compacted and stabilized, with a hard surface consisting of a 2-inch asphalt mat, or a double coat of gravel with seal coating. Road construction in certain areas (e.g. areas of soft sub-soils) may require additional base.
- (20) Roads shall have 3-foot shoulders, which may be grassed or graveled, depending on the soil conditions in the area.
- (21) Roads shall have ditches on each side, with culverts and bridges where necessary, designed to handle the 100 year/24 hour storm water event.

SUBCHAPTER 2: DESIGN STANDARDS

- (22) All road design shall employ standard engineering principals and practices.

20.202 EASEMENTS

- (1) Easements across lots or centered on rear or side lot lines shall be at least 20 feet wide where necessary for overhead or underground utilities.
- (2) When a subdivision is traversed by a water course, coulee, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way (i) which shall conform substantially with the lines of such watercourse, (ii) which shall provide such further width for construction and maintenance as necessary, and (iii) which shall not invade the minimum lot area required below.

20.203 BLOCKS

- (1) Block length should not exceed 1,500 feet nor be less than 750 feet.
- (2) Pedestrian rights-of-way not less than 10 feet wide may be required in blocks longer than 900 feet where such rights-of-way are deemed by the Plan Commission to be essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, or other community facilities.
- (3) The width of blocks shall be sufficient to allow two tiers of lots, except for blocks adjacent to limited access highways, major roads, railroads, lakes, streams, and similar natural features.
- (4) Blocks intended for business and industrial use should be specifically designated for such purpose with adequate space set aside for off-road parking and delivery facilities.

20.204 LOTS

- (1) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, of sufficient size to accommodate all utilities and building setbacks. Lot dimensions and area shall not be less than required by the Zoning Ordinance (Chapter 22).
- (2) All lots shall abut on a public road for at least 30 feet, and all lots shall be at least 70 feet wide a distance of 50 feet from the public road.
- (3) Double frontage and reverse frontage lots shall be avoided except when lots abut a major highway, limited access highway, or railroad along the back of the lot.
- (4) Corner lots shall be of extra width sufficient to maintain front yard building setbacks along both roads.
- (5) Side lot lines shall be approximately at right angles to straight road lines or radial to curved road lines.
- (6) Flag lots shall be discouraged.

20.205 VARIANCES

Any person affected by any of the foregoing standards may apply for a variance, which shall be handled in the same manner as an application for an "area" variance under section 22.909 of the Zoning Ordinance.

SUBCHAPTER 2: DESIGN STANDARDS

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS**20.300 APPROVAL REQUIRED**

Before executing or recording any document which would result in the subdivision of land, the subdivider shall obtain the written approval of the Town pursuant to the following procedure. Whenever a subdivider intends to subdivide a lot or parcel into five (5) or more lots or parcels, the subdivider shall obtain "preliminary approval" and "final approval" pursuant to this procedure. In all other cases (i.e. 4 lots or fewer), the subdivider need only obtain "final approval" but in such cases, a subdivider may (but is not required to) apply for preliminary approval.

20.301 APPLICATION

An application for approval of a subdivision shall be made to the Town and shall include the following information:

- (1) **APPLICATION FORM:** Seven (7) copies of an application form containing the following information:
 - (a) **Identification:** The name, address and telephone number of (i) the applicant, (ii) the owner(s) of the site, (iii) the registered land surveyor preparing the subdivision, and (iv) the architect(s), professional engineer(s) and contractor(s) being used on the project.
 - (b) **Address:** The street address for the site.
 - (c) **Tax Parcel Number:** The tax parcel numbers for the site.
 - (d) **Zoning:** A description of the existing zoning district(s) and the proposed zoning district(s) (if a change is expected).
 - (e) **Use:** A description of the current land uses present on the subject property and of the proposed land uses for the subject property;
 - (f) **Neighbor Information:** The name(s) and address(es) of all land owners within 1000 feet of the proposed subdivision.
- (2) **AERIAL PHOTOGRAPH:** Two (2) copies of an aerial photograph showing (i) the subject property, (ii) the nearest public road, (iii) the entire area contiguous to the subject property that is owned or controlled by the subdivider, and (iv) an area at least 600 feet wide around the subject property. (This photograph can be obtained from the Juneau County Surveyor's Office).
- (3) **PRELIMINARY PLAT:** Seven (7) copies of a map of the proposed subdivision, drawn by a registered surveyor, prepared on reproducible material, showing the information required by Chapter 236 for final plats or certified survey maps (which ever is applicable).
- (4) **OPTIONAL INFORMATION:** The Plan Commission or the Board may, at any time prior to final approval, require the applicant to provide any additional information or mapping which the Plan Commission or Board deems reasonable and necessary for its review of the subdivision, including (but not limited to) any of the following:
 - (a) Any of the information required by §236.20 for a Final Plat.
 - (b) The location, right-of-way width, and names of all existing and proposed private roads, private driveways, trails, lake or stream accesses, or other public or private ways, public or private easements, railroad and utility rights-of-way.

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- (c) The location and names of any adjacent roads, subdivisions, parks, schools and cemeteries, or other significant features.
- (d) The location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, or the location and size of any existing water and gas mains.
- (e) The locations of all existing streams and watercourses, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (f) The boundaries of all proposed development phases.
- (g) The contour of the land at vertical intervals established by the Town.
- (h) The water elevations of adjoining lakes and streams at the date of the survey, and the approximate high and low water elevations of those lakes and streams, all referred to some permanent established datum plane.
- (i) Road elevations.
- (j) The existence and location of wetlands.
- (k) Information regarding the experience, knowledge, and financial ability of the subdivider to fulfill the requirements of this Chapter, and to complete the subdivision as represented.
- (l) Borings or soundings in designated areas to ascertain subsurface soil, rock, and water conditions, including the depth to bedrock and depth to ground water.
- (m) For all proposed private roads, an explanation of who will own the roads and be responsible for their maintenance and repair. For all proposed public roads, an explanation of when the roads will be designed and constructed, and by whom.
- (n) Any other information requested by the Plan Commission or Board.

20.302 FEE

The Board may, by resolution, adopt fees for the review of plats, re-plats, certified survey maps and subdivisions. Fees may be established based on the number of lots created and the approvals required. Fees shall be paid in full at the time of submission of an application. A fee submitted with an application may be increased based upon the actual number of additional lots created by the final approved subdivision, but no refund of a previous fee will be received for a reduction of lots. Furthermore, if the Board determines that one or consultants are needed to help the Town evaluate the Application, the Board shall advise the subdivider of this need, along with an estimate of the costs thereof, and the subdivider shall be confirm in writing whether the subdivider wishes to proceed with its Application and thereby become responsible for 50% of the costs thereof incurred by the Town. The Town may require the subdivider to pay a deposit to cover such costs before the Town proceeds with this process.

20.303 REVIEW BY CLERK

The Town Clerk, or designee, shall determine whether the application fulfills the requirements of §20.301 above. If the Clerk determines that the application does not fulfill the requirements of §20.301 above, the Clerk shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Clerk determines that the application does fulfill the requirements of §20.301, the Clerk shall so notify Applicant and forward the application either to the Plan Commission for preliminary approval, or to the Board for final approval, as

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

required below.

20.304 PRELIMINARY PLAT APPROVAL

- (1) **WHEN REQUIRED:** Whenever a subdivider intends to subdivide a lot or parcel into five (5) or more lots or parcels, the subdivider shall obtain "preliminary approval" pursuant to this procedure.
- (2) **REVIEW AND RECOMMENDATION BY PLAN COMMISSION:**
 - (a) **Initial Review:** The Plan Commission shall meet and conduct an initial review of the Subdivision for the purposes of (i) obtaining background information on the subdivision, (ii) determining whether additional information and/or expert consultants will be requested, and/or (iii) setting a date for a public hearing.
 - (b) **Public Hearing and Notice:** A public hearing on the application shall be conducted by the Plan Commission, no sooner than 30 days after filing of the application. Notice of the public hearing shall be posted and published by the Clerk as a Class 2 notice, and notice shall be mailed by the Clerk, at least 10 days before the public hearing, to the owners of all property located within 1000 feet of the proposed subdivision. If the proposed subdivision is adjacent to a federal or state highway, notice shall be sent to the DOT. If the proposed subdivision is adjacent to a county highway, notice shall be sent to Juneau County. If, during the course of the public hearing, it is determined by the Plan Commission that additional information and/or expert advice is needed, the Plan Commission may continue the Hearing to another date after such information and/or advice has been obtained. Additional notice of any such continuance is not required, but may be posted, published, or mailed in the discretion of the Plan Commission.
 - (c) **Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of review in §20.308 below. In making its decision, the Plan Commission may take any of the following actions:
 1. **Approval:** The Plan Commission may approve the application as proposed.
 2. **Approval with Modifications or Conditions:** The Plan Commission may approve the application with such modifications, conditions, and/or covenants as it deems necessary and appropriate after consideration of the purposes of this Ordinance, the standards of review set forth herein, the regulations set forth herein, and the recommendations of citizens, consultants, its own members, and any other source. If additional modifications, conditions and/or covenants are required, the Plan Commission may withhold approval of the subdivision until revisions depicting such additional modifications, conditions and/or covenants are submitted to the satisfaction of the Plan Commission, or its designee.
 3. **Denial:** The Plan Commission may deny the application.

The Plan Commission's approval, with or without modifications or conditions, shall be considered the approval of a unique request, and shall not be construed as precedent for any other application.

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20.305 FINAL PLAT APPROVAL

- (1) **WHEN REQUIRED:** All subdivisions require “final approval” pursuant to the following procedure.
- (2) **REVIEW BY TOWN BOARD:** The application shall be referred to the Town Board for consideration and action, unless the Applicant elects not to have the application referred due to the recommendation of the Plan Commission (e.g. an Applicant may elect not to have a decision of “denial” by the Plan Commission referred to the Board, but instead, may wish to revise and resubmit the application in the hope of removing the objections of the Plan Commission and obtaining an “approval”). The Board shall consider the Plan Commission’s recommendation (if applicable), and may request further information, study, or reports from the Plan Commission, the Applicant, and/or consultants.
- (3) **PUBLIC HEARING AND NOTICE:** If a public hearing has not been conducted pursuant to §20.304(2) above, a public hearing on the application shall be conducted by the Board, no sooner than 30 days after filing of the application. Notice of the public hearing shall be posted and published by the Clerk as a Class 2 notice, and notice shall be mailed by the Clerk, at least 10 days before the public hearing, to the owners of all property located within 1,000 feet of the proposed subdivision. If the proposed subdivision is adjacent to a federal or state highway, notice shall be sent to the DOT. If the proposed subdivision is adjacent to a county highway, notice shall be sent to Juneau County. If, during the course of the public hearing, it is determined by the Board that additional information and/or expert advice is needed, the Board may continue the Hearing to another date after such information and/or advice has been obtained. Additional notice of any such continuance is not required, but may be posted, published, or mailed in the discretion of the Board. The Board may conduct additional public hearings if it deems appropriate.
- (4) **DECISION BY TOWN BOARD:** Within 60 days of referral of the application to the Board from the Clerk or from the Plan Commission, the Board shall either refer the matter to the Plan Commission for further study, or the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of review in §20.308 below. In making its decision, the Board may take any of the following actions:
 - (a) **Approval:** The Board may approve the application.
 - (b) **Approval with Modifications or Conditions:** The Board may approve the application with such modifications, conditions, and/or covenants as the Board deems necessary and appropriate after consideration of the purposes of this Ordinance, the standards of review set forth herein, the regulations set forth herein, and the recommendations of citizens, consultants, its own members, and any other source. If additional modifications, conditions, and/or covenants are required, the Board may withhold approval of the subdivision until revisions depicting such additional modifications, conditions, and/or covenants are submitted to the satisfaction of the Board, or its designee.
 - (c) **Denial:** The Board may deny the application.

The Board’s approval of a subdivision shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed subdivision.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

20.308 STANDARDS OF REVIEW

The following issues shall be considered and addressed by the Town in deciding whether to approve a subdivision:

- (1) Whether the proposed subdivision complies with the Town's Zoning Ordinance.
- (2) Whether the proposed subdivision will cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may exist in the future.
- (3) Whether the proposed subdivision complies with the design standards set forth herein.
- (4) Whether the proposed owner and operator have demonstrated the experience, knowledge, financial ability, and willingness to comply with the regulations set forth herein.
- (5) Whether the potential public benefits of the proposed subdivision outweigh the potential adverse impacts of the proposed subdivision, after taking into consideration the Applicant's proposal, including the Applicant's suggestions to ameliorate any adverse impacts.
- (6) Whether the size and scope of the proposed subdivision is appropriate for the site.

20.309 EFFECT OF DENIAL

An application which has been denied (in whole or in part) shall not be resubmitted for a period of 12 months from the date of said denial, unless the Clerk first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change in the proposed subdivision has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

20.310 EFFECT OF APPROVAL

An application which has been approved (in whole or in part, with or without modifications, conditions, and/or covenants) shall be recorded with the Register of Deeds for Juneau County, as soon as all the pre-conditions to such recording are fulfilled, and before any lot, parcel, or portion thereof is transferred or conveyed. A copy of the recorded documents shall thereafter be filed with the Clerk. The approval of a plat, re-plat or certified survey map for recording purposes shall not constitute "acceptance" by the Town of any highway or other property dedicated thereon to the public.

20.311 ACCEPTANCE BY TOWN

The highways and other properties dedicated to the public on any plat, re-plat, certified survey map, or subdivision shall not become "public" highways or "public" properties, for which the Town is responsible, until the Town Board officially "accepts" such highways or properties by formal action of the Board.

SUBCHAPTER 3: ADMINISTRATIVE PROVISIONS

SUBCHAPTER 4: ENFORCEMENT AND PENALTY

SUBCHAPTER 4: ENFORCEMENT AND PENALTY

20.400 PENALTIES

- (1)** Except as may be otherwise provided in this Chapter, the penalties for a violation of this Chapter shall be as provided in Chapter 25 of this Code.
- (2)** In addition to any other penalty or remedy provided herein, the Court shall order, to the extent permitted by equity, one or more of the following to correct, remove, or abate the violation of this Chapter:

 - (a)** The cancellation or rescission of any deed, conveyance, CSM, or plat in violation of this Chapter; and/or
 - (b)** The equitable refund of any purchase price paid to the subdivider by the purchaser of a parcel of land or lot comprising or contained in a subdivision which violates this Chapter; and/or
 - (c)** An injunction preventing any or all improvements on the lot or parcel of land which has been subdivided in violation of this Chapter.
- (3)** In addition to any other penalty or remedy provided herein, the Town may record with the Register of Deeds, a “Notice of Violation” on the real estate in question, which notice shall inform all persons that a violation has been discovered and must be remedied before any further conveyance or development of the real estate will be allowed by the Town.

SUBCHAPTER 4: ENFORCEMENT AND PENALTY

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SUBCHAPTER 2: ISSUES AND OPPORTUNITIES

SUBCHAPTER 2: ISSUES AND OPPORTUNITIES**21.200 PURPOSE**

The purpose of this Subchapter is to comply with §66.1001(2)(a), which requires this Plan to contain background information on the local government unit and a statement of overall objectives, policies, goals and programs of the unit to guide the future development and redevelopment of the Town over a 20-year planning period. Background information should include population, household and employment forecasts that the Town used in developing this Plan, and demographic trends, age distribution, educational levels, income levels and employment characteristics that exist within the Town.

21.201 GOVERNMENT ORGANIZATION

The Town of Lyndon is a body corporate and politic. It is organized and operated pursuant to Chapter 60 Wis. Stats., utilizing a Town Board form of government, with three (3) Board members, one of whom is elected Chairman. The Town has adopted "Village Powers" pursuant to §60.10(2)(c) and §60.22(3), and pursuant thereto, it has created a Plan Commission and adopted a Zoning Ordinance.

21.202 LOCATION

The Town is located in south-central Wisconsin, in Juneau County (pop. 24,316), between the Village of Lyndon Station (pop. 458) and the City of Wisconsin Dells (pop. 2,418) and its sister municipality, the Village of Lake Delton (pop. 344). The Town is located on the Wisconsin River, the State's largest internal waterway. The Town is dissected by Interstate Highways 90 & 94, as well as the Canadian Pacific Railway. It is situated approximately half way between Madison and LaCrosse, and half way between Minneapolis and Chicago.

21.203 HISTORICAL INFORMATION

- (1) **NATIVE AMERICANS:** The cultural history of the Dells area is thought to span several thousand years. Native Americans ranging from early Paleo-Indians to the more recent Ho-Chunk (formerly Winnebago), Sac (Sauk) and Menominee were attracted to the scenic Dells waterway, and left archeological evidence including effigy and burial mounds. In 1634, when the French explorer Jean Nicolet waded ashore at Red Banks, people of the Ho-Chunk Nation welcomed him. For some 360 years, the French labeled this nation as the Winnebago Tribe. In November 1994, the official results of the Ho-Chunk Nation secretarial Election was published, approving the revised Constitution and the proper name of the nation reverting to the Ho-Chunk Sovereign Nation (People of the Big Voice), which they have always called themselves. Hence today the Winnebago are the Ho-Chunk Nation and Red Banks is better known as Green Bay. The exact size of the total Ho-Chunk Nation was not known at that time. However, their territory extended from Green Bay beyond Lake Winnebago to the Wisconsin River and to the Rock River in Illinois.

While most people think of Native Americans as hunters or gatherers, the Ho-Chunk were also farmers. For example, their history tells of corn fields south of Wisconsin Dells that were as large as the distance covered when you shoot an arrow three times. They appreciated the bounty of the land we now call Wisconsin. Their story is the story of a people who loved the land of Wisconsin. In the last 170 years they faced tremendous hardship and overcame long odds to live here.

Their troubles began in the late 1820's when lead miners began to come into southwestern Wisconsin. At that time, the U.S. Government recognized the Ho-Chunk as a Sovereign Nation. The U.S. Government recognized the Ho-Chunk held title to more than seven million acres of some of the finest land in America. Treaty commissioners, speaking for the United States, promised they would punish any whites going on recognized Ho-Chunk lands. However, the lure of lead and good farmland proved too great. Within ten years, the U.S. government reversed its position. The Ho-Chunk were forced to sell their remaining lands at a fraction of their worth and were removed from

SUBCHAPTER 2: ISSUES AND OPPORTUNITIES

Wisconsin.

First, the Ho-Chunk people were moved to Northeastern Iowa. Within ten years (1846), they were moved to a wooded region of Northern Minnesota. They were placed there as a barrier between warring Sioux and Chippewa. As a result, the Ho-Chunk were victims of raids by both. At their request, they were to be moved to better land near the Mississippi River. Whites objected and before they could move, the U.S. Senate moved them further West. Within four years of their arrival (1859), the Government reduced their reservation from 18 square miles to 9 square miles. Four years later (1863), they were moved to a desolate reservation in South Dakota surrounded by Sioux. The U.S. Government allowed the Ho-Chunk to exchange their South Dakota reservation for lands near the more friendly Omaha's of Nebraska, in 1865. Throughout this time many Ho-Chunk refused to live on the increasingly poor area away from their abundant homelands in Wisconsin. Many returned to Wisconsin.

Today, the Wisconsin Ho-Chunk do not have lands reserved (a reservation) in Wisconsin. Instead, all Wisconsin Ho-Chunk tribal lands are lands they once owned but they have had to repurchase. As of December 27, 2001, the 6,159 members of the Wisconsin Ho-Chunk Sovereign Nation hold title to 2,000 acres of land. The largest concentrations of Ho-Chunk tribal members are in Jackson, Monroe, Milwaukee, Sauk, Shawano, and Wood counties. The Ho-Chunk Nation owns approximately 77 acres in the Town.

- (2) **WISCONSIN RIVER:** During the 17th century, European traders, trappers, and missionaries discovered the Wisconsin River as a primary transportation route. By the 1830's, timber resources in northern Wisconsin brought lumbermen who harvested old-growth forest and floated logs down the River. The Wisconsin River brought early opportunities for local economic growth. Damming of the River began in 1856 to generate waterpower for the new settlement. The present Kilbourn Dam (in Wisconsin Dells) was completed in 1909 and continues to serve the area with electric power today. However, the dam has reportedly raised the water level sixteen feet, submerging important geologic features and landmarks in the Upper Dells. According to the DNR, the difference in water levels between the Upper and Lower Dells is twenty-one feet. In a 1909 report, renowned landscape architect John Nolen recommended park status for the Dells. However, the State Park Board chose not to acquire the Dells of the Wisconsin River due to the extent of damage and development that had already occurred. About this time, tourism began to flourish in the Dells. Recognizing that tourism activity could endanger the scenic beauty of the Dells, H.H. Bennett's son-in-law, George Crandall, gradually acquired ownership of as much riverfront property as possible. He reforested many acres of cutover land adjacent to the River and created a plantation of 140,000 red pines that remain today. After Crandall's death, his daughters donated the property to the Wisconsin Alumni Research Foundation (WARF). Since that time, the Dells have been protected by Dells Boat Tours, LLC, a subsidiary of WARF.
- (3) **WISCONSIN DELLS:** The City of Wisconsin Dells has long been considered one of the premier family resort and recreation destinations in the State of Wisconsin and the Midwest. The beauty and splendor of the area began attracting tourists not long after the founding of Kilbourn – now Wisconsin Dells – in 1855. Early tours of the area were conducted by rowboat until the first steamboat began offering tours through the Dells in 1873. Intrigued by the images of landscape photographer H.H. Bennett, more and more visitors flocked to the area. By the 1890s, souvenir shops, more steamers, boat landings, and other tourist attractions were well established; foreshadowing the City's future as a mecca for family recreation and sightseeing. A century later, in 1999, it was estimated that the greater Wisconsin Dells community benefited from almost \$600 million in tourism-related expenditures by visitors to the area.

SUBCHAPTER 2: ISSUES AND OPPORTUNITIES

- (4) **TOWN HISTORY:** The Town is named after the hometown of an early settler, James Cope, who came from Lindon, Vermont. With the creation of Juneau County, there was a battle between Mauston and New Lisbon regarding placement of the County Seat. Town of Waucedah County Supervisor, A.E. Avery, introduced a resolution to divide his own Town to maintain the balance of power on the County Board between these two factions. Hence, the Town of Waucedah was dissolved, the Town of Kildare was modified, and the Towns of Lyndon and Marion were created.

21.204 STATISTICAL INFORMATION

It is only through a clear understanding of the present community and the past events and trends that have helped shape the current community that we can effectively plan for the future. One way to help gain this understanding is through an analysis of demographic and development statistics over time. The following is an analysis of population, housing, employment, income, and economic trends experienced in the community over the last several decades, as well as projections for the future should these trends continue. A good understanding of these trends will help with the formulation of goals and objectives for the various Plan Elements aimed at continuing, altering, and/or accelerating these trends over the next several decades.

- (1) **POPULATION:** The Town's population has steadily increased over the last 40 years, according to the census information displayed in the table below. Due to Town and County ordinances which require minimum lot sizes for home building, the population is disbursed. There are several areas where the density of dwelling units is higher than normal. Most of these areas were established before land use regulations were imposed. The Town encompasses approximately 29.6 square miles, and so population density is low, with only 22-23 people per square mile.

	1970	1980	1990	2000	TOTALS
Town of Lyndon	405	701 73%	790 12.7%	1217 54%	+812 200%
Juneau County	18,445	21,037 +14%	21,650 +3%	24,316 +12%	+6,826 +39%
Village of Lake Delton	1,059	1,158 +9%	1,466 +26%	1,982 +35%	+923 87%
Seven Mile Creek Juneau County	376	362 -4%	383 +6%	369 -4%	-7 -2%
Village of Lyndon Station	533	375 -30%	474 +26%	458 -3%	-75 -14%
Town of Kildare Juneau County	335	465 39%	491 6%	557 13%	+222 +66%
Town of Newport Columbia County	562	657 +17%	535 -19%	681 +27%	+119 +21%
Town of Lewiston Columbia County	984	1,122 +14%	1,123 0%	1,187 +6%	+203 +21%
Town of Fairfield Sauk County	658	819 +24%	826 +1%	1,023 +24%	+365 +55%
Town of Delton Sauk County	846	1,426 +68%	1,599 +12%	2,024 +27%	+1,178 139%
Town of Dellona Sauk County	472	705 +49%	768 +9%	1,199 +56%	+727 +154%
Town of Dell Prairie Adams County	435	856 +97%	1,063 +24%	1,415 +33%	+980 +225%
Wis. Dells	2401	2521 +5%	2398 -4.9%	2418 +0.8%	17 +0.7%

SUBCHAPTER 2: ISSUES AND OPPORTUNITIES

- (2) **SEASONAL POPULATION:** Any analysis of population figures for the Town must recognize not only permanent Town residents as reflected in U.S. Census data, but also the presence of a seasonal population consisting of tourists and a temporary workforce that is not reflected in the census figures. At any point in time during the peak season, the number of people within the Wisconsin Dells/Lake Delton tourism area may be upwards of 20 times greater than the official population figures for the community. Even though this seasonal population does not call the Dells their home, their presence impacts surrounding communities, including the Town, and the facilities and services of the Town.

- (3) **POPULATION PROJECTIONS:** According to the DOA, population projections are as follows:

	2000	2005	2010	2015	2020	2025	2030	CHANGE
Town	1,217	1,385	1,492	1,606	1,718	1,817	1,900	683 56.1%
County	24,316	26,719	27,513	28,449	29,348	30,066	30,551	6,235 25.6%

- (4) **MARITAL STATUS:** Marital status for residents age 15 and over is as follows:

Never married:	24.7%
Married, living together:	57.5%
Married, separated:	1.4%
Widowed:	5.7%
Divorced:	10.7%
	100%

- (5) **HOUSEHOLDS:** According to the 2000 census, there were 440 households in the Town, of which 108 (24.5%) were non-family households, and 332 (75.5%) were family households (e.g. with children under 18 years). The average household size was 2.77 persons, and the average family size was 3.11 persons.

- (6) **SEX AND AGE:** According to the 2000 census, the makeup of the population is 51.4% male, and 48.6% female. The median age is 35.4 years, distributed as follows:

Under 18 years:	29.3%
18 years and over:	70.7%
21 years and over:	67.3%
62 years and over:	11.1%
65 years and over:	8.7%

- (7) **EDUCATION:** The following table is a summary of the educational level of Town residents:

EDUCATIONAL ATTAINMENT LEVEL	TOWN	COUNTY	STATE
Less than 9 th Grade	4%	7.20%	5.40%
9 th to 12 th Grade (no diploma)	15.6%	14.30%	9.60%
High School Graduate (or equivalency)	44%	43.00%	34.60%
Some college, no degree	22.5%	19.70%	20.60%
Associate Degree	4.9%	5.80%	7.30%
Bachelor's Degree	7.1%	7.00%	15.30%
Graduate or Professional Degree	1.8%	3.00%	7.20%

- (8) **EMPLOYMENT:** According to the 2000 census, 70.6% of the population was in the labor force, and 68.8% were employed. The majority (81.3%) of the Town's workers were private wage/salary workers, 10.7% were self-employed, 7.6% were government employed, and 0.3% were unpaid family workers. The workforce was spread across the industries shown in the following table:

SUBCHAPTER 2: ISSUES AND OPPORTUNITIES

INDUSTRY	PERCENT
Agriculture, forestry, fishing and hunting, and mining	3.4%
Construction	9.3%
Manufacturing	14.8%
Wholesale trade	2.9%
Retail trade	13.5%
Transportation and warehousing, and utilities	6.2%
Information	1.1%
Finance, insurance, real estate, and rental and leasing	3.6%
Prof., scientific, management, admin., & waste management services	3.6%
Educational, health and social services	8.9%
Arts, entertainment, recreation, accommodation and food services	27.2%
Other services (except public administration)	2.9%
Public administration	2.6%

The Town has been an agriculturally-based community for generations. Agriculture remains the dominant industry located in the Town. In 2009, there were thirteen (13) active farms, four (4) of which were dairy farms. Most of the Town's residents commute to employment areas outside of the Town in Wisconsin Dells, Mauston, and Reedsburg. The largest businesses in the Town focus on tourism, and are campgrounds and taverns.

- (9) **INCOME:** Full-time, year-round workers earned \$31,250.00 (male) and \$20,446.00 (female). The median household income was \$42,639.00, spread across the following categories:

Median Household Income	Percent
Less than \$10,000.00:	04.3%
\$ 10,000.00 to \$ 14,999.00:	04.3%
\$ 15,000.00 to \$ 24,999.00:	14.3%
\$ 25,000.00 to \$ 34,999.00:	17.5%
\$ 35,000.00 to \$ 49,999.00:	14.7%
\$ 50,000.00 to \$ 74,999.00:	31.1%
\$ 75,000.00 to \$ 99,999.00:	09.8%
\$100,000.00 to \$149,999.00:	02.5%
\$150,000.00 to \$199,999.00:	01.1%
\$200,000.00 or more:	00.5%

21.205 PUBLIC INPUT

According to the participation survey, 45% of Town residents favor growth in the Town at the present rate of growth, with 13% favoring more accelerated growth and 32% favoring decreased growth. Hence, it appears that residents favor growth at a slightly decreased rate than what has been experienced. But whatever the growth, residents overwhelmingly favor (76%) having input into the Town's growth. Hence, it would appear that residents generally favor planning and zoning to monitor and control the Town's growth.

21.206 GOALS, OBJECTIVES AND POLICIES

- (1) **PLANNED GROWTH:** Due to the Town's geographic location on the Interstate, near the Wisconsin Dells/Lake Delton tourism area, and adjacent to the Wisconsin River and other scenic natural resources, the Town has experienced development pressure, which the Town wishes to control. The Town is not resistant to growth. Instead, the Town wants to ensure that growth is well planned, so that it improves the tax base, preserves natural resources, and enhances the rural quality of life in the Town.
- (2) **ORDINANCES:** The Town needs to update its ordinances to establish standards and procedures to handle future development. The Town will adopt a new Code of Ordinances, including a new zoning ordinance.

SUBCHAPTER 2: ISSUES AND OPPORTUNITIES

SUBCHAPTER 3: AGRICULTURAL, NATURAL
& CULTURAL RESOURCES

SUBCHAPTER 3: AGRICULTURAL, NATURAL & CULTURAL RESOURCES

21.300 PURPOSE

The purpose of this Subchapter is to comply with §66.1001(2)(e), Wis. Stats., which requires this Plan to contain a compilation of objectives and programs for the conservation and promotion of the effective management of natural resources such as groundwater, forest, productive agricultural areas, environmentally sensitive areas, threatened and endangered species, stream corridors, surface water, floodplains, wetlands, wild life habitat, metallic and non-metallic mineral resources consistent with zoning limitations under §295.20(2), parks, open spaces, historical and cultural resources, community design, recreational resources and other natural resources.

21.301 INVENTORY OF NATURAL RESOURCES

- (1) **ECOLOGICAL LANDSCAPES:** The Town is located in central Wisconsin where two ecological landscapes meet. The Northeast portion of the Town is contained in the “Central Sand Plains” ecological landscape and the Southwest portion in the “Western Coulee and Ridges” ecological landscape.

The Central Sand Plains ecological landscape occurs on a flat, sandy lake plain, formed in and around what was once Glacial Lake Wisconsin, which contained glacial melt water extending over 1.1 million acres at its highest stage. Soils are primarily sandy lake deposits, with some silt, loam, loess caps. Sandstone buttes carved by rapid drainage of the glacial lake, or by wave action when they existed as islands in the lake, are distinctive features of this landscape. The historic vegetation of the area includes extensive wetlands of many types. Prairies, forests, savannahs, and barrens also occur. The Wisconsin River is the largest river that flows through this landscape.

The Western Coulee and Ridges ecological landscape is characterized by its highly eroded, driftless topography, and extensive forested landscape. Soils are silt, loam (loess) and sandy loams over sandstone residuum over dolomite. The historical vegetation consists of southern hardwood forests, oak savannah, scattered prairies, and floodplain forests and marshes along the major rivers. Current vegetation is a mix of forest, agriculture and grassland, with some wetlands in the river valleys.

Map No. 1 attached hereto shows the land cover for the Town.

- (2) **THE DELLS:** The unique combination of geological and biological features found in the Dells is unusual in the Midwest and rare nationally. Sandstone cliffs in the Kickapoo River valley in Vernon and Crawford counties are geologically comparable to the Dells, and the Dalles of the St. Croix River between Wisconsin and Minnesota are somewhat similar. However, the Dalles of the St. Croix River were formed under different circumstances and are composed of different rock types. In addition, some of the native plant communities found in the Dells of the Wisconsin River State Natural Area are uncommon in the state. Some communities such as northern dry-mesic forest with red and white pines are typically found farther north. Of special significance are the shaded and exposed cliffs, which harbor several species of rare plants. While similar cliffs are found in Sauk County, the diversity of the cliffs and cliff flora in the Dells is unmatched. The Dells contain the most significant populations of some rare plant species in the state.
- (3) **SURFACE WATER:** Rivers and streams in the Town furnish an abundant supply of surface water. The main uses of surface water are as fish and wildlife habitat, for irrigation, and for the enjoyment of anglers, boaters, hunters and tourists. The major soil type being porous sand allows for most surface water to leach directly into the ground. Other waters travel from small wetlands, ponds and lakes along small creeks and

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streams, draining into the Wisconsin River along our eastern boundary. The Town has some trout streams classified under NR-20, including Gilmore Creek with 2 miles of class 1 and 1.5 miles class 2, and Lyndon Creek with 6 miles of class 3 of which approximately ¼ mile is in Lyndon. (See Map No. 2 regarding “Water, Wetlands & Floodplains”).

- (4) **GROUNDWATER:** In Juneau County, the major source of water supply is from groundwater aquifers and is available in adequate quantities for most domestic, agricultural, and business needs. The quality of the groundwater throughout Juneau County is generally good for most uses, but treatment may be needed for specific purposes. The water is relatively soft, but local differences in quality are caused by a variety of factors. Calcium, magnesium, and bicarbonate ions derived from dolomite are present. Minor water problems occur locally due to high concentrations of iron produced mainly by reducing conditions in marshes and swamps, although some iron does come from the bedrock.
- (5) **WETLANDS:** Wetlands serve several important environmental functions including flood control, water quality improvement and groundwater recharge as well as providing habitat for fish and wildlife. Wetlands shown reflect wetlands mapped by the DNR on its digital Wisconsin Wetland Inventory Maps and may not reflect all areas considered wetlands by the United States Department of Agriculture (USDS) or the US Army Corps of Engineers. A complex set of local, state, and federal regulations place limitations on the development and use of wetlands. The Shoreland Zoning Ordinance adopted by Juneau County regulates shoreline use and development within 300 feet of navigable streams and 1,000 feet of lakes. The Department of Natural Resources regulates the placement of structures and other alterations below the ordinary high water mark of navigable streams and lakes. The Army Corps of Engineers has authority over the placement of fill materials in virtually all wetlands. The USDA incorporates wetland preservation criteria into its crop price support programs. Prior to placing fill or altering wetland resources, the appropriate agencies should be contacted to receive authorization. Wetlands are scattered throughout the Town. There are approximately 879 acres of wetland comprising 4.85% of the Town’s land area. These wetlands exhibit great diversity in hydrologic and vegetative characteristics. The majority of the wetlands are forested areas with wet soils. These lowland areas support mixed hardwood and needle-leaved coniferous/deciduous plant communities. Wetter areas support scrub/shrub and emergent vegetation types. (See Map No. 2 regarding “Water, Wetlands & Floodplains”).
- (5) **WISCONSIN RIVER:** The eastern boundary of the Town is the Wisconsin River, the largest river in the State, providing habitat for a wide variety of fish and wildlife. The river is used extensively by anglers, boaters, hunters and tourists. This portion of the river is commonly known as the “upper Dells” because it is located above the dam in the heart of Wisconsin Dells. The “upper Dells” enjoys unusual rock formations and unparalleled scenic beauty, which served as the catalyst for the development of the tourism industry of Wisconsin Dells and which has been enjoyed by tourists for over 100 years. A significant portion of the Town’s shoreline along the Wisconsin River is owned by the State of Wisconsin and the University of Wisconsin, both of which are committed to preserving its natural beauty.
- (6) **SMALL STREAMS:** The Town has the following small streams, plus several smaller creeks which are un-named:
- (a) Lyndon Creek
 - (b) Dell Creek
 - (c) Gillmor Creek
- (7) **LAKES:** The Town has a variety of small lakes and ponds, most of which are unnamed. Trout Lake is one of the larger bodies of water.

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- (8) **WOODLANDS:** Woodlands and forests cover a significant portion of the Town, with over 51% of the Town forested. Map No. 3 shows the “Woodland” in the Town. The vast majority of this land is in private ownership. Some woodlands in the Town are managed through the Managed Forest Law (MFL) and the Forest Crop Law (FCL). These tax assessment programs are available to landowners willing to manage their woodlands according to sound forestry practices specified in a management plan.

The primary function of woodlands is to provide wildlife habitat and enhance scenic beauty. Woodlands also serve to protect important water resources, drainage and hydrologic functions, control pollution and provide an inviting recreational setting and educational opportunities to residents and visitors. The DNR conducted a comprehensive forest reconnaissance in 1995 for the Dells of the Wisconsin River State Natural Area. According to the Master Plan, forest types were delineated and mapped and forest management recommendations prepared. Nearly 90 percent of the land within the Dells Natural Area is forested. Oak trees make-up roughly 49 percent of the timber in the area. White pine accounts for approximately 31 percent, red pine about nine percent and eight percent is jack pine. Prior to settlement, the Dells area was vegetated by plant communities influenced by frequent fires. As a result, fire-sensitive species such as maples were found only in the most fire-protected sites. Today, most of the forest can be classified as dry-mesic northern forest. Typical species include mixtures of pin oak, black oak, white oak, jack pine, white pine and red pine. Some sites with more moisture have red and white oak mixed with red maples and black cherry.

- (9) **SOILS:** Soils occur in an orderly pattern that is related to the physical geography, climate, and the natural vegetation. Each kind of soil is associated with a particular kind of landscape or with a segment of the landscape. By observing the landscape in an area, by reviewing the soil map, and by understanding what is possible with each soil type, relationships can be created to determine the most productive use for an area. Most of the soils in Juneau County formed under forest vegetation. This resulted in a light-colored soil that has a relatively low content of organic matter. Also, because tree roots intercept water at greater depths than grasses, there is more effective leaching. This leaching removes nutrients and allows clay accumulation at greater depths. In addition, there is an abundance of microflora, such as bacteria and fungi, which play important roles in decomposing organic matter and recycling the nutrients. Animals in the soil, including earth worms, insects, and rodents, mix the soil and contribute to additional organic matter, thereby affecting soil structure, porosity, and content of nutrients. Human activity also affects soil formation by altering and accelerating natural soil processes. Many soils have been altered by draining, clearing, burning, and cultivating. Repeatedly removing plant cover has accelerated erosion. Over-cultivation has often contributed to the loss of organic matter and has reduced the infiltration rate. Map No. 4 shows groups of soil types called associations. Each association has a distinctive pattern of soils, relief and drainage. Each is a unique natural landscape. Typically, an association consists of one or more major soils and some minor soils. It is named for the major soils. The soils making up one association can occur in another association, but then would exist in a different pattern. Because of the general soil map’s small scale, it is only useful for determining suitability of large areas for general land uses. Soil maps located in the Juneau County Soil Survey Book are printed in a large scale and, therefore, are helpful in deciding land uses in specific sections.

- (10) **NON-METALLIC MINING:** Nonmetallic mining is a widespread activity in Wisconsin. In the Town there are currently no operating nonmetallic mining operations, and no registered marketable non-metallic mineral deposits. The variety of geologic environments provides for a diverse industry. Statewide, an estimated 2,000 mines provide aggregate for construction, sand, gravel and crushed stone (limestone and dolomite) for road building and maintenance as well as for agricultural use as lime. A smaller number of sites provide dimension stone for monuments, volcanic andesite for shingles, peat for horticulture and landscaping, industrial sand for export for the oil

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industry and a considerable variety of materials for other uses.

Chapter 295, Wisconsin Statutes, enabled the DNR to establish rules, such as Chapter NR 135, Wis. Adm. Code, to implement a nonmetallic mining reclamation program. The overall goal of NR 135 is to provide a framework for statewide regulation of nonmetallic mining reclamation. The rule does this by establishing uniform reclamation standards and setting up a locally administered reclamation permit program. In order to facilitate this process, the DNR published a model ordinance for use/adoption by counties and interested municipal governments. The ordinance established a reclamation program that issues reclamation permits in order to ensure compliance with the uniform reclamation standards contained in the rule. All counties were required to adopt an ordinance by June 1, 2001. Cities, towns and villages may choose to adopt an ordinance and administer a program within their jurisdiction at any time. A reclamation plan must be approved prior to operating a new mine, or no later than September 1, 2004 for existing mines. The purpose of the reclamation plan is to achieve acceptable final site reclamation to an approved post-mining land use in compliance with the uniform reclamation standards. The reclamation standards address environmental protection measures including topsoil salvage and storage, surface and groundwater protection, and contemporaneous reclamation to minimize the acreage exposed to wind and water erosion. Chapter NR 135 also requires that mine operators submit annual fees, as specified by the local regulatory authority, and an acceptable financial assurance instrument to ensure completion of the reclamation plan. Reclamation of nonmetallic mines according to approved plans will achieve approved post-mining land uses. This results in environmental protection, stable non-eroding sites, productive end land uses and potential to enhance habitat and increase land values and tax revenues.

- (11) **CLIMATE:** Winters are very cold, and short summers are fairly warm. In the winter, the average temperature is 19 degrees Fahrenheit and the average daily minimum temperature is 8 degrees. Summer average temperature is 69 degrees. Precipitation is fairly well distributed throughout the year, reaching a slight peak in the summer. Total annual precipitation is about 33 inches. Snow generally covers the ground much of the time from late fall through early spring.

21.302 INVENTORY OF AGRICULTURAL RESOURCES

- (1) **LAND USE:** According to the 2008 assessment roll, the Town is almost 28.4% agricultural. An additional 12% is ag forest land, and another 7% is managed forest lands. Map No. 8 shows "Current Land Use" as of June, 2009.
- (2) **PRIME FARMLAND:** Prime farmland is one of several kinds of important farmland defined by the US Department of Agricultural, and is of major importance in meeting the nation's food needs. Prime farmland is land that is best suited to food, feed, forage, fiber and oil seed crops. It may be cultivated land, pasture, woodland or other land, but it is not urban land or water areas. Prime farmland produces the highest yields with minimal expenditures of energy and economic resources, and with the least damage to the environment. Adequate and dependable sources of moisture from precipitation or irrigation are available. The temperature and growing season are favorable, and the level of acidity or alkalinity is acceptable. Prime farmlands have few or no rocks and are permeable to water and air. It is not excessively erodible or saturated with water for long periods and is not frequently flooded during the growing season. The land slope on these lands ranges mainly from 0% – 6%.

The Town has a small amount of prime farmland, approximately 2,783 acres, spread across the Town, as shown on the attached map. Map No. 5 shows the location of "Prime Ag Land Soils."

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- (3) **FARMING OPERATIONS:** The Town has been an agriculture-based community since its inception. However, like most rural areas, the Town has seen family farms gradually go out of business. In 1960 there were thirty farms in the Town, twenty-four of which were dairy farms. Currently, there are thirteen farms, four of which are dairy farms. Although little land has gone out of agriculture, there has been a consolidation of operations.

21.303 INVENTORY OF CULTURAL RESOURCES

- (1) **THE HO-CHUNK NATION:** As noted above (§21.203), the Wisconsin Ho-Chunk do not have lands reserved (a reservation) in Wisconsin. Today, all Wisconsin Ho-Chunk tribal lands are lands they once owned but they have had to repurchase. As of December 27, 2001, the 6,159 members of the Wisconsin Ho-Chunk Sovereign Nation held title to 2,000 acres of land. The largest concentrations of Ho-Chunk tribal members are in Jackson, Monroe, Milwaukee, Sauk, Shawano, and Wood counties. The Ho-Chunk Nation owns approximately 77 acres in the Town.
- (2) **ROCKY ARBOR STATE PARK:** In the southeastern corner of the Town is the 244 – acre Rocky Arbor State Park. It has 89 wooded campsites nestled into the pine trees and sandstone bluffs. The park has a 1 mile self-guided nature trail, and has camping facilities such as showers, flush toilets, electricity, and a playground.
- (3) **UPHAM WOODS OUTDOOR LEARNING CENTER:** Upham Woods is the result of an amazingly far-sighted vision of two sisters from the Upham family. In 1941, when the United States was growing rapidly at the expense of its natural resources, Elizabeth and Caroline Upham decided to save their beloved childhood summer home from the hands of developers forever. These sisters laid the philosophical groundwork for Upham Woods with their stipulations of the land's use. They wrote: *"These lands are to be used as an outdoor laboratory and camp for youth, such as 4-H clubs and other people cooperating with the University of Wisconsin in the advancement of conservation, of agriculture and rural culture."* Since 1941, Upham Woods has been a place where people gather to explore and experience the natural world. Early on, programs with Ranger Mac and Marvin Hanson introduced 4-H and school groups to the unique geology and forest communities of the area. Nature study was a main component of the program. Today, the emphasis continues with even greater focus, as environmental issues have grown on a local and global scale. The activities at Upham Woods are designed to encourage youth leaders to address environmental issues with the goal being the development of caring and responsible stewards of the natural world and its inhabitants. Upham Woods' programming focuses on both the natural and cultural history of the Wisconsin River, with topics ranging from the French Voyageurs of the Fur Trade, to finding archeological artifacts from the 1800's Dell House, to exploring the sandstone caves of the Dells. Through Upham Woods' educational programming, youth obtain a unique view on how Wisconsin has changed ecologically and culturally. Youth are encouraged to explore Wisconsin's past to discover valuable lessons that will enable each of us to better plan for the future of Wisconsin and the world.
- Today, as you visit Upham Woods you will find a model residential environmental education center, operated by the University of Wisconsin-Extension. The center sits on a prime location on the Wisconsin River, two miles north of the Wisconsin Dells, offering an excellent "river classroom" to study the both the natural and cultural history of Wisconsin. The center rests on 310 total acres of forested land, including a 210-acre island called "Blackhawk Island." This island has been designated a state natural area and offers a beautiful example of a mature mixed forest featuring flora not commonly found in the area. The island also has tremendous sandstone caves formed during the ice age. It's definitely a "different view" when you climb through them! The facility consists of 14 buildings including a fully equipped nature center and a raptor enclosure housing educational birds of prey. The center supplies lodging for 146 people, meals, and

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environmental education year-round for youth and youth leaders, including environmental lesson plans, summer camp programming, leadership workshops and other conferences. Upham Woods has three full-time teaching naturalists that live on-site in spring, winter and fall and a total of five teaching naturalists in the summer.

- (4) **WISCONSIN ALUMNI RESEARCH FOUNDATION (WARF):** As noted above (§21.203) the Wisconsin Alumni Research Foundation (WARF), and its subsidiary Dells Boat Tours, LLC, owns and protects a significant portion of the shoreline.
- (5) **COUNTY PARKS:** There are no county parks in the Town.
- (6) **TOWN PARKS:** There are no town parks.
- (7) **WONEWOC SCHOOL FOREST:** The School District of Wonewoc owns 120 acres of forest land in the Town.
- (8) **OTHER CULTURAL RESOURCES:** (None)

21.304 PUBLIC INPUT

According to the participation survey, Town residents are split regarding whether agricultural land should be rezoned into other uses: 46% are against rezoning, and 39% are in favor, with the remainder uncommitted. The overwhelming majority of residents believe it is important to preserve the scenic beauty, wildlife, and natural areas of the Town. These positions are slightly in conflict with the belief of two-thirds of residents who think future growth of business is essential to the stability of the Town. These positions can only be reconciled if the Town adopts and enforces a zoning ordinance which locates business in areas which will not conflict with agriculture, scenic beauty, wildlife and natural areas.

21.305 GOALS, OBJECTIVES AND POLICIES

- (1) **CONSERVATION:** The Town should conserve its major environmental and recreational resources, including floodplains, wildlife habitat, wetlands, woodlands, open spaces, surface water and groundwater surfaces. New development in the Town should (i) not negatively impact these natural resources, (ii) encourage and support the conservation of undeveloped lands that serve to minimize flooding, such as wetlands and flood plains, and (iii) minimize impact to the Town's natural resources from non-metallic mineral mining.
- (2) **AGRICULTURE:** The Town should protect and support agriculture as an important economic activity and land use within the Town. Land divisions on prime and productive farmland should be discouraged. Existing agricultural uses should be taken into consideration when locating new development to avoid conflicts. Non-farm development should be located in areas away from agricultural activities in order to minimize conflicts.
- (3) **CULTURAL RESOURCES:** The Town should preserve and protect cultural resources. Development proposals should be reviewed for potential impacts to these resources.
- (4) **SCENIC BEAUTY:** The Town will place a high priority on the preservation of scenic beauty and the aesthetic features of the Town which give the community its unique, rural character. The Town will adopt ordinances which protect scenic beauty and encourage the clean-up and maintenance of properties. The Town will encourage higher standards for architectural and landscape design for commercial development, and the Town will regulate nuisances so that residents have recourse against nuisance properties.

SUBCHAPTER 4: HOUSING

SUBCHAPTER 4: HOUSING**21.400 PURPOSE**

The purpose of this Subchapter is to comply with §66.1001(2)(b) which requires this Plan to contain a compilation of programs and specific actions to provide an adequate housing supply that meets existing and forecasted housing demand in the Town. This Section should assess the age, structural value and occupancy characteristics of the Town's housing stock. It should also identify specific policies and programs that promote the development of housing for residents in the Town, and provide a range of housing choices that meet the needs of persons of all income levels and of all age groups, and persons with special needs. It should also identify policies and programs that promote the availability of land for the development or redevelopment of low-income and moderate-income housing, and policies and programs to maintain or rehabilitate the Town's existing housing stock.

21.401 HOUSING STOCK

- (1) **OCCUPANCY:** In 2000, there were 440 total housing units, of which 349 were owner-occupied (79.3%) and 91 were renter-occupied (20.7%), with an average household size of 2.77 persons.
- (2) **YEAR BUILT:** Housing stock in Lyndon was built as shown in the following table:

YEAR STRUCTURE BUILT	UNITS	PERCENTAGE
1999 to March, 2000	25	4.8
1995 to 1998	104	19.8
1990 to 1994	61	11.6
1980 to 1989	106	20.2
1970 to 1979	95	18.1
1960 to 1969	39	7.4
1940 to 1959	43	8.2
1939 or earlier	51	9.7

- (3) **BUILDING TYPE:** The Town had a total of 524 housing units, divided into the following types of structures:

UNITS IN STRUCTURE	UNITS	PERCENTAGE
1-unit, detached	330	63.0
1-unit, attached	-	-
2 units	7	1.3
3 or 4 units	-	-
5 to 9 units	11	2.1
10 to 19 units	-	-
20 or more units	-	-
Mobile Home	176	33.6
Boat, RV, Van, etc.	-	-

- (4) **HOUSING TENURE:** Over 61% of the Town's residents were living in the same house in 1995 and 2000. Of the 38.5% living elsewhere in 1995, only 6.4% were living in a different state. Residents had occupied their housing units as follows:

YEAR HOUSEHOLDER MOVED INTO UNIT	UNITS	PERCENTAGE
1999 to March, 2000	63	14.6
1995 to 1998	145	33.6
1990 to 1994	79	18.3
1980 to 1989	71	16.4
1970 to 1979	51	11.8
1969 or earlier	23	5.3

SUBCHAPTER 4: HOUSING

- (5) **VALUE:** The median home value for the Town and surrounding communities is shown in the following table:

MUNICIPALITY	MEDIAN VALUE
Town of Lyndon	\$113,900.00
Town of Kildare	\$86,700.00
Town of Seven Mile Creek	\$84,000.00
Village of Lyndon Station	\$62,200.00
City of Wisconsin Dells	\$96,230.00
State of Wisconsin	\$112,200.00

For reasons that are unknown, the Town’s median home value is above the state average, and far above the median values in surrounding communities. This statistic does not appear to be accurate.

- (6) **VACANT/SEASONAL:** Of 534 total housing units in the Town, 94 (17.6%) were vacant, but of those units, 63 (11.8%) were identified as seasonal. These numbers are below the County average of 16.5% seasonal, but above the State average of 6.1%.

21.402 HOUSING DEMAND

Families are getting smaller and more people are living alone. Therefore, the average household size has been decreasing for several decades. The most obvious effect of this trend is that the demand for housing units has increased faster than population. The average household size in the Town was 2.77 persons, which compares to 2.47 for Juneau County and 2.5 for the State.

Future Household Projections

	2000	2005	2010	2015	2020	2025	2030	CHANGE
Town	440	512 +16.4%	579 +13.1%	637 +10%	694 +8/9%	743 +7.1%	786 +5.8%	346 +78%
County	9,696	10,369 +6.9%	11,210 +8.1%	11,861 +5.9%	12,467 +5.1%	12,946 +3.9%	13,309 2.8%	3,613 +37%

21.403 HOUSING POLICIES AND PROGRAMS

- (1) **FEDERAL GOVERNMENT:**

- (a) **U.S. Department of Agriculture-Rural Development (USDA-RD):** The USDA- RD is focused on rural areas, and thus may be the most promising source of housing-related funding through the following programs:

1. Section 502 Home Ownership Direct Loan program of the Rural Health Service (RHS) provides loans to help low income households purchase and prepare sites or purchase, build, repair, renovate or relocate homes.

SUBCHAPTER 4: HOUSING

2. Section 502 Mutual Self-Help Housing Loans are designed to help very low income households construct their own homes. Targeted families include those who cannot buy affordable housing through conventional means. Participating families perform approximately 65% of the construction under qualified supervision.
3. Section 504 Very-Low-Income Housing Repair program provides loans and grants to low income homeowners to repair, improve, or modernize their homes. Improvements must make the homes more safe and sanitary or remove health or safety hazards.
4. Section 533 Rural Housing Preservation Grants are designed to assist sponsoring organizations in the repair or rehabilitation of low income or very low income housing. Assistance is available for landlords or members of a cooperative.

(b) Department of Housing and Urban Development (HUD):

1. The HUD Self-Help Home Ownership Opportunity Program finances land acquisition and site development associated with self-help housing for low income families.
2. The HOME Investment Partnership Program aims to encourage the production and rehabilitation of affordable housing. HOME funds may be used for rental assistance, assistance to home buyers, new construction, rehabilitation, or acquisition of rental housing.
3. U.S. Department of Housing and Urban Development Section 8 Housing Choice Vouchers are administered locally by the Central Wisconsin Community Action Corporation (CWCAC). The program is open to any housing unit where the owner agrees to participate and where the unit satisfies the standards. Congress is considering replacing the current voucher program with a block grant to states. If enacted, eligibility criteria for the program may change.
4. The Small Cities Development Block Grant (CDBG) program is the rural component of HUD's Community Development Block Grant Program, which is administered by the State of Wisconsin, Department of Administration. The state CDBG program provides assistance for the development of affordable housing and economic development efforts targeted to low and moderate income people.

(2) STATE GOVERNMENT: The State does not provide any programs independent of the above-described federal programs. However, most Federal programs are administered by and through the State.

(3) JUNEAU COUNTY: Pursuant to § 66.1201, *et seq.*, Juneau County has established a Housing Authority which provides a variety of services. The Juneau County Housing Authority owns over 100 apartments, scattered throughout the county, which are rented to low income and/or elderly people who meet certain qualifications. In addition, the Housing Authority administers Block Grants, which are earmarked for the improvement of housing for low income and elderly people throughout the county. These programs are designed to maintain or rehabilitate existing housing stock.

(4) TOWN OF LYNDON: The Town of Lyndon, like most small, rural townships, does not have any housing programs or programs to own, operate, or rehabilitate existing housing stock. For a variety of financial and administrative reasons, the Town does not have the capacity to independently create, fund, and administer such programs.

SUBCHAPTER 4: HOUSING

21.404 PUBLIC INPUT

According to the participation survey, when it comes to housing, Town residents would most like to see single family residences, and least like to see mobile home parks. Also, most residents (43%) want to maintain the “3 acre” lot minimum, with 27% wanting smaller lots, and 30% wanting bigger lots. Most people want a peaceful, quiet, rural setting, with controlled growth and low taxes.

21.405 GOALS, OBJECTIVES AND POLICIES

The Town hereby adopts the following goals, objectives and policies, based upon the foregoing data and the in-put of residents and landowners, regarding housing in the Town:

- (1) **PRESERVE RURAL CHARACTER:** All housing should be consistent with the rural character of the community. Residential development should be directed away from existing agricultural uses to avoid conflicts. Multi-family residential development should be directed toward Lyndon Station and Wisconsin Dells, both of which have municipal sewerage systems, and other public utilities and services, which can handle intensive residential development.
- (2) **PRESERVE FARMLAND:** The Town should discourage the conversion of good, sustainable, financially-viable farmland into residential development.
- (3) **AFFORDABLE HOUSING:** The Town should allow the development of affordable housing for all income and age groups, provided it is consistent with the rural character of the community.
- (4) **QUALITY HOUSING:** The Town should work to improve the quality of housing in the Town.
- (5) **BUILDING PROCEDURES:** The Town should work to ensure that zoning regulations and permitting procedures do not create an unreasonable burden on the development of housing consistent with the rural character of the community.
- (6) **UNSUITABLE AREAS:** The Town should discourage residential development in areas which are unsuitable for the long-term, safe, efficient, and economically-viable development of housing (e.g. housing should be discouraged in swampy or low-lying areas, or in drainage ways, or on steep slopes, or in areas which present ingress-egress obstacles, etc.).
- (7) **ORDERLY GROWTH:** The Town should provide for orderly growth and development by limiting residential development to densities and locations that are best suited to preserving the scenic, recreational, and environmental qualities of the area.

SUBCHAPTER 5: TRANSPORTATION

SUBCHAPTER 5: TRANSPORTATION**21.500 PURPOSE**

The purpose of this Subchapter is to comply with §66.1001(2)(c), Wis. Stats., which requires this Plan to contain a compilation of objectives and programs to guide the future development of the various modes of transportation, including highways, transit, transportation systems for persons with disabilities, bicycles, electric personal assistive mobility devices, walking, railroads, air transportation, trucking and water transportation. This Section should compare the Town's objectives to state and regional transportation plans. It should also identify highways within the Town by function, and incorporate other transportation plans, including transportation corridor plans, county highway functional and jurisdictional studies, rural area transportation plans, airport master plans, and rail plans that apply to the Town.

21.501 INVENTORY OF TRANSPORTATION FACILITIES

- (1) **ROADS:** Map No. 7 shows the "Transportation" system in the Town.
 - (a) **Federal Highways:** The Town enjoys two federal highways. Interstate Highways 90 & 94 dissect the Town, including an interchange in the southeast quadrant of the Town in Section 32. In addition, Federal Highway 12 runs parallel to the I-90/94 and provides numerous access points and intersections with county highways, town roads, and private drives
 - (b) **State Highways:** State Highway 16 shares the transportation corridor of Federal Highway 12.
 - (c) **County Highways:** The Town is serviced by County Highways J, N, and HH, which serve as major collectors throughout the Town.
 - (d) **Town Roads:** The town road network consists of roughly 40 miles of town roads, 38.5 miles of which are paved and 1.5 miles are gravel.
- (2) **AIR:** The nearest commercial air service is located in Madison at the Dane County Airport, approximately 60 miles away via I-90/94. The Baraboo/Wisconsin Dells Airport is located approximately 10 miles away, and provides air cargo service and some charter passenger service. There is no air service within the Town, nor there likely to be in the next 20 years.
- (3) **RAIL:** The Canadian-Pacific Railway dissects the Town commencing at the Southeast corner and traveling in a Northwest direction. The railway provides commercial rail service and Amtrak passenger rail service, with the nearest Amtrak railway station located about 2 miles south of the Town in the City of Wisconsin Dells.
- (4) **TRUCKING:** I-90/94 is a major trucking route, carrying a heavy load of semi truck traffic. Because Juneau County is located halfway between Chicago and Minneapolis, the trucking industry has a significant presence in Juneau County, with major trucking firms located in Mauston, and with a small trucking firm located in the Southwest quadrant of the interchange in the Town.
- (5) **WATER:** There are no water transportation facilities in the Town. The Wisconsin River is the primary water feature, running along the eastern boundary of the Town. There are no ferries or bridge crossings of the Wisconsin River located in the Town. The closest bridge across the Wisconsin River is located in the heart of Wisconsin Dells approximately two (2) miles south of the Town. The Wisconsin River is not used for commercial transportation, nor is it likely to be used for such because of the dams located at Wisconsin Dells (south) and at Castle Rock Lake (north). However, the river is used extensively for recreational transportation, including fishing, water skiing, pleasure boating, and large sightseeing cruises

SUBCHAPTER 5: TRANSPORTATION

- from Wisconsin Dells.
- (6) **BUS:** There is no bus service within the Town. The closest bus service is located in Wisconsin Dells and is provided by Greyhound.
- (7) **TAXI:** There is taxi service in Wisconsin Dells, which provides service to the Town, for a fee, when the demand for service in Wisconsin Dells allows the taxi to travel into the Town.
- (8) **TRANSPORTATION FACILITIES FOR DISABLED:** Handicapped persons and residents age 60 and over are eligible for free transportation, provided by volunteer drivers with their own vehicles on a demand/response basis. Drivers are generally available Monday through Friday, and by special arrangement on weekends and evenings through the “Aging and Senior Nutrition Program” administered by Juneau County. Trip priority is given to (1) medical needs, (2) nutrition needs, and (3) other. In addition, the Juneau County Aging Unit has a small bus utilized for wheelchair accessible transportation needs. The Aging Unit also has a van which is used on a weekly basis for food delivery, and some passenger transportation.
- (9) **BICYCLING:** All roads, except I-90/94, are available for bicycle travel, but none provide dedicated bicycle lanes. The Bicycle Federation of Wisconsin, along with the DOT, identifies which roads are suitable for bicycling (See, *Department of Transportation website: www.dot.wisconsin.gov*).
- (10) **PEDESTRIAN FACILITIES:** All roads, except I-90/94, are available for pedestrian travel, but none provide dedicated pedestrian walkways. Most town roads have limited shoulder areas, and gravel roads create a dust hazard for pedestrians. These conditions hamper safe pedestrian travel in some areas. Given the low-density development pattern of the Town, and the fact that nearly all goods and services are located several miles away in nearby municipalities, walking to places of work, shopping, or entertainment is not realistic for most residents. Hence, most walking is for fitness and recreation.
- (11) **SNOWMOBILE TRAILS AND ROUTES:** Wisconsin snowmobilers are proud of the statewide trail system that ranks among the best in the nation. This trail system would not be possible without the generosity of the thousands of landowners around the state as 70% of all trails are on private land. Trails are established through annual agreements and/or easements granted by these private property owners to the various snowmobile clubs and county alliances throughout the state. Snowmobile club members work closely with landowners in the placement of the trails. They also assist by performing pre-season preparation, brushing, grading, signing the trails, trail grooming, safety inspections of the trails and fund raising to support the trail projects. This cooperation results in the promotion of safe, responsible snowmobiling that benefits everyone. There are a number of snowmobile clubs in the area. Under Wis. Stats., §350.19 and §895.52, landowners are not liable for injury on their property when they have granted permission for snowmobiling. Registration fees and the gas tax on 50 gallons per registered snowmobile help fund nearly 16,000 miles of snowmobile trails. Specifically, registration fees fund a combination of trail aids, law enforcement, safety education, registration systems and administration. Gas tax revenues are dedicated solely to the trails program. There are no public recreational trails or routes within the Town, but there are some trails maintained by clubs. The use of road right-of-way is permitted in certain circumstances to provide snowmobilers with access from their residence to the closest established trail.
- (12) **ATV TRAIL AND ROUTES:** There are no public ATV trails or routes in the Town. The Town does not allow ATV's to use Town Roads.

21.502 SUMMARY OF TRANSPORTATION PLANS

- (1) **FEDERAL PLANS:** Although the Federal Government provides significant funding for transportation, most planning is left to the states. The American Recovery and Reinvestment Act of 2009 makes unprecedented investments in Wisconsin's transportation infrastructure. At this time, a small portion has been earmarked for Juneau County and the City of Mauston.

SUBCHAPTER 5: TRANSPORTATION

Applications continue to be accepted for worthy projects. It is unclear how long the Act will supply funding, but it is expected to last for several years.

The U.S. Congress is currently considering the High Speed Rail Investment Act (HSRIA), an initiative that would expand high speed rail services throughout the country and fund the Midwest Regional Rail Initiative (MWRRI). As part of the Midwest Rail Initiative, plans are being prepared for the improvement of existing rail lines to provide high-speed passenger service between Chicago, Milwaukee and Minneapolis/St. Paul and to points beyond. Regional bus service is intended to bring travelers to the rail stations along the route. Full implementation of this plan will certainly benefit all of Wisconsin, even those areas not situated near a rail station. Wisconsin Dells is located on the proposed high-speed rail line. Since 1996, WisDOT has been working with eight other states (Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, and Ohio) and Amtrak to investigate and develop a high-speed Midwest Regional Rail System. The proposed 3,000-mile system would be hubbed in Chicago and offer time savings of 20-30% over existing passenger rail service. It would also offer additional routes and increased service frequency.

(2) STATE PLANS:

- (a) Trans Links 21:** Trans Links 21 is a 25-year statewide multi-modal transportation plan that the DOT completed in 1994. Within this needs-base plan are the following modal plans:

State Highway Plan 20/20

Airport System Plan 20/20

Bicycle Transportation Plan 20/20

Wisconsin Pedestrian Policy Plan 20/20

Wisconsin Rail Issues and Opportunities Report

None of the above modal plans have projects that conflict with this Comprehensive Plan.

- (b) Connections 20/30:** Connections 20/30 is a long-range, statewide, multi-modal, transportation plan. The plan addresses all forms of transportation over a 20-year planning horizon: highways, local roads, air, water, rail, bicycle, pedestrian and transit. (see: www.dot.wisconsin.gov/projects/state/docs/2030-exec-sum).

- (c) Corridors 20/20:** Corridors 20/20 is a part of the DOT's long-range highway improvement plan, designed to provide essential links to key employment and population centers throughout the state. Through the planning process, highways were classified based on operational and economic factors. Gaps in the system were identified and improvements scheduled. Since the Plan was created in the late 1980's, about 900 miles of new highways have been built to accommodate the network's needs. The Plan's goal is to complete all backbone improvements, which will connect all communities with a population of 5000 or more, to the state highway system by the year 2005. To date, the majority of improvements have been completed on schedule. The DOT is in the process of updating the Plan to project the State's needs through 2030.

Corridors 20/20 supports economic development as the highway system assists the state in meeting its intercity mobility needs. These connections are important for the movement of goods and services within the State, and to market areas outside the State. Corridors 20/20 helps create a positive, safe traveling environment allowing business, industry, agriculture, and tourism to expand in the State.

In the Town, the I-90/94 Corridor is considered a "backbone" route.

The focus on highways was altered in 1991 with the passage of the Federal Inter-modal Surface Transportation Efficiency Act (ISTEA), which mandated that states

SUBCHAPTER 5: TRANSPORTATION

take a multi-modal approach to transportation planning. Now, bicycle, transit, rail, air, and other modes of travel make up the multi-modal plan. The DOT's response

to ISTEA was the two-year planning process in 1994 that created Trans Links 21 (see, www.dot.wisconsin.gov/business/econdev/corridors).

- (d) **State Highway Plan 20/20:** In 2000, the DOT adopted State Highway Plan 20/20. SHP 20/20 divides the state trunk highway system into five sub-systems, based on their importance in supporting statewide mobility and economic activity. Two critical sub-systems are those that make up the Corridors 20/20 network of backbone and connector routes. The other sub-systems are principal arterials, minor arterials, and local function roads. SHP 20/20 is used as a framework for developing near-term budget proposals, and six-year improvement programs. SHP 20/20 is to be updated every six years to correspond with federal program funding legislation (see: www.dot.wisconsin.gov/projects/state/docs/hwy2020-plan).
 - (e) **Six-year Highway Improvement Program:** The current six-year highway improvement program does not identify any projects in the Town.
 - (f) **State Trails Network Plan:** The DNR adopted the Wisconsin State Trails Strategic Plan in 1993, which clarified the DNR's role and mission of providing all types of trails. In 2001, the DNR created the State Trails Network Plan, to identify a statewide network of trails that would link existing trails, public land, natural features and communities. It is a statewide network of interconnected trails into which smaller county, municipal and private trails feed. At this time, the Town does not have any state, county or local trails (maps available at: dnr.wi.gov/land/parks/reports/trails).
 - (g) **Wisconsin Information System for Local Roads (WISLR);** The DOT has developed an internet system that helps local governments and the DOT manage local road data to improve decision-making and to meet state statute requirements. WISLR users can produce maps that show the location of road related data and see trends that might otherwise go unnoticed. WISLR is a receptacle for local road information, such as width, surface type, shoulder, curb, road category, functional classification, and pavement condition ratings.
- (3) **COUNTY PLANS:**
- (a) **Roads:** The Juneau County Highway Department maintains a road improvement program using WISLER.
 - (b) **Snowmobile Trails:** Juneau County maintains a network of snowmobile trails, including trails in the Town. See the Juneau County website for updated trail maps. In addition, there are some private club trails in the Town as well.
- (4) **TOWN PLANS:** The Town does not engage in long-range transportation planning because it lacks the financial, administrative resources and expertise to do so. The Town utilizes its limited resources to maintain town roads. New roads, when necessary, are usually constructed by private development, pursuant to Town standards, and then dedicated to the Town.

21.503 GATEWAYS

A "gateway" is an important entry point into a community. The Town has a gateway at the I-90/94 interchange. This interchange has also been identified as a gateway by the City of Wisconsin Dells. Because of past and expected annexation of this area by the City, the Town does not intend to address this Gateway at this time.

SUBCHAPTER 5: TRANSPORTATION

21.504 PUBLIC INPUT

According to the participation survey, transportation is important to most people because only 5% work at home and 3% work within 3 miles of home. Over 62% work more than 10 miles away. However, no one identified transportation as being a problem or an item of concern.

21.505 GOALS, OBJECTIVES AND POLICIES

The Town hereby adopts the following goals, objectives and policies based upon the foregoing data, and the in-pu of the residents of the Town regarding their wishes for housing:

- (1) **INTERGOVERNMENTAL COOPERATION:** The Town should cooperate with the DOT and the County on transportation projects that affect the Town.
- (2) **WISLR/PASER SYSTEM:** The Town should utilize the WISCL/PASER Internet Database to inventory and rate local roads, and to evaluate maintenance needs on local roads.
- (3) **TRIP PROGRAM:** The Town should establish and maintain a Town Road Improvement Program (TRIP), which establishes a six-year capital improvement program to address road maintenance and reconstruction priorities for the Town's road system.
- (4) **DEVELOPMENT IMPACTS:** All proposed development in the Town should be evaluated to determine the impact of such development on road usage and traffic volumes. Land uses, which generate heavy traffic volumes or which employ heavy vehicles, will be discouraged on local roads that have not been constructed or upgraded for such use. The placement of road access (i.e. driveways) should be spaced and constructed to maintain safety and preserve capacity.
- (5) **TRANSPORTATION PRIORITIES:** The Town should maintain, widen, and improve existing roads where possible before constructing new roads. All town roads should have an improved hard surface, and should accommodate access requirements for emergency services, as well as school bus and snow removal equipment.
- (8) **NEW ROADS:** The Town should establish clear standards for the design and construction of new roads, both public and private. Road locations, extensions, and connections should be carefully evaluated when reviewing plans and proposals for new development.

SUBCHAPTER 5: TRANSPORTATION

SUBCHAPTER 6: UTILITIES AND COMMUNITY FACILITIES

SUBCHAPTER 6: UTILITIES AND COMMUNITY FACILITIES**21.600 PURPOSE**

The purpose of this Subchapter is to comply with §66.1001(2)(d), Wis. Stats., which requires this Plan to contain a compilation of objectives and programs to guide the future development of utilities and community facilities in the Town such as sanitary sewer service, storm water management, water supply, solid waste disposal, on-site waste water treatment technologies, recycling facilities, parks, telecommunications facilities, power-generating plants and transmission lines, cemeteries, health care facilities, child care facilities, and other public facilities, such as police, fire and rescue facilities, libraries, schools and other governmental facilities. This Section should describe the location, use and capacity of existing public utilities and community facilities that serve the Town and should provide a timetable for the expansion or rehabilitation of existing facilities or the construction of new utilities or facilities. It should also assist future needs for government services in the Town that are related to such utilities and facilities.

21.601 INVENTORY OF EXISTING PUBLIC UTILITIES

- (1) **WATER UTILITIES:** The Town does not own or operate a water utility. The Village of Lyndon Station and the City of Wisconsin Dells both have water utilities.
- (2) **SANITARY SEWERAGE SYSTEMS:** The Town does not own or operate a public sanitary sewerage system. The Village of Lyndon Station and the City of Wisconsin Dells both have public sanitary sewerage systems.
- (3) **TOWN SANITARY DISTRICTS:** The Town has not created any Sanitary Districts pursuant to Subchapter IX of Chapter 60 Wis. Stats.
- (4) **STORM WATER SYSTEMS:** The Town does not have a publicly owned or operated storm water management system, except for the culverts and ditches associated with the Town road system.
- (5) **DRAINAGE DISTRICTS:** The Town has not created any Drainage Districts pursuant to Chapter 88 Wis. Stats.
- (6) **PUBLIC INLAND LAKE PROTECTION & REHABILITATION DISTRICTS:** There no Public Inland Lake Protection & Rehabilitation Districts in the Town.
- (7) **SOLID WASTE DISPOSAL:** The Town does not own or operate a garbage truck or other garbage/dump facilities. However, the Town contracts with a private firm to provide weekly curbside trash/recycling pickup to residential dwelling units in the Town. All garbage collected in the Town is dumped at approved sites located outside the Town. Trash/recycling pickup is not provided by the Town to commercial, retail, industrial, educational, religious or governmental facilities.
- (8) **ELECTRIC UTILITIES:** The Town does not own or operate an electric utility. There are no power-generating plants in the Town. However, the Town is fully electrified, with electric service provided by Alliant Energy and Oakdale Electric Cooperative.
- (9) **GAS UTILITIES:** The Town does not own or operate a gas utility. A natural gas line does not run through the Town. Residents who wish to use gas must use propane gas (LP), which is available from several vendors in the area.

SUBCHAPTER 6: UTILITIES AND COMMUNITY FACILITIES

21.602 INVENTORY OF GOVERNMENT FACILITIES

- (1) **TOWN HALL:** The Town owns a modern town hall located at W1797 Co. J, Wisconsin Dells, Wisconsin. This building has a meeting hall, kitchen facilities, offices, and bathrooms, and it houses polling equipment. (See, Map No. 6).
- (2) **PUBLIC WORKS BUILDING:** The Town uses the old Town Hall for storage of public works equipment. The Town has a very small public works department. The Town uses private contractors to do most of its work (e.g. plowing, mowing, road repair, etc.).
- (3) **CEMETERIES:** There is one cemetery in the Town, commonly known as "Indian Baptist Church Cemetery," which is owned and maintained by the Wisconsin State Baptist Convention. There are no cemeteries owned or maintained by the Town.
- (4) **HEALTH CARE FACILITIES:** There are no health care facilities in the Town. Mile Bluff Clinic and Hess Memorial Hospital are available in Mauston (10 miles away). The Dells Clinic is located in Wisconsin Dells (3 miles away), and the Lake Delton Clinic is located in Lake Delton (6 miles away), both of which are operated by the Dean Clinic/St. Mary's Hospital. The Reedsburg Area Medical Center is located in Reedsburg (10 miles away).
- (5) **EDUCATION:** Students living in the Town are split between the Mauston school district (including Lyndon Station Elementary), the Wisconsin Dells school district, and the Reedsburg School District. College classes and adult continuing education classes are available at University of Wisconsin Extension (UW-Extension) and Western Wisconsin Technical College (WWTC) in Mauston, and at Madison Area Technical College in Reedsburg.
- (6) **CHILD CARE FACILITIES:** The Town does not own or operate child care facilities. There are several licensed child care providers within 10 miles of the Town, with most located in the Wisconsin Dells and Mauston areas. There are two child care providers in the Town.
- (7) **LIBRARIES:** The Town does not own or operate a public library. The closest library is located in Wisconsin Dells. The Hatch Public Library is located in Mauston.
- (8) **POLICE PROTECTION:** The Town does not currently own or operate its own police department or other law enforcement agency. The Town is serviced by the Juneau County Sheriff's Department. Lyndon Station has a small part-time police department, and the City of Wisconsin Dells has a fulltime police department.
- (9) **FIRE FIGHTING FACILITIES:** The Town does not own or operate a fire department. The Town contracts with the City of Wisconsin Dells and the Village of Lyndon Station to provide fire protection. The DNR in Wisconsin Dells handles forest/wildfire protection.
- (10) **AMBULANCE FACILITIES:** The Town does not own or operate an ambulance service. The Town contracts with the Dells-Delton EMS Commission and the Reedsburg Area Ambulance Service, Inc., to provide ambulance service.
- (11) **TELECOMMUNICATIONS FACILITIES:** The Town does not own or operate any telecommunications facilities. There are three cell towers located in the Town. Land-line telephone service is provided by Verizon throughout the Town. Cell phone service is available in the Town, but there are some dead zones, especially in the western hills of the Town. (See, Map No. 6).
- (12) **PARK FACILITIES:** The Town owns and operates no parks. The Town owns and operates a public boat ramp and public parking area on the Wisconsin River.

SUBCHAPTER 6: UTILITIES AND COMMUNITY FACILITIES

21.603 PUBLIC INPUT

According to the participation survey, Town residents have few, if any, concerns about utilities or community facilities. Most residents understand that their taxes cannot remain low if they demand more utilities, facilities, and services. In general, they give acceptable marks to public services:

Sheriff's Protection	Above Average
Fire Protection	Good
EMS	Good
Garbage handling	Good
Road Maintenance	Above Average
Area Schools	Average

21.604 GOALS, OBJECTIVES AND POLICIES

The Town hereby adopts the following goals, objectives and policies, based upon the foregoing data and the in-put of residents and landowners, regarding housing in the Town:

- (1) **FIRE AND RESCUE SERVICE:** The Town will continue to provide fire and rescue service by contracting with adjacent municipalities and other service providers.
- (2) **RECREATION:** The Town will continue to maintain its parks and boat launch.
- (3) **GARBAGE:** The Town will continue to provide garbage/recycling pickup for dwelling units. The Town will also enforce ordinances prohibiting the dumping and/or accumulation of junk, garbage and waste at sites which are not approved by the Town.
- (4) **UTILITIES:** The Town will continue to work with utility providers to supply services to Town residents and businesses. At this time, the Town does not contemplate the creation or construction of any new Town utilities or community facilities. However, the Town will cooperate with other governmental entities and providers, who wish to construct or expand such utilities and community facilities in the Town.

SUBCHAPTER 6: UTILITIES AND COMMUNITY FACILITIES

SUBCHAPTER 7: ECONOMIC DEVELOPMENT

SUBCHAPTER 7: ECONOMIC DEVELOPMENT**21.700 PURPOSE**

The purpose of this Subchapter is to comply with §66.1001(2)(f), Wis. Stats., which requires this Plan to contain a compilation of objectives and programs to promote the stabilization, retention, or expansion of the economic base and quality employment opportunities in the Town, including an analysis of the labor force and economic base of the Town. It should assess categories or particular types of new businesses and industries that are desired by the Town. It should assess the Town's strengths and weaknesses with respect to attracting and retaining businesses and industries and should designate a number of sites for such businesses and industries. It should also evaluate and promote the use of environmentally contaminated sites (if any) for commercial or industrial uses. Finally, it should identify county, regional and state economic development programs that apply to the Town.

21.701 HISTORY

One of the oldest sites to appear on maps of the western Great Lakes region is the "dalles" of the Wisconsin River. It was identified as a convenient reference point by French explorers in the 1700's. The name stuck after the French explorers left Wisconsin, with the spelling and pronunciation Anglicized as the "dells."

When the railroad arrived in 1857, a new Village was established at the point where the tracks crossed the Wisconsin River, named "Kilbourn City" in honor of the railroad's President. Ever since, Wisconsin Dells has been a resort area, focused on the natural beauty of the area.

A significant portion of the "dells" scenic area is located along the eastern edge of the Town, in and around the Wisconsin River.

Despite the Town's close proximity to Wisconsin Dells, the Town has captured very little of the economic development resulting from the tourism industry. The primary longstanding industry in the Town is agriculture. However, in the last 20-30 years there has been a modest development of campgrounds, motels, and taverns which service some of the "spillover" from Wisconsin Dells. However, the Town has not experienced the rapid commercial growth that other Townships adjacent to the Dells have experienced.

At least part of the reason for the Town's failure to share in this growth is primarily due to several natural characteristics. The Town is separated from the heart of Wisconsin Dells by the Wisconsin River, a state park, and other publicly owned lands, all of which act as a natural barrier to the extension of typical municipal services (sewer, water, streets, etc.). The lack of these services has been a blessing and a curse. On the one hand, the lack of these municipal services has stifled economic development in the Town, but on the other hand, the extension of such services is usually accompanied by annexation. The Town has been able to preserve most of its boundary, and its tax base, from annexation.

21.702 ECONOMIC BASE

In looking at the prospects for economic development in a rural community it is best to place it in a larger context. It is most useful to look at Juneau County and at the neighboring municipalities of Wisconsin Dells/Lake Delton in assessing the prospects for economic development in the Town.

(1) JUNEAU COUNTY

- (a) **Manufacturing in Decline:** In recent years there has been a good deal of change in the economy of Juneau County. Most significant has been the decline in manufacturing that has occurred throughout the nation as well as in the county. In order to reinvigorate the county's economic base, diversification away from the

SUBCHAPTER 7: ECONOMIC DEVELOPMENT

traditional reliance on manufacturing will be required in order to better position the county to compete in a changing marketplace.

- (b) **Transportation:** Many of the communities in Juneau County are located along the Interstate 90/94 Corridor making them something of a “midpoint” between the larger cities Madison and Eau Claire/La Crosse, and between Chicago and Minneapolis. Manufacturers seeking to serve markets in these communities have historically found Juneau County’s location to their liking. But this transportation linkage has not only impacted employers, but the ability of employees to commute as well. There is certainly potential within the warehousing and transportation sector due to this advantageous location. The position of the county halfway between Chicago and the Twin Cities places it literally at the center of an axis of high-tech growth. This offers great potential for development within the county.
- (c) **Human Resources:** Economic success often hinges on the characteristics of the population. These human resources are key to the diversification of the economy in Juneau County. A diversified community requires more employees and a wider variety of skills than a “one-industry focus” community. Furthermore, these workers must be adaptable to changes in the demand for labor and be capable of quickly retraining in new vocations to meet that demand. The county lags behind the state in educational attainment (See, § 21.204(7) above) and the population is slightly older than the state as a whole (See, § 21.204(6) above). In spite of these factors, which could be considered handicaps to economic diversification, there has been steady growth in the total number of jobs within the county over the last twenty years.

Labor Force & Unemployment Trends, Juneau County, 1980 to 2000

	1980	1990	2000	Change	State 2000
Labor Force	8,853	10,143	12,068	36.32%	26.77%
Employed	8,206	9,478	11,333	38.11%	29.34%
Unemployed	647	665	735	13.60%	-9.82%
Unemployment Rate	7.31%	6.56%	6.09%	-16.69%	-28.79%
Participation Rate	42.08%	46.85%	49.63%	17.94%	11.21%

Source: US Census

Despite progress in creating new jobs and expanding the labor force from 1980 to 2000, the number of unemployed is growing. Juneau County has a higher unemployment rate than the State’s rate of 4.7 percent. Though total employment has increased over the last twenty years, employment has not increased in every industry sector of the economy. Table 16 provides an inventory of the types of industry in Juneau County and their respective numbers of employees and firms.

Employees and Firms by Industry, Juneau County, 2000

Industry Name	Employees	Firms	% Total
Agriculture, Forestry, Fishing and Hunting	842	658	7.43
Mining	10	2	0.09
Utilities	3	1	0.03
Construction	340	73	3.00
Manufacturing	2,671	47	23.57
Wholesale Trade	156	17	1.38
Retail Trade	1,116	99	9.85
Transportation and Warehousing	333	39	2.94
Information	69	11	0.61
Finance and Insurance	184	29	1.62

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Real Estate and Rental and Leasing	36	13	0.32
Professional, Scientific and Technical Services	195	31	1.72
Management of Companies and Enterprises	16	5	0.14
Administrative and Support and Waste Management and Remediation Services	125	25	1.10
Educational Services	6	2	0.05
Health Care and Social Assistance	925	47	8.16
Arts, Entertainment and Recreation	96	15	0.85
Accommodation and Food Services	1,665	96	14.69
Other Services (except Public Administration)	350	77	3.09
Government, Schools, Public Administration	2,195	NA	19.37
Total	11,333	1,288	100

Source: US Census, County Business Patterns¹

- (d) **Sources of Employment:** Juneau County's largest source of employment is the manufacturing industry, followed by government, schools and public administration, then accommodation and food services, and retail trade. Industries showing a large number of firms are indicative of many small businesses or one-person shops". Farming is, of course, the greatest share of one-operator businesses; construction, retail, and services show large shares of total firms as well. Figure 9 summarizes the allocation of workers in Juneau County by industry. It is clear that manufacturing comprises a substantial portion of Juneau County's employment.

Distribution of Employment by Industry Sector, Juneau County, 2000

Construction and Utilities	3%
Agriculture and Forestry	7%
Health and Social	8%
Professional & Service	9%
Trade and Transportation	14%
Entertainment, Lodging & Food	16%
Government and Education	17%
Manufacturing	26%

Source: US Census

Areas of rapid employment growth in the US during the 1980 to 2000 period include: forestry, water, transportation, transportation services, non-durable goods, building materials, hardware stores, garden supply, manufactured home dealers, home furniture & equipment stores, miscellaneous retail, security & commodity brokers, holding & investment offices, hotels, camps, lodging, business services, auto repair, miscellaneous repair shops, amusement & recreation, educational & social services, museums & art galleries, and legal services. Areas of employment decline during the same period include: leather products, membership organizations, insurance agents, brokers, eating and drinking places, general merchandise stores, apparel & other finished products made from fabric, and metal & coal mining.

How this employment mix will change over the coming years is dependent on a

¹ The number of employees in this table varies from the county numbers. The figures come from the Census Business Profile, which is collected directly from businesses. The other numbers are the result of individuals reporting their own occupation and industry, and are thus different from what businesses report.

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number of factors, but it seems likely that the dominance of manufacturing in the county will be reduced and services, health-related and knowledge-based employment will become more prominent.

- (e) **Major Employers:** As noted, manufacturing is still the largest single source of employment in Juneau County but a look at the largest employers in the county reveals how the profile of employment is changing. Of the eleven largest employers in the county, only three are involved in manufacturing. Two are involved in health-care. The other six are some form of government enterprise. This is not to say that the trend in employment is toward more people working for the government. Most people are employed by small business. It is significant that the third, fourth and fifth largest employment categories (as shown in Table 16) are occupations that involve a large number of firms. Much of the job growth in the future is likely to be in these industries and in these kinds of small enterprises.

Major Employers; Firms with 250 Employees, Juneau County, 2003

Employer Name	Industry
Hess Memorial Hospital	Health-care
Walker Stainless Equipment	Manufacturing
Sandridge Treatment Facility	Health-care
Mauston Public Schools	Education
County of Juneau	General Government
New Lisbon Correctional Institution	Prison
Parker Hannifin	Manufacturing
Necedah Public School	Education
Freudenburg (Farmer/Meillor)	Manufacturing
Wisconsin Dept. of Military Affairs	Volk Field
U.S. Department of Defense	Volk Field

Source: Department of Workforce Development

- (f) **Location of Employment:** The particulars of the labor force within the Town can be gleaned from the Census. 5.7% of residents work at home, but most residents work outside of the town and indeed most work outside Juneau County. This compares to the City of Mauston where 45.6% of workers leave the city and 22.7% leave the county, and 1.8 percent work at home. In the adjacent Town of Kildare, 85.1% leave the town and over 52.5% of workers leave the county for their jobs.

Occupations in 2000	Lyndon		Mauston		Juneau County	
Management/Professional	146	23.7%	395	21.8%	2,515	22.2%
Service	112	18.2%	387	21.3%	2,034	17.9%
Farming/Forestry	2	0.3%	--	--	179	1.6%
Sales/Office	174	28.3%	393	21.7%	2,494	22%
Construction	71	11.5%	113	6.2%	1,110	9.8%
Production/Transportation	110	17.9%	525	29%	3,001	26.5%
Total	615	100%	1,813	100%	11,333	100%

Source: US Census Bureau & NCWRPC

Twenty-seven percent of workers, who do not work at home, commute between fifteen and thirty minutes to get to their jobs. Nearly half have a commute less than fifteen minutes and 19.5% travel between half an hour and an hour to get to work. Thirty-four workers travel for more than an hour to reach their jobs. The Table above shows the occupation of workers in the Town of Lyndon and compares it with those in the City of Mauston, Juneau County. The percentage of those in management or the professions is lower than Mauston and the county. Roughly the same percentage of workers are in service jobs as in Mauston, but significantly higher than the county. The percentage of sales and office workers is

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higher than Mauston or the county. Construction workers are a higher percentage of the labor force. The percentage of production and transport workers is significantly lower than the level for the county or for Mauston.

Industry in 2000	Lyndon		Mauston		Juneau County	
Agriculture/Forestry/Mining	21	3.4%	2	0.1%	602	5.3%
Construction	57	9.3%	75	4.1%	757	6.7%
Manufacturing	91	14.8%	446	24.6%	2,789	24.6%
Wholesale trade	18	2.9%	25	1.4%	258	2.3%
Retail trade	83	13.5%	288	15.9%	1,423	12.6%
Transport/warehouse/util.	38	6.2%	125	6.9%	623	5.5%
Information	7	1.1%	10	0.6%	90	0.8%
Finance/insur./real estate	22	3.6%	63	3.5%	379	3.3%
Professional management	22	3.6%	70	3.9%	393	3.5%
Education/Health/Soc.Serv	55	8.9%	316	17.4%	1,702	15%
Arts/Enter./Accom/Food Serv.	167	27.2%	228	12.6%	1,369	12.1%
Other Service	18	2.9%	72	4%	390	3.4%
Public Administration	16	2.6%	93	5.1%	558	4.9%
Total	615	100%	1813	100%	11,333	100%

Source: US Census Bureau & NCWRPC

Manufacturing is the most common industry in which workers are involved. The percentage of workers in manufacturing is lower than the level in Mauston and county. Arts, entertainment, accommodation and food service workers are second most common and their level is higher than in Mauston or the county. Retail trade occupies a slightly higher percentage of the workforce than the county, but lower than Mauston. The ten percent of workers in education, health-care and social service work is well below Mauston and the county. Professional and management jobs are a higher percentage than Mauston and double the rate for the county. The percentage of workers involved in public administration is almost identical to the county, and slightly lower than Mauston. As would be expected in a rural town, employment in agriculture and forestry is about the same as the county as a whole.

21.703 ECONOMIC DEVELOPMENT PROGRAMS

There are a number of economic development programs available to businesses and local governments in Juneau County. Following is a partial list of those programs.

(1) LOCAL

- (a) **The Juneau County Economic Development Corporation (JCEDC):** A non-profit organization that promotes the economic development of Juneau County, Wisconsin, and its respective cities, villages, and towns. JCEDC is comprised of area businesspersons, citizens, local government, utility company representatives, state agencies and elected officials, educational institutions and other organizations essential to the growth of Juneau County. JCEDC is prepared to serve the needs of new businesses coming to our area as well as assist existing companies.
- (b) **Juneau County Development Zone:** Juneau County was awarded designation as a Wisconsin Development Zone in association with Adams and Marquette Counties. Known as the JAM Zone (Juneau-Adams-Marquette), Juneau County qualifies for special state incentives available to businesses that locate or expand within the Zone. Development Zone Tax Incentives for businesses locating or expanding within Juneau County. A variety of credits are available.

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- (c) **Juneau County Revolving Loan Fund:** A Wisconsin Department of Commerce Economic Development Grant was awarded to Juneau County in 1998. This grant enabled Juneau County to establish a revolving loan fund in order to assist local businesses. Loans are available from this fund as other loans are paid back.

(2) **REGIONAL**

- (a) **North Central Wisconsin Development Corporation:** The North Central Wisconsin Development Corporation (NCWDC) manages a revolving loan fund designed to address a gap in private capital markets for long-term, fixed-rate, low down payment, low interest financing. It is targeted at the timber and wood products industry, tourism and other manufacturing and service industries.
- (b) **Western Wisconsin Technology Zone Tax Credits:** Juneau County has been designated a Technology Zone by the Department of Commerce. The Technology Zone program brings \$5 million in income tax incentives for high-tech development to the area. The Western Wisconsin Technology Zone offers the potential for high-tech growth in knowledge-based and advanced manufacturing clusters, among others. The zone designation is designed to attract and retain skilled, high-paid workers to the area, foster regional partnerships between business and education to promote high-tech development, and to complement the area's recent regional branding project.
- (c) **Northwest Wisconsin Manufacturing Outreach Center (NWMOC):** The Northwest Wisconsin Manufacturing Outreach Center provides operations assessments, technology training, and on-site assistance to help firms in western Wisconsin modernize and streamline manufacturing processes.
- (d) **Alliant Energy:** Alliant Energy is a regional utility company that provides technical and consultative economic development assistance to communities within its service area.

(3) **STATE**

- (a) **Rural Economic Development Program:** This program administered by Wisconsin Department of Commerce provides grants and low interest loans for small business (less than 25 employees) start-ups or expansions in rural areas, such as Wonewoc. Funds may be used for "soft costs" only, such as planning, engineering, and marketing assistance.
- (b) **University of Wisconsin Extension Office:** The Center for Community Economic Development, University of Wisconsin Extension, creates, applies and transfers multidisciplinary knowledge to help people understand community change and identify opportunities.
- (c) **The Wisconsin Innovation Service Center (WISC):** This non-profit organization is located at the University of Wisconsin at Whitewater and specializes in new product and invention assessments and market expansion opportunities for innovative manufacturers, technology businesses, and independent inventors.
- (d) **Wisconsin Small Business Development Center (SBDC):** The UW SBDC is partially funded by the Small Business Administration and provides a variety of programs and training seminars to assist in the creation of small business in Wisconsin.
- (e) **Transportation Economic Assistance (TEA):** This program, administered by the Wisconsin Department of Transportation, provides immediate assistance and funding for the cost of transportation improvements necessary for major economic

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development projects.

21.704 PUBLIC INPUT

According to the participation survey, the Town is not against economic development and the growth of businesses in the Town. They believe that future business growth is essential to the stability and improvement of the Town. Residents identified a broad range of businesses which they would like to see: grocery store, restaurant, auto repair, gardening, hotel and manufacturing. Obviously, most of these items focus on services which can be rendered to town residents, as opposed to businesses which would only create jobs. Residents do not want any more campground businesses.

21.705 GOALS, OBJECTIVES AND POLICIES

- (1) **ENCOURAGE CONTROLLED DEVELOPMENT:** Although the Town does not have the resources to actively recruit business into the Town, the Town should cooperate with other agencies and groups to encourage business development which does not conflict with the quiet, rural character of the Town.
- (2) **TRANSPORTATION:** Businesses should be encouraged to locate in business corridors, along Highways 12 & 16, and away from County Trunk Highways and Town roads.
- (3) **AGRICULTURE:** Development should not conflict with existing agriculture, and should avoid using prime, sustainable farmland.
- (4) **AESTHETICS:** Businesses should conform with high standards for design, landscaping, lighting, etc. to ensure high quality development in theTown.

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SUBCHAPTER 8: LAND USE

SUBCHAPTER 8: LAND USE

21.800 PURPOSE

The purpose of this Subchapter is to comply with §66.1001(2)(h) which requires this Plan to contain a compilation of objectives and programs to guide the future development and redevelopment of public and private property. It should contain a listing of the amount, type, intensity and net density of existing uses of land in the Town, such as agricultural, residential, commercial, industrial and other public and private uses. It should analyze trends in the supply, demand and price of land, opportunities for redevelopment and existing and potential land use conflicts. It should contain projections for twenty years, in five-year increments, of future residential, agricultural, commercial and industrial land uses, including the assumptions of net densities or other special assumptions upon which the projections are based. It should also include a series of maps that show current land uses and future land uses that indicate productive agricultural soils, natural limitations for building site development, floodplains, wetlands and other environmentally sensitive lands, the boundaries or barriers serviced by public utilities and community facilities and the general location of future land uses by net density and other classifications.

21.801 OVERVIEW

The Town of Lyndon covers about 17,933 acres in Juneau County, in an “L” shaped configuration, bisected by the I-90/94 corridor. The Village of Lyndon Station lies to the Northwest, and the City of Wisconsin Dells lies to the Southeast. The Eastern edge of the Town is the Wisconsin River. The Northwest portion of the Town is generally flat, with scattered rocky outcroppings and fairly extensive forest and scrubland. The Southwesterly portion of the Town is rolling hills and valleys, with extensive cropland.

21.802 EXISTING LAND USES

(1) **TYPES OF USES:** According to the real estate assessment records for the Town, the following chart itemizes the types of land use in the Town:

Land Use	Acres	Percent
Residential	2,953	16
Commercial	344	2
Manufacturing	0	
Agricultural	5,094	28
Undeveloped	1,064	6
Forest Lands	3,253	18
Ag Forest	2,143	12
Managed Forest Lands	1,242	7
Federal Land	392	2
State Land	874	5
County Land	235	1
Other (taxed)	98	1
Other (non-taxed)	<u>240</u>	<u>1</u>
Total:	17,932	99

(2) **INTENSITY OF NON-RESIDENTIAL DEVELOPMENT:** Commercial, industrial and other non-residential development is generally disbursed throughout the Town, with the majority of development existing along the Highway 12/16 corridor. None of this development is very intense, especially when compared to the intensity of non-residential development typically seen in cities and villages. The most intense development is located closest to the City of Wisconsin Dells, and the I-90/94 interchange.

(3) **DENSITY OF RESIDENTIAL DEVELOPMENT:** Residential development is spread throughout the Town, mostly in low density, consisting of farms and secluded homes.

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However, the Town has several residential developments in which density is much higher:

- (a) Arbor Lake Estates
- (b) North Addition to Arbor Lake Estates
- (c) Mariposa Acres
- (d) Amherst Acres a/k/a Lyndon-Kildare Assessor's Plat
- (e) Oak Glen Circle
- (f) Hendricksen Subdivision
- (g) Whitetail Acres
- (h) Indian Heights

(4) **CAMPGROUNDS:** Campgrounds are addressed separately herein because they are a unique combination of commercial land use and residential land use. The Town currently has the following campgrounds:

(a)	Arrowhead Camp Ground	159.42 Acres
(b)	Bass Lake Camp Ground	21.52 Acres
(c)	Eagle Flats Camp Ground	45.19 Acres
(d)	Edge O Dells Camp Ground	20.32 Acres
(e)	In the Pines Camp Ground	25 Acres
(f)	River Bay Camp Ground	97.2 Acres
(g)	Stand Rock Camp Ground	115.83 Acres
(h)	Summer Breeze Camp Ground	5.48 Acres
(i)	Timberland Camp Ground	41.62 Acres

The Town also has a significant number of people who use secluded areas of the Town to install a camper for a few weeks or months each summer. These campers are not located in a commercial campground, but instead, are located on small lots owned by the camper, or on lots which are leased.

(5) **MAP:** Map No. 8 shows the "Current Land Use" in the Town.

21.803 TRENDS AND PROJECTIONS

(1) **POPULATION:** As noted above (§21.204(1)), the Town has experienced dramatic population growth, well above the state and county average. This growth is due primarily to the growth of the Wisconsin Dells tourism area and the natural resources of the Town. Over the past 20 years, the Wisconsin Dells area has been transformed from a seasonal destination (summers only) to a year-round destination. As a result of this transformation, the permanent population of the Wisconsin Dells area is rapidly expanding, along with the summertime population.

(2) **HOUSEHOLD PROJECTIONS:** As noted above (§21.402) the demand for housing is expected to increase. Furthermore, since the average household size in the Town is larger than the average for Juneau County and the State, the demand for housing units is likely to increase faster than the population.

(3) **2008 EQUALIZED VALUES:**

	<u>Real Estate Classes</u>	<u>Lyndon</u>	<u>County</u>
1.	Residential	\$93,754,200	\$1,606,441,200
2.	Commercial	\$13,232,700	\$188,713,400
3.	Manufacturing	-0-	\$50,116,100
4.	Agricultural	\$625,500	\$18,677,200
5.	Undeveloped	\$464,900	\$21,649,300
6.	Ag Forest	\$3,536,000	\$48,254,600
7.	Forest	\$10,734,900	\$178,716,300

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8.	Other	<u>\$4,580,700</u>	<u>\$83,736,200</u>
		\$126,928,900	\$2,196,304,300

Source: Wis. Dept. of Revenue

(4) OPPORTUNITIES FOR REDEVELOPMENT: The vast majority of the Town currently consists of open farmland, forestland, scrubland, and wetlands, all of which has experienced very little development. Hence, the need for “redevelopment” is negligible. Some developed areas were not initially “planned” or “designed” up to current standards. These areas may benefit from some modest improvement, but complete redevelopment would not be necessary or financially possible. Other developed areas suffer from a lack of proper maintenance but, again, these areas do not need complete redevelopment.

(5) LAND USE CONFLICTS: The Town suffers from the same use conflicts experienced by other rural communities which are adjacent to growing cities, or which enjoy significant natural resources. Farmland in Wisconsin has been under increasing pressure because a relatively poor agricultural economy has prompted farmers to sell land and a robust non-farm economy has enabled many to realize their dream of living in the country. As a result, the number of farms has been reduced, even while the population of the Town increases. Some farmland has been taken out of production, while other land has been consolidated into larger operations. At the same time, more and more people are establishing residences on attractive landscapes in rural areas.

This trend has pitted advocates of farmland preservation against advocates of development. Everyone recognizes the vital role which agriculture plays in our economy and in our sustenance. It is important to recognize a balance between preservation and development.

From the perspective of farmers and other land owners, development pressure is both a blessing and a curse. High land prices make it more difficult to enter farming or to expand existing farms. However, high land prices also enable older or exiting farmers to realize significant financial gains when they sell their farmland assets. Proceeds from selling farmland is often the only source of retirement funds for older farm families.

The trend of consolidating many farms into a few large farms creates other problems. Large farming operations often concentrate large amounts of livestock into small areas, thereby creating a greater potential for noise, dust, odor and other pollutants, which can be offensive to non-farming neighbors who have moved into the countryside for peace and quiet.

Finally, many types of development prefer access to municipal services (e.g. municipal sewer and water systems). As a result, as more and more development occurs, there will be efforts by landowners and others to annex land from the Town into adjoining municipalities which offer these services. This potential must be considered when designing zoning for areas adjacent to municipalities, and when evaluating development adjacent to municipalities.

(6) MAP: Map No. 9 shows the “Future Land Use” for the Town.

21.804 PUBLIC INPUT

According to the participation survey, Town residents are not against controlled growth and business expansion, but they want to maintain the peaceful, quiet, rural character of the Town. Maintaining the aesthetic beauty and natural resources of the Town is also very important. Most also want to keep lot sizes at 3 acres or higher. The biggest land use complaint focuses upon campgrounds and camping. These land uses cause a variety of undesirable secondary problems (traffic, noise, pollution, increased police calls, etc.) and, therefore, most residents want these uses to be strictly controlled.

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21.805 GOALS, OBJECTIVES AND POLICIES

- (1) **COMPREHENSIVE PLAN:** The Town will adopt, maintain and follow this Comprehensive Plan in making future planning and land use decisions.
- (2) **ZONING ORDINANCE:** The Town will adopt a new, up-to-date, zoning ordinance which incorporates this Plan and which gives the Town better control over development in the Town, especially commercial development, so that growth in the Town is orderly and consistent with this Plan and the wishes of the people.
- (3) **SUBDIVISION ORDINANCE:** The Town will adopt a new, up-to-date, subdivision ordinance which gives the Town better control over the design and creation of new subdivisions and the expansion of existing subdivisions. This ordinance will establish standards for road construction, and it will ensure completion and dedication of roads which are designed to meet the current and future needs of the Town, in a safe and efficient manner. The Town should also discourage the creation of new subdivisions until the existing subdivisions are more fully developed and occupied.
- (4) **CAMPGROUNDS AND CAMPING:** The Town has a large number of existing commercial campgrounds. Therefore, the Town should discourage the expansion of existing campgrounds, the creation of new campgrounds, and use on lands not located within campgrounds for camping, because of the burden which "camping" places on the Town, its scenic beauty, its natural resources, and its quality of life. Existing campgrounds should be encouraged to become more secluded and less visible from public roads.

SUBCHAPTER 9: INTERGOVERNMENTAL COOPERATION

SUBCHAPTER 9: INTERGOVERNMENTAL COOPERATION**21.900 PURPOSE**

The purpose of this Subchapter is to comply with §66.1001(2)(g), Wis. Stats., which requires this Plan to contain a compilation of objectives and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent governmental units, for locating and building public facilities and sharing public services. It should analyze the relationship of the Town to school districts, adjacent municipalities, the state and the region. It should consider, to the extent possible, the maps and plans of any military base or installation. It should incorporate any plans or agreements to which the Town is a party. It should identify existing or potential conflicts between the Town and other municipalities, and describe processes to resolve such conflicts.

21.901 INVENTORY OF EXISTING RELATIONSHIPS

Some governmental relationships are “vertical” relationships, such as those between the federal, state and local units (i.e. federal, state, county, city, village, town). In a “vertical” relationship, one entity has authority over another (i.e. state laws trump county ordinances). Other governmental relationships are “horizontal” relationships, such as town-to-town, town-to-school district, town-to-county, and town-to-municipality. In “horizontal” relationships, one entity has no authority over another.

- (1) **FEDERAL:** The Town has no special relationship with the federal government. There are no federal installations located in the Town, except for the federal highways (I-90/94 and USH 12).
- (2) **STATE:** The Town does have a special relationship with the State of Wisconsin in several respects:
 - (a) **Wisconsin Department of Natural Resources (DNR):** The DNR has a wide range of statewide responsibilities for environmental quality, state parks, and recreation. From an organization standpoint, the DNR is divided into five regions. The Town is located in the West Central Region. The DNR operates and/or administers the following:
 1. Rocky Arbor State Park
 2. Approximately 163 acres in the southwest corner of the Town as part of the Hulbert Creek Fishery.
 - (b) **WI Department of Transportation (DOT):** The DOT is divided into eight districts for administrative and programmatic purposes. The Town is located in District 1, with headquarters in Madison. The DOT is responsible for STH 16, as well as the federal highways.
 - (c) **Wisconsin Alumni Research Foundation (WARF):** WARF owns approximately 300 acres along the Wisconsin River. The official mission of this private, non-profit organization is to support scientific research at the UW-Madison. WARF accomplishes this by patenting inventions arising from university research, licensing the technologies to companies for commercialization, and returning the licensing income to the UW-Madison to support further scientific endeavor.
 - (d) **Department of Commerce (DOC):** The DOC is another state agency with regulatory responsibility. The Safety and Buildings Division administers and enforces state laws and rules relating to building construction and safety and health. Plan review and site inspection is part of the division’s role in protecting the health and welfare of people in constructed environments. The DOC administers the State Building Code on all structures in the Town except for 1 and 2 family dwellings.

SUBCHAPTER 9: INTERGOVERNMENTAL COOPERATION

- (e) **Department of Agriculture, Trade and Consumer Protection (DATCP):** The DATCP has regulatory duties concerning the Farmland Preservation Program and certain agricultural practices.
 - (f) **Department of Revenue (DOR):** The DOR is responsible for assessing real estate under its purview. Because of its role, there is little interaction between DOR and the Town.
 - (g) **Department of Administration (DOA):** The DOA fulfills a number of functions. It reviews annexation requests, incorporations, and cooperative boundary Plans. Additionally, the Land Information Office (LIO) within DOA is charged with identifying ways to enhance and facilitate Planning of local governments and improve coordination and cooperation of state agencies in their land use activities. LIO also provides technical assistance and advice to state agencies and local governments with land information responsibilities, among other things. LIO will review this Comprehensive Plan to ensure consistency with the state's "Smart Growth" legislation. Along with regulating local activities, all of these agencies provide information, education and training and maintain funding programs to assist local governments in development efforts and maintaining a basic level of health and safety.
 - (h) **Wisconsin Emergency Management (WEM):** WEM is an agency charged with a wide range of responsibilities for disaster mitigation, planning, response, and education. It administers a number of grants to local communities and is responsible for preparing and administering several statewide policy plans. Most recently, it completed a statewide hazard mitigation plan for natural and technological hazards in conformance with the Disaster Mitigation Plan of 2000. Regional directors are located in each of the six regional offices throughout the state. They work directly with municipal and county programs in planning, training exercising, response and recovery activities, as well as the coordination of administrative activities between the Agency and local governments. When disasters and emergencies strike, they are the Agency's initial responders and serve as field liaisons with the state. The Town is located in the Southwest Region, whose headquarters is located in Madison.
- (3) **JUNEAU COUNTY:** There are no special or unusual county facilities located in the Town except for:
- (a) Juneau County is the owner of approximately 235 acres, consisting of county highways and lands acquired by tax deed.
 - (b) Juneau County owns, controls, and maintains County Trunk Highways J, N and HH in the Town.
 - (c) Juneau County exercises jurisdiction in the Town regarding a variety of ordinances, including the regulation of sanitary systems, zoning for shore land-wetland and flood plain areas, among others.
- (4) **SAUK COUNTY:** The Town shares a southern boundary with Sauk County. However, the Town has no meaningful contacts or relationships with Sauk County.
- (5) **SCHOOL DISTRICTS:** The Town is serviced by the Mauston school district, the Wisconsin Dells school district, and the Reedsburg School District. There are no school district facilities located in the Town, nor does the Town have any special contractual relationship with either school district.
- (6) **LYNDON STATION:** The Town shares a boundary with the Village of Lyndon Station and, in general, has enjoyed a good working relationship with the Village.
- (7) **CITY OF WISCONSIN DELLS:** The Town shares a short boundary line with the City of Wisconsin Dells. The City annexed a small portion of the Town in 2003 and 2006. The City of Wisconsin Dells appears to have a substantial interest in geographic growth. To date, Rocky Arbor State Park, and Upham Woods have acted as a barrier to City

SUBCHAPTER 9: INTERGOVERNMENTAL COOPERATION

expansion. Most land owners are only interested in annexation if the City can provide sewer and water utility service. The location of Rocky Arbor State Park has, to date, made it financially difficult for the extension of sewer and water into the Town.

In 2002, the City adopted an ordinance under Sec. 62.23(7a) Wis. Stats. declaring its intention to pursue extraterritorial zoning. Several meetings were conducted, but no extraterritorial zoning was ever completed.

The Town currently receives fire protection and ambulance service from the Dells-Delton Ambulance Service, pursuant to separate contracts.

- (8) **CITY OF REEDSBURG:** The Town receives ambulance and fire service from the City of Reedsburg, pursuant to contract, for the westerly six sections of the Town
- (9) **TOWN OF KILDARE:** The Town enjoys a typical relationship with the neighboring town of Kildare. At one point, the Towns jointly created the "Assessor's Plat of Lyndon-Kildare" in 1997, for the purpose of clearing up ownership and boundary line issues in an area of small tracks of land which crossed the boundary line between the two Townships.
- (10) **TOWN OF SEVEN MILE CREEK:** The Town shares its western boundary with the Town of Seven Mile Creek. These two Towns have a typical town-to-town relationship.
- (11) **INDIAN LANDS:** The Ho-Chunk Nation owns approximately 77 acres in the Town. There are no special contracts or agreements between the Town and the Nation. The U.S. Government holds 83.55 acres in trust for the Winnebago Indian Tribe.
- (12) **REGIONAL PLANNING COMMISSION (RPC):** There are eight regional planning commissions within Wisconsin created pursuant to §66.0309, Wis. Stats. The governor, with consent of local governing bodies, creates them. RPCs are formed to provide a wide range of services to local units of government within its geographic boundary, including (but not limited to) planning services on regional issues, consulting services regarding state and federal programs, advisory services on regional Planning problems, coordination services for programs and activities, and planning and development services to local governments.
- (13) **OTHER INTERGOVERNMENTAL AGREEMENTS:** Sec. 66.0301 Wis. Stats. permits the Town to enter into agreements with other municipalities for the receipt or furnishing of services, or for the joint exercise of any power or duty required or authorized by law. At this time, the Town has not entered into any such contracts, except for fire protection and ambulance service as noted above.
- (14) **MUNICIPAL REVENUE SHARING AGREEMENTS:** Under §66.0305, Wis. Stats., adjoining local units of government can share taxes and fees with a municipal revenue sharing agreement. This type of agreement can also include provisions for revenue sharing. The Town is not party to any revenue sharing agreement.
- (15) **COOPERATIVE BOUNDARY AGREEMENTS:** Cooperative boundary agreements (§66.0307, Wis. Stats.) can be used to resolve boundary conflicts between villages, cities, and towns and may include revenue sharing or any other arrangement. With adoption of a cooperative boundary agreement, the rules of annexation do not apply. The Town is not party to any cooperative boundary agreement.

21.902 NONGOVERNMENTAL ORGANIZATIONS

In addition to governmental organizations, there are other types of organizations that can affect the daily lives of City residents. These may include a chamber of commerce, nonprofit organizations, and similar organizations that are actively working to promote the quality of life in the area. It is imperative that governmental and nongovernmental organizations work together

SUBCHAPTER 9: INTERGOVERNMENTAL COOPERATION

for the good of all residents. The following section briefly describes some of these organizations and how they are organized and their purpose.

- (1) **FORWARD WISCONSIN:** Forward Wisconsin, Inc., is a public-private statewide marketing and business recruitment organization. It was created in 1984 as a not-for-profit corporation. Its job is marketing outside Wisconsin to attract new businesses, jobs, and increased economic activity to the state. It is governed by a board of directors, which reflects the public-private partnership. The Governor is chairman of the board. Private sector representation includes Wisconsin's utilities, banks, educational institutions, investment firms, law firms, and manufacturers. Public sector representation includes four state legislators and the Secretary of the Department of Commerce. Funding for Forward Wisconsin comes from private sector contributors and from the state through a contract with the Wisconsin Department of Commerce. Forward Wisconsin is headquartered in Madison and has offices in Eau Claire, Milwaukee, and Chicago.
- (2) **INTERNATIONAL TRADE, BUSINESS & ECONOMIC DEVELOPMENT COUNCILS (ITBECs):** Since 1992, five regional ITBECs have been created in Wisconsin to expand economic development in the state by promoting tourism from foreign lands and the exporting of Wisconsin products to other countries. ITBECs are a public-private partnership between business leaders, county elected officials, and tribal representatives. What began as 11 counties in the northwest part of the state now includes 54 counties.
- (3) **RESOURCE CONSERVATION & DEVELOPMENT COUNCILS (RC&Ds):** RC&Ds are private, non-profit organizations created pursuant to state enabling legislation to improve the social, economic, and environmental opportunities of the area. Nationally, there are more than 200 districts and there are five in Wisconsin. The Town is located in the Golden Sands RC&D, headquartered in Stevens Point. Working through its RC&D council, local citizens provide leadership and work together to set program priorities. Each RC&D district establishes an area Plan (also known as a resource conservation and utilization Plan), which provides direction for the council in making community improvements and conducting activities. A variety of government agencies, organizations, and companies provide assistance in accomplishing program goals. RC&D councils have broad authority to seek help from a variety of sources including federal or state agencies, local government, community organizations, and private industry. Help may be technical or financial assistance in the form of donations, loans, grants, or cost-sharing programs. The Golden Sands RC&D strives to improve the local economy by wise development and use of local resources. This may be done in many ways, including: developing wood products industries, promoting tourism, encouraging alternative energy source development, and assisting in marketing local products. A coordinator, an administrative coordinator, and a project assistant support the Golden Sands RC&D Council. The coordinator is a WDNR employee, the administrative coordinator is a Natural Resources Conservation Service (NRCS) employee, and the project assistant is a council employee. They help the Council carry out its missions, goals, and objectives. This work includes Planning, proposal writing, facilitating, motivating, and negotiating. The coordinator is responsible for arranging for assistance from the WDNR and acts as liaison to other agencies.

21.903 EXTRATERRITORIAL ZONING

At this time, there is no extraterritorial zoning within the Town by either the Village of Lyndon Station or the City of Wisconsin Dells. In 2002, the City adopted an ordinance declaring its intention to pursue extraterritorial zoning. Several meetings were conducted, but no extraterritorial zoning was ever completed.

21.904 PUBLIC INPUT

According to the participation survey, there are no intergovernmental issues or problems. Of course, the Town has some concerns regarding the expansion of the City of Wisconsin Dells and the Town's potential loss of tax base through annexation. The Town recognizes that such expansion is inevitable, but it is concerned about the lack of control it has over such matters.

SUBCHAPTER 9: INTERGOVERNMENTAL COOPERATION

The Town is also concerned about the cost of providing fire protection services and ambulance services. The Town wishes to maintain and improve its relationship with surrounding service providers so that the Town can continue to enter service contracts which are cost-effective for the Town.

21.905 GOALS, OBJECTIVES AND POLICIES

- (1) GOVERNMENTAL COOPERATION:** The Town shall encourage coordination and cooperation by and between units of government.
- (2) WISCONSIN DELLS:** The Town shall open and maintain a line of communication with the City of Wisconsin Dells regarding all issues of mutual interest. The Town will work with the City of Wisconsin Dells to monitor “boundary” issues and to plan for the future.
- (3) SHARED SERVICE AGREEMENTS:** The Town will periodically review and update shared service agreements, and explore additional agreements with other service providers, in an effort to provide the best, cost-effective services to Town residents.

SUBCHAPTER 9: INTERGOVERNMENTAL COOPERATION

SUBCHAPTER 10: IMPLEMENTATION

SUBCHAPTER 10: IMPLEMENTATION**21.1000 PURPOSE**

The purpose of this Subchapter is to comply with §66.1001(2)(i), Wis. Stats., which requires this Plan to contain a compilation of programs and specific actions to be completed in a stated sequence, including proposed changes to any applicable zoning ordinances, official maps, or subdivision ordinances, to implement the objectives, policies, plans and programs contained in the Plan. This Section is intended to describe how each of the elements of the Plan will be integrated and made consistent with the other elements of the Plan, and shall include a mechanism to measure the Town's progress toward achieving all aspects of the Plan.

21.1001 IMPLEMENTATION PLANS AND SEQUENCE

The following sequence of events shall be followed in implementing this Comprehensive Plan.

- (1) **ADOPTION;** This Plan shall be adopted in conformity with the procedures established by § 66.1001(4), Wis. Stats. and the Community Participation Plan which was previously adopted.
- (2) **COPIES DELIVERED:** One copy of the adopted Plan shall be sent to the entities identified in § 66.1001(4)(b), Wis. Stats.
- (3) **CODIFICATION OF ORDINANCES:** The Town will complete its Codification of Ordinances, including the adoption of a new Zoning Ordinance and a new Subdivision Ordinance, both of which shall incorporate the objectives, policies, and goals of this Plan.
- (4) **ORDINANCE AMENDMENTS:** This Plan shall be considered whenever an Ordinance is being amended, especially amendments to the Zoning and Subdivision Ordinances.
- (5) **UPDATES:** The Town Board and the Plan Commission shall regularly re-examine the Plan, especially whenever considering issues addressed by the Plan. Furthermore, pursuant to § 66.1001(2)(i), this Plan shall be formally reviewed and updated no less than once every ten years.

21.1002 AMENDMENTS TO PLAN

The procedure for amending this Plan is contained in § 66.1001(4), Wis. Stats. All amendments shall first be reviewed by the Plan Commission, before presentation to the Town Board for public hearing and formal action.

SUBCHAPTER 10: IMPLEMENTATION

CHAPTER 22: ZONING ORDINANCES

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SUBCHAPTER 1: INTRODUCTION & DEFINITIONS

CHAPTER 22: ZONING**SUBCHAPTER 1: INTRODUCTION AND DEFINITIONS****22.100 TITLE**

This Chapter shall be known, cited and referred to as the TOWN OF LYNDON ZONING ORDINANCE except as referred to herein, where it shall be known as “this Chapter”.

22.101 AUTHORITY

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes (see *generally*, § 60.62, 61.35, 62.23, 87.30 and 289.22, Wis. Stats.) and pursuant to the grant of “Village Powers” (see, 60.10(2)(c) Wis. Stats). Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed to limit the application or interpretation of this Chapter.

22.102 PURPOSE

- (1) The overall purpose of this Chapter is to implement the Town’s Master Plan to the extent possible under zoning, as authorized by law. By implementing the goals and objectives of the Master Plan, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare of Town residents and visitors. Additional purposes of this Chapter may be specified throughout this Chapter.
- (2) Specifically, this Chapter is designed, among other things, (i) to enhance safety and convenience on Town roads; (ii) to secure safety from fire, panic, and other dangers; (iii) to promote health and general welfare by the adoption of standards for such things as noise, odors, vibration, air pollution, glare and heat, and hazardous or dangerous materials; (iv) to encourage the protection of groundwater resources by regulating and promoting such things as storm water drainage, natural resource areas and landscaping; (v) to avoid undue concentration of population and to prevent the overcrowding of land by controlling the density of residential development and the intensity of non-residential development; (vi) to preserve, protect and promote property values; and (vii) to preserve burial sites as defined in s.157.70(1).

22.103 GENERAL APPLICATION OF THIS ORDINANCE

All development, redevelopment, construction, maintenance, and use of real estate, and all buildings, structures, fixtures, and appurtenances located thereon or affixed thereto, shall comply with all the regulations and requirements of this Chapter, the Town Master Plan, the Subdivision Ordinance, and all other ordinances of the Town which are applicable.

22.104 LEGISLATIVE INTENT

In enacting this Chapter, special attention has been given to ensuring a direct relationship between these regulations and the Town’s Master Plan. The general intent of this Chapter is to implement those goals and objectives of the Master Plan which are best addressed through zoning, as enabled by the Wisconsin Statutes.

22.105 RESERVED FOR FUTURE USE**22.106 COMPLIANCE**

The use, or change of use to a different use, of any lands or structures; the size, shape and placement of lots; the use, occupancy, size, location or alteration of structures; and all other matters dealt with in this ordinance, shall be in full compliance with the terms of this ordinance and other applicable regulations, including the securing of necessary permits. It shall be unlawful

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for a use, structure, or occupancy to change to a new or different use, structure, or occupancy in non-compliance with the terms of this ordinance and other applicable regulations. Any change to a different use or any enlargement of an existing use requires compliance with this ordinance.

- (1) **Exemptions:** No application or permit is required for:
- (a) changes in cultivation or husbandry in an AG district;
 - (b) remodeling, repair, or alteration of single family or ag buildings that do not increase or change the exterior dimensions or increase the square footage of the building;
 - (c) storage in pre-existing accessory buildings, provided such storage does not involve an improvement to or a change in the exterior dimensions of the building.

22.110 RE-ENACTMENT AND REPEAL

This Chapter, in part, carries forward by re-enactment some of the prior provisions of the regulations governing zoning and related matters, being previously known collectively as the "Town of Lyndon Zoning Ordinance," adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal zoning in the Town, but rather to revise, amend, and continue in force zoning in the Town so that all rights and liabilities that have accrued under the previous zoning ordinance are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map. The adoption of this Chapter shall not waive or adversely affect the Town's right to prosecute any violation of the predecessor Zoning Ordinance, provided the violation occurred while that Ordinance was in effect.

22.111 PREVIOUSLY APPROVED PLANS

All permits and plans approved under previous zoning regulations shall be valid for a period of not more than 6 months after the effective date of this Chapter.

22.113 ADDITIONAL RULES OF INTERPRETATION

- (1) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.
- (2) No structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, and without full compliance with the provisions of this chapter and all other applicable local, county and State regulations.
- (3) Nothing herein shall require any changes in plans, construction, size, or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit.

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- (4) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 22.403), Nonconforming Developments, Substandard Lots (Section 22.540), and Nonconforming Structures and Buildings (Section 22.541), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted, that does not conform to the requirements of this Chapter.
- (5) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so occupied or so used.

22.116 ABBREVIATIONS

The following abbreviations in this Chapter are intended to have the following meanings:

<u>Abbreviation</u>	<u>Meaning</u>
ABC	Accessory Building Coverage
Ac	acre
Acc.	Accessory
AG	Agriculture (zoning district)
Bldg	Building
CLA	Community Living Arrangement
db	decibel
DNR	Wisconsin Department of Natural Resources
du	dwelling unit
F	Floor
FAR	Floor Area Ratio
FEMA	Federal Emergency Management Agency
ft	foot/feet
GB	General Business (zoning district)
GDP	General Development Plan (Section 22.914)
GFA	Gross Floor Area
GSA	Gross Site Area
GSR	Green Space Ratio
HI	Heavy Industrial (zoning district)
ISR	Impervious Surface Ratio
J	Lot Width (when shown on drawing)
K	Street frontage (when shown on drawing)
L	Front setback to principal building (when shown on drawing)
LI	Light Industrial Zoning District
LA	Landscaped Area

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LSR	Landscape Surface Ratio
M	Front setback to accessory building (when shown on drawing)
max	maximum
MBC	Maximum Building Coverage
MBS	Maximum Building Size
MF	Multi-family Zoning District
MGD	Maximum Gross Density
min	minimum
MH	Maximum Height
MLA	Minimum Lot Area
MSA	Minimum Site Area
MZA	Minimum Zoning District Area
N	Side setback to principal building (when shown on drawing)
na	not applicable
NDA	Net Developable Area
nonres	nonresidential
O	Side setback to accessory building (when shown on drawing)
P	Rear setback to principal building (when shown on drawing)
PB	Planned Business (zoning district)
PBC	Principal Building Coverage
PD(_-_)	Planned Development (zoning district)
PIP	Precise Implementation Plan (Section 22.914)
Princ.	Principal
Q	Rear setback to accessory building (when shown on drawing)
R	Peripheral setback (when shown on drawing)
res	residential
RPA	Resource Protection Area
RR	Rural Residential (zoning district)
S	Paved Surface Setback (when shown on drawing)
SF	Single Family Zoning District
sq. ft.	square feet
T	Separation of principal buildings (when shown on drawing)
U	Separation of accessory buildings (when shown on drawing)
WECS	Wind Energy Conversion System
X	Parking space (when shown on drawing)

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Y	Dwelling core dimensions (when shown on drawing)
ZDA	Zoning District Area
#F	number of floors
A-A	or fewer (e.g. A8-A means A8 or fewer@)
A+@	or more (e.g. A9+@ means A9 or more@)

22.125 DEFINITIONS

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Some of the following definitions may not, at this time, be used in this Chapter.

Abutting: Having a common border with, or being separated from such common border only by an alley or easement.

Access: A means of vehicular or non-vehicular approach, i.e. entry to or exit from a property, street or highway.

Access, direct: A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

Accessory use or structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. Land uses permitted as an accessory use are permitted subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district (Subchapter 3) in which the use is located, plus any additional requirements applicable to that particular land use (Subchapter 4).

Active Outdoor Public Recreation: All recreational land uses located on public property, such as play courts for tennis or basketball, play fields for baseball, football or soccer, swimming areas, public golf courses and similar land uses.

Agriculture: Bee keeping; commercial feed lot; dairying; egg production; floriculture; forest and game management; grazing; livestock raising; orchards, greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; sod farming; placing land in federal programs in return for payments in kind; land in the conservation reserve program; participation in the milk production termination program; and vegetable raising.

Alteration, structural: Any change in the supporting members of a building such as bearings, wall columns, beams or girders, or any substantial change in the roof or exterior wall.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices, external to or attached to the exterior of any building, and used for the transmission or reception of electromagnetic waves (e.g. television, radio, microwave, telephone, internet access or shortwave signals).

Basement: A portion of a building located partly underground, but having one-half (½) or less of its floor to ceiling height below the average grade of the adjoining ground.

Building: Any structure which has a supported roof built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is exclusive of portions of the structure not intended for shelter such as decks, balconies, pools, carports, etc. Where independent units with separate entrances are divided by shared walls, each unit is a building.

Building, accessory: A building which:

- (a) Is subordinate to and serves a principal structure or a principal use;
- (b) Is subordinate in area, extent, and purpose to the principal structure or use served;

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- (c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
- (d) Is customarily incidental to the principal structure or use.

Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building line: An imaginary line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building lines on a lot determine the area in which buildings may be placed, subject to all other applicable provisions of this Chapter. This is also referred to as a “setback” line.

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Camping Unit: Travel trailers, recreational vehicles (RVs), motor homes, fifth-wheelers, pop-up campers, and other mobile or portable shelters or vehicles which are designed and customarily used for a temporary, mobile, human dwelling (excluding tents).

Cellar: That portion of the building having more than one-half ($\frac{1}{2}$) of the floor-to-ceiling height below the average grade of the adjoining ground.

Commission: The Town of Lyndon Plan Commission.

Comprehensive Plan: The Comprehensive Plan of the Town of Lyndon, Ordinance 21 herein, and as subsequently amended.

Condominium: Property subject to Condominium Declaration including but not limited to land, buildings or a part of the building, or group of buildings including all the land, co-owned and operated within the law of the State of Wisconsin for the mutual protection and benefit of an association of all the members of the ownership agreement pursuant to state statute 703 and its successors.

Crawl space: An enclosed area below the first usable floor of a building, generally less than five feet in height, used for limited access to plumbing and electrical utilities.

Day Care: See family day care home, intermediate day care home, or group day care center.

Deck: A structure that has no roof or walls. Can be attached or detached to the principal structure. If attached, it must comply with the principal setback requirements. If detached, shall be an accessory structure.

Density: A term used to describe the maximum number of dwelling units and the minimum amount of landscaping required for residential projects. Each zoning district contains density standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) under which the site is developed; and 5) the use(s) considered for development. (Cf. “Intensity” which is the term used to describe the same standards for nonresidential sites.)

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

Development: The division of a parcel of land into two or more parcels, or any man made change to real estate including the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building; or any use or change in use of any buildings or land; or any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Development option(s): The type of residential or nonresidential land uses which may develop on a lot as determined by the requirements of this Chapter.

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- Development pad:** The area of a lot where site disruption will occur, including building areas, paved areas, yards and other areas of non-native vegetation, and areas devoted to septic systems.
- Drainage:** The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.
- Drainageway:** Drainageways are non-navigable, aboveground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following: (a) All areas within 75 feet of the ordinary high water mark of a "perennial stream" as shown on USGS 7.5 minute topographic maps for the Town of Lyndon and its environs; (b) All areas within 50 feet of the ordinary high water mark of an "intermittent stream" or "open channel drainageway" as shown on USGS 7.5 minute topographic maps for the Town of Lyndon and its environs.
- Dryland access:** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.
- Dwelling:** A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.
- Dwelling, attached:** A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.
- Dwelling, detached:** A dwelling which is entirely surrounded by open space on the same lot.
- Dwelling unit:** A room or group of rooms, providing or intended to provide permanent living quarters for not more than one (1) family.
- Dwelling unit separation:** The narrowest distance between two dwelling units. See Minimum dwelling unit separation.
- Easement:** Written authorization by a property owner for another party to use for a specified purpose any designated part of his property which has been recorded in the Register of Deeds' office.
- Elevated Building:** A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.
- Encroachment:** Any unauthorized and/or unpermitted fill, structure, building, use, or development in or on a floodway, easement, right-of-way or property.
- Environmental Control Facility:** Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
- Family:** An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household.
- Fence:** An artificially constructed barrier of wood, masonry, stone, wire, metal or other manufactured material or combination of materials, erected to enclose, screen or separate areas.

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Floor area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of the exterior walls.

Foundation: The structural system supporting a structure serving the function of transferring building load to the ground; anchoring it against the winds; isolating it from frost heaving; isolating it from expansive soil; and holding it above ground moisture. The foundation designs are basement, crawlspace or slab of poured concrete, masonry or wood.

Freeboard: Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage areas due to development and the sedimentation of a river or stream bed.

Garage (residential): A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers, or trucks.

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

Green space: (A/k/a Permanently Protected Green Space) The area of a site upon which site disruption and site development are strictly limited. Green space consists of the following: (i) Resource Protection Areas (RPA), and (ii) areas devoted to land uses which incorporate natural resources, such as Passive Outdoor Public Recreational Land Use, and (iii) portions of a site which are prevented from development by deed restrictions or agreement.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross floor area (GFA): The total habitable floor area on all levels of a building.

Gross site area (GSA): The total area of a site or parcel, minus all of the following:

1. Existing and proposed rights-of-way of roads and public facilities;
2. Land which, although part of the same site, parcel or lot, is not contiguous to, or is not accessible from, the existing or proposed road network serving the site;
3. Land which is proposed for a different development option or a different zoning district; and
4. Areas of navigable waters (lakes and streams).

GSA is calculated whenever a person wishes to develop a parcel or site, e.g. campgrounds or mobile home parks. The determination of GSA is designed to help the developer calculate how much land is available for development after subtracting the undevelopable land from the proposed site.

Hearing Notice: Publication or posting which meets the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for enactment of all new zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing.

High flood damage potential: Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

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Intensity: A term used to describe the maximum amount of gross floor area and the minimum amount of landscaping required for nonresidential projects. Each zoning district contains intensity standards which determine the maximum amount of development permitted on any given site, taking into consideration a variety of factors, including (but not limited to) (1) the area of the site; (2) the proportion of the site not containing sensitive natural resources; (3) the zoning district(s) in which the site is located; (4) the development option(s) under which the site is developed; and (5) the use(s) considered for development. (Cf. "Density" which is the term used to describe the same standards for residential sites.)

Intensive agricultural (land use): See § 406(3).

Junkyard (land use): See § 409(4).

Land use: The type of development and/or activity occurring on a piece of property.

Legal non-conforming use: See "Use, legal non-conforming."

Livable Space (Residential): The sum of the gross horizontal areas of the several floors of a dwelling. Measurements shall be made from the outside of the exterior walls. This does not include attached garages, unenclosed porches, etc.

Local residential street: A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

Lot: A parcel of land that: (a) is undivided by any street or private road; (b) is occupied by, or designated to be developed for, one principal building or principal use; and (c) is designated as a lot on a Plat or Certified Survey map.

Lot area: The area contained within the property boundaries of a recorded lot. Lot area has the affect of limiting the density and intensity of development on a lot.

Lot, corner: A lot abutting 2 or more streets at their intersection.

Lot depth: The average distance between the front lot line and the rear lot line of a lot, as measured at each side lot line.

Lot frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

Lot, interior: A lot other than a corner lot.

Lot line: The property line bounding a lot, except that where any portion of a lot extends into an existing or proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be the lot line opposite the front lot line as defined above.

Lot line, side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record: A platted lot; or lot described in a certified survey map which has been approved by the Town or by Juneau County and has been recorded in the office of the Register of

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Deeds; or a lot described by a metes and bounds description which has been approved by the Town or by Juneau County and has been recorded in the office of the Register of Deeds.

Lot, through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line and at the rear of the required front yard. See Minimum lot width.

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Maximum accessory building coverage: The largest permitted area of all accessory buildings on a lot.

Maximum gross density (MGD): The maximum number of dwelling units permitted on one acre (or 43,560 sq. ft.) of lot area in a specific zoning district and land use.

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and land use. MLA has the effect of limiting the "density" of a residential site, and the "intensity" of a nonresidential site.

Minimum lot width: The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure.

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See gross site area (GSA).

Minimum Zoning District Area (MZA): The minimum area of a zoning district. This is intended to prevent "spot zoning" of small areas.

Navigable water: All rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor & Co., Inc. v. DNR, 70 Wis.2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the US Geological Survey quadrangle maps until such time that the DNR has made a determination that the waterway is not, in fact, navigable.

Net Developable Area (NDA): The area of a parcel or site which may be disturbed by development activity. Net Developable Area is the result of subtracting Resource Protection Areas (RPA) from the Gross Site Area (GSA). The purpose for calculating NDA is to assist a developer in determining what percentage of a site is available for development (See, Site Evaluation Worksheet, Appendix 4 for calculation of NDA)

Nonconforming building or structure: Any building or other structure which does not conform to the provisions of this Code. An "illegal nonconforming building or structure" did not conform to the requirements of previous zoning ordinances. A "legal non-conforming building or structure" was either lawfully existing prior to the adoption of a zoning ordinance by the Town or was lawfully erected under the prior zoning ordinance but does not conform to this Code. (See § 541 for regulations).

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Nonconforming development: A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See § 403.

Nonconforming use: An active and actual use of land, buildings or structures lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter. (See § 403 for regulations).

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Official map: The map adopted by the Town Board which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by State Statutes.

Onsite: Located on the lot in question, except in the context of onsite detention, when the term means within the boundaries of the development site as a whole.

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

Open sales lot: An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Open space, useable: That part of the ground level of a lot which is unoccupied by driveways, off street parking spaces, principal buildings and accessory buildings. This space of minimum described dimension shall be available for greenery, recreational space, gardening and other leisure activities normally carried on outdoors. Ground level for this purpose may include open terraces above the average level of the adjoining ground, but may not include a permanently roofed-over terrace or porch.

Ordinary high water mark: The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Outdoor Institutional Uses: These land uses include cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

Overlay zoning district: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Subchapter 2, as well as the general restrictions of this Chapter. See Subchapter 3, if any.

Owner: The person or entity which holds legal title to a lot or parcel of land.

Pad, Development: See Development pad.

Parcel: (a/k/a Site) A tract of land designated for development or redevelopment. Typically, a parcel is either (i) a tract of land under single ownership, has not been designated for a principal use, and has not been divided into recorded lots, or (ii) in the case of redevelopment, a tract of multiple lots with multiple principal uses which the developer intends to acquire or has acquired for combination into a single redevelopment. A parcel is to be differentiated from a lot, which is ready for development without combination with other property or without subdivision into smaller lots.

Passive Outdoor Public Recreation: All recreational land uses located on public property involving passive activities such as arboretums, natural areas, wildlife areas, hiking trails, nonmotorized bike trails, cross-country ski trails, horse trails, open grass areas, picnic areas, gardens and fishing areas.

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Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Subchapter 5.

Peripheral setback: The distance between a structure and the boundary of a zoning district or development option. Peripheral setbacks are used to provide a setback in addition to (not overlapping with) regularly required building setbacks. Bufferyards are distinct from peripheral setbacks, but may be located within the peripheral setback.

Principal use: Any and all of the primary uses of a property, as determined by the Zoning Administrator, which uses are allowable as uses permitted by right or by conditional use, and not allowable as an accessory use or a temporary use per Subchapters 2, 3 and 4.

Private Residential Recreational Facility: All active outdoor recreational facilities such as children's playhouses, basketball courts, tennis courts, swimming pools and recreation-type equipment.

Private Sewage System a/k/a Individual Septic Disposal System: Any sewage treatment and disposal system within the Town which is not owned and operated by the Town. This term includes alternative sewage systems approved by the Department of Industry, Labor, and Human Relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Protected natural resources: Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, intended to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Recorded lot: See, Lot of record.

Recreational vehicle: A vehicle designed and used principally for the transport of persons.

Residentially zoned: A property located in a residential district per Subchapter 2.

Resource Protection Area: The area of a site which contains floodways, floodplain areas, floodfringes, wetlands, drainageways, lakeshores, woodlands and steep slopes, and in which development activity is limited to protect these natural resources.

Restrictive, more (less): A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Restaurant: See indoor commercial entertainment.

Restaurant, fast food: See in vehicle sales and service.

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Setback: The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line or right-of-way line, whichever is closer. Various setback requirements are established in each zoning district (Subchapters 2 and 3). (See also, "minimum setback"). (NOTE: Front lot lines and right-of-way lines do not necessarily coincide with the edge of the road. Therefore, in measuring front yard setbacks, care should be taken to measure from the correct point).

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Site: See, Parcel.

Site area: See Gross site area.

Site Evaluation Worksheet: This worksheet is designed to assist persons interested in developing a site, parcel or lot in the Town (e.g., development of a parcel into a residential subdivision, or a multifamily development, or a commercial development). This worksheet helps calculate the amount of land which is actually available for development, after things like wetlands and rights-of-way have been subtracted from the total area of the parcel. For example, if a developer needs 1 acre of developable property, this worksheet will help the developer determine whether a proposed site will accommodate a 1-acre development after subtracting rights-of-way, lakes, streams, floodplains, drainage ways, and other areas protected under this Chapter.

Standard pavement width: Required pavement width per the Town of Lyndon Subdivision Ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the Town Board.

Standard zoning districts: Zoning districts which primarily regulate the use of land and intensity or density of such use. See Subchapter 2.

Start of Construction: The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns, or setting the poles for pole buildings. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include, in the case of a principal building, the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or part of the main structure.

Steep Slope: Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the Town of Lyndon and its environs.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Basements, cellars, crawl spaces and attics shall not be counted as a story.

Street: Unless specifically designated otherwise by the Town Board, any public or private way that is dedicated or permanently open to pedestrian and vehicular use, which is twenty-two (22) feet or more in width if it exists at the time of enactment of this Chapter; and any such public right-of-way sixty (66) feet or more in width when established after the effective date of this Chapter.

Street Line: See Lot line, front.

Strip development: A pattern of land uses typified by nonresidential and/or multifamily development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

Structure: Anything constructed, placed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, for use, occupancy or ornamentation whether installed on, above or below the surface. The following shall be construed as a structure, but the definition is not limited to these: billboards or other advertising medium detached or projecting, buildings, docks, dwellings, garages, mobilehomes, sheds, tool houses and walls.

Substandard lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See § 205.

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Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- (a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and
- (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

Use: The purpose or activity for which land or any building or structure thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Conditional: A land use which requires a conditional use permit in order to develop. In general, conditional uses are those land uses, which are of such a special nature or which are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulations or conditions which would permit such determination in each and every individual situation. Conditional uses, when granted, are subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district (Subchapter 3) in which the use is located, plus any requirements applicable to that particular land use as contained in Subchapters 4 and 5, plus any additional requirements imposed as part of the conditional use process contained in Subchapter 9. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as creating a precedent for similar requests. Conditional uses are granted pursuant to the procedures of § 905.

Use, Illegal Non-conforming: A building or structure which does not conform to this Code, which does not conform to any prior zoning ordinance of the Town, and which was not lawfully existing prior to the adoption of a zoning ordinance by the Town.

Use, Legal Non-conforming: A building or structure which does not conform to this Code, but was either (i) lawfully existing prior to the adoption of any zoning ordinance by the Town, or (ii) was lawfully erected under a prior zoning ordinance of the Town. (See § 541 for regulations).

Use, Limited Conditional: Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of

- (a) their particularly specialized nature, or
- (b) their particular locations within a district, or

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- (c) the peculiar relationship or needed compatibility of uses to involved individuals, or
- (d) any other reason(s) the Plan Commission deems relevant to limit the scope thereof.

Use, Permitted: A land use which is allowed to develop without special oversight by the Plan Commission through the conditional use process (§ 905), but instead, is allowed to develop subject to the zoning permit process (§ 904) administered by the Zoning Administrator. However, permitted uses (like conditional uses) are subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district, if any, in which the use is located, plus the general land use requirements of Subchapter 4, the general standards and regulations of Subchapter 5, and the other applicable provisions of this Chapter. Before any permitted use is commenced, changed, or altered, a zoning permit must be obtained. (See, § 904).

Use, Temporary: A land use, identified in § 413, which is present on a property for a limited and specified period of time, and which is subject to all the requirements of the specific standard zoning district (Subchapter 2) and overlay zoning district, if any, in which the temporary use is located, plus any requirements applicable to that particular temporary land use as contained in Subchapter 4. Temporary uses are granted pursuant to the procedures of § 906.

Utility Shed: A utility shed does not include a structure originally built to be licensed as a vehicle or trailer, such as semi-trailers or cube vans.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to § 910.

Vision Clearance Triangle: An occupied triangular space at the corner of intersecting roads, designed for the purpose of maintaining an unobstructed area at each intersection to assist motorists and pedestrians using such intersections.

Woodland: Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the Town of Lyndon and its environs.

Yard: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

Yard, rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, side: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Zoning Board: The Town of Lyndon Board of Zoning Appeals.

Zoning district: A geographic area of the Town, which is identified on the Official Zoning Map and which is subject to the rules and regulations set forth in this Chapter. Subchapter 2 identifies the standard zoning districts into which the entire Town is divided, and Subchapter 3, if any, identifies the overlay zoning districts which cover part of the Town.

Zoning district categories: Zoning Districts are divided into categories of similar districts. For example, zoning districts which establish different types of residential land uses are all contained in the "residential category."

SUBCHAPTER 2: STANDARD ZONING DISTRICTS

SUBCHAPTER 2: STANDARD ZONING DISTRICTS**22.200 PURPOSE**

The purpose of this Subchapter is to identify and describe the standard zoning districts into which the entire Town is divided, and to list various regulations and requirements which are specific for each standard zoning district.

22.201 STANDARD ZONING DISTRICT CATEGORIES AND STANDARD ZONING DISTRICTS

For the purpose of this Subchapter, all areas within the jurisdiction of this Chapter are hereby divided into the following standard zoning districts, and standard zoning district categories, which shall be designated as follows:

Agricultural Category:

Agricultural (AG) District
Rural Residential (RR) District

Residential Category:

Single-family (SF) Residential District
Multi-family (MF) Residential District

Non-Residential Category:

General Business (GB) District
Light Industrial (LI) District
Heavy Industrial (HI) District

Planned Development Category:

Planned Development District (PD-year) e.g.: (PD-2008)

The establishment of these zoning districts herein does not require the Town to employ each and every district on the Official Zoning Map. Some districts may be created for future use.

22.202 MAP OF STANDARD ZONING DISTRICTS

- (1) **MAP ESTABLISHED:** There is hereby established an Official Town of Lyndon Zoning Map, which together with all explanatory materials thereon, is hereby made part of this Subchapter, and which shall be maintained in the Office of the Clerk. The standard zoning districts established by this Subchapter are shown on this Official Map.
- (2) **ELECTRONICALLY STORED:** The Official Map may be maintained and stored electronically (i.e. on computer) and/or on paper.
- (3) **UNSPECIFIED AREAS:** Any area in the Town which is not specifically assigned a Standard Zoning District on the Official Map shall be deemed to be in the Agriculture (AG) District, until such time as the area is otherwise classified.

22.203 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Map:

- (1) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.

SUBCHAPTER 2: STANDARD ZONING DISTRICTS

- (2) Zoning district boundaries shown as following or approximately following roads, highways, or railroad lines shall be construed as following the centerline of such roads, highways, or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Township or County Maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as changing with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from any of the features listed in paragraphs (1) through (5) above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator, who shall then take appropriate action to officially clarify the location of the line. (See, §22.902).

22.204 RELATIONSHIP TO OVERLAY ZONING DISTRICTS

Overlay zoning districts (if any) are a set of zoning requirements imposed in addition to the requirements of the standard zoning districts found in this Subchapter. Development within the overlay zones must conform to the requirements of both the standard zoning district and the overlay zoning districts, and if the two zones are inconsistent, then the development shall comply with the requirements of the more restrictive of the two zones. Overlay districts are used for the protection of natural resource features and the preservation and enhancement of significant community character features. For specific overlay zoning districts and regulations, see Subchapter 3.

SUBCHAPTER 2: STANDARD ZONING DISTRICTS

22.206 AGRICULTURAL ZONING CATEGORY**(1) AGRICULTURE (AG) DISTRICT:**

- (a) Description and Purpose:** This district provides for the continuation and preservation of agriculture. The specific regulations of this district are intended to comply with the Wisconsin Farmland Preservation Act 1977 as amended, so that owners of lands in this district may be eligible for the farmland preservation credit permitted pursuant to Chapter 91, Wis. Stats. as amended. In addition, this district is intended to protect farming from the intrusion of incompatible uses, including urban and suburban development, and to sustain the economic base of agriculture and to preserve its rural lifestyle. The possibility of Agribusiness uses, which are not part of a typical farm, but which are necessary at limited suitable locations to support the farm industry, are provided for in this district as conditional uses.

Rationale: This district is used to provide for the protection of agricultural activities, and very low density residential areas, to preserve the rural community character of the area.

(b) List of Allowable Principal Land Uses (per Subchapter 4):**1. Principal Land Uses Allowed as Permitted Use:**

Cultivation (per § 22.406(1))
Husbandry (per § 22.406(2))
Selective Cutting (per § 22.406(6))
Passive Outdoor Public Recreational (per § 22.407(1))
Active Outdoor Public Recreational (per § 22.407(2))

2. Principal Land Uses Allowed as Conditional Use:

Intensive Agriculture (per § 22.406(3))
Agricultural Service (per § 22.406(4))
On-Site Agricultural Retail (per § 22.406(5))
Clear Cutting (per § 22.406(7))
Indoor Institutional (Church and School only) (per § 22.407(3))
Outdoor Institutional (per § 22.407(4))
Public Services and Utilities (per § 22.407(5))
Commercial Animal Boarding (per § 22.408(10))
Bed and Breakfast Establishment (per § 22.408(12))
Junkyard or Salvage Yard (per § 22.409(4))
Waste Disposal Facility (per § 22.409(5))
Composting Operation (per § 22.409(6))
Airport/Heliport (per § 22.410(2))
Indoor Vehicle Storage, existing buildings only (per § 22.410(5))
Communication Tower (per § 22.411(3))
Extraction Use (per § 22.411(4))

(c) List of Allowable Accessory Uses (per Subchapter 4):**1. Accessory Land Uses Allowed as Permitted Use:**

Farm Residence (per § 22.412(2))
Detached Residential Garage, Carport, Utility Shed, Play Structure or Lawn Ornament (per § 22.412(3))
Home Occupation (per § 22.412(10))
Family Day Care Home (4-8 children) (per § 22.412(11))
Private Residential Recreational Facility (per § 22.412(15))

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- Drainage Structure (per § 22.412(18))
- Filling (per § 22.412(19))
- Lawn Care (per § 22.412(20))
- Private Residential Stable (per § 22.412(17))
- Individual Septic Disposal System (per § 22.412(21))
- Exterior Communication Devices (per § 22.412(22))
- Cultivation (per § 22.412(24))
- Passive Outdoor Public Recreational Area (per § 22.412(25))
- Active Outdoor Public Recreational Area (per § 22.412(26))
- Camping Unit (per § 22.412(32))

2. Accessory Land Uses Allowed as Conditional Use:

- Intermediate Day Care Home (9-15 children) (per § 22.412(12))
- Private Residential Kennel (per § 22.412(16))
- Outdoor Institutional (per § 22.412(27))
- Road, Bridge and/or Appurtenances (per § 22.412(28))
- Utility Lines and Related Facilities (per § 22.412(29))
- Piers and Wharfs (per § 22.412(30))
- Towers (per § 22.412(31))
- Clear Cutting (per § 22.412(33))

(d) List of Allowable Temporary Uses (per Subchapter 4):

- General Temporary Outdoor Sales (per § 22.413(1))
- Outdoor Assembly (per § 22.413(2))
- Contractor=s Project Office (per § 22.413(3))
- Contractor=s On-Site Equipment Storage (per § 22.413(4))
- Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

(e) Regulations: The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, the Landscaping Regulations of Subchapter 6, and the Signage Regulations of Subchapter 7:

AGRICULTURE (AG) Regulations	Residential Uses	Non-Residential Uses
A. Min. Zoning District Area	35 acres	35 acres
B. Min. Lot Area	35 acres per du ¹	35 acres ²
C. Max. Princ. Bldg. Coverage	na	na
D. Max. Acc. Bldg. Coverage	na	na
E. Max. Coverage of all Bldgs.	na	na
F. Max. Bldg. Size	na	na
G. Max. Gross Density/Intensity	na	na
H. Min. Landscaping Surface Ratio	na	na
I. Princ. Bldgs. Per Lot	1	1
J. Min. Lot Width	100	100
K. Min. Street Frontage	66	66
L. Front Setback to Princ. Bldg.	50 ^{5,3}	50 ^{5,3}

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AGRICULTURE (AG) Regulations		Residential Uses	Non-Residential Uses
M	Front Setback to Acc. Bldg.	50 ^{5,3}	50 ^{5,3}
N.	Side Setback to Princ. Bldg.	100 ³	100 ³
O.	Side Setback to Acc. Bldg.	100 ³	100 ³
P.	Rear Setback to Princ. Bldg.	100 ³	100 ³
Q.	Rear Setback to Acc. Bldg.	100 ³	100 ³
R.	Min. Paved Surface Setback	na	na
S.	Min. Separation of Princ. Bldg.	na	na
T.	Min. Separation of Acc. Bldg.	na	na
U.	Max. Princ. Bldg. Height	35 ⁴	na
V.	Max. Acc. Bldg. Height	na	na
W.	Min. Parking	See Land Use	See Land Use
X.	Min. Dwelling Core Dimensions	980 sq. ft.	na

¹ The acreage may be reduced to a minimum of 5 acres with a Conditional Use Permit, which shall require a total minimum of 35 acres, contiguous to the 5 acre subject parcel, to be Deed restricted to prohibit subsequent development of additional principal structures on the 35 acres unless rezoned for higher density development.

² The acreage may be reduced to a minimum of 20 acres with a Conditional Use Permit.

³ Adjustment to setbacks are provided in § 22.504(3).

⁴ Exceptions to height regulations are found in § 22.504(4).

⁵ County or state regulations may impose a greater setback especially along State Highways and County Trunk Highways.

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22.206 (2) RURAL RESIDENTIAL (RR) DISTRICT:

- (a) **Description and Purpose:** This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single family residential development at a density of approximately 1 dwelling unit for every 5 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available.

Rationale: This district is used to provide for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Residential (RR) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Residential (RR) District designation, the rural community character of that area would still be maintained.

(b) **List of Allowable Principal Land Uses (per Subchapter 4):**

1. **Principal Land Uses Allowed as Permitted Use:**

Single-Family Detached (per § 22.405(1))
Cultivation (per § 22.406(1))
Selective Cutting (per § 22.406(6))
Passive Outdoor Public Recreational (per § 22.407(1))
Active Outdoor Public Recreational (per § 22.407(2))
Community Living Arrangement (1-8 residents) (per § 22.407(7))

2. **Principal Land Uses Allowed as Conditional Use:**

Husbandry (per § 22.406(2))
Clear Cutting (per § 22.406(7))
Indoor Institutional (Church and School only) (per § 22.407(3))
Outdoor Institutional (per § 22.407(4))
Public Services and Utilities (per § 22.407(5))
Bed and Breakfast Establishment (per § 22.408(12))
Airport/Heliport (per § 22.410(2))
Communication Tower (per § 22.411(3))

(c) **List of Allowable Accessory Uses (per Subchapter 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**

Farm Residence (per § 22.412(2))
Detached Residential Garage, Carport, Utility Shed, Play Structure or Lawn Ornament (per § 22.412(3))
Home Occupation (per § 22.412(10))
Family Day Care Home (4-8 children) (per § 22.412(11))
On-Site Parking Lot (per § 22.412(14))
Private Residential Recreational Facility (per § 22.412(15))
Drainage Structure (per § 22.412(18))
Filling (per § 22.412(19))
Lawn Care (per § 22.412(20))
Individual Septic Disposal System (per § 22.412(21))
Exterior Communication Devices (per § 22.412(22))
Cultivation (per § 22.412(24))
Passive Outdoor Public Recreational Area (per § 22.412(25))
Active Outdoor Public Recreational Area (per § 22.412(26))
Camping Unit (per § 22.412(32))

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- 2. Accessory Land Uses Allowed as Conditional Use:**
 Intermediate Day Care Home (9-15 children) (per § 22.412(12))
 Private Residential Kennel (per § 22.412(16))
 Private Residential Stable (per § 22.412(17))
 Outdoor Institutional (per § 22.412(27))
 Road, Bridge and/or Appurtenances (per § 22.412(28))
 Utility Lines and Related Facilities (per § 22.412(29))
 Piers and Wharfs (per § 22.412(30))
 Commercial Animal Boarding (per § 22.412(30))
 Towers (per § 22.412(31))
 Clear Cutting (per § 22.412(33))

- (d) List of Allowable Temporary Uses (per Subchapter 4):**
 Outdoor Assembly (per § 22.413(2))
 Contractor's Project Office (per § 22.413(3))
 Contractor's On-Site Equipment Storage (per § 22.413(4))
 On-Site Real Estate Sales Office (per § 22.413(6))
 Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

- (e) Regulations:** The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, the Landscaping Regulations of Subchapter 6, and the Signage Regulations of Subchapter 7:

Rural Residential (RR) Regulations	Residential Uses	Non-Residential Uses
A. Min. Zoning District Area	35 acres	35 acres
B. Min. Lot Area	5 acres per du	10 acres
C. Max. Princ. Bldg. Coverage	5%	20%
D. Max. Acc. Bldg. Coverage	10%	20%
E. Max. Coverage of all Bldgs.	20%	20%
F. Max. Bldg. Size	na	na
G. Max. Gross Density/Intensity	na	na
H. Min. Landscaping Surface Ratio	na	na
I. Princ. Bldgs. Per Lot	1	1
J. Min. Lot Width	200	200
K. Min. Street Frontage	100	100
L. Front Setback to Princ. Bldg.	100 ^{1,3}	50 ^{1,3}
M. Front Setback to Acc. Bldg.	100 ^{1,3}	50 ^{1,3}
N. Side Setback to Princ. Bldg.	100 ¹	100 ¹
O. Side Setback to Acc. Bldg.	100 ¹	100 ¹
P. Rear Setback to Princ. Bldg.	100 ¹	100 ¹

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Rural Residential (RR) Regulations	Residential Uses	Non-Residential Uses
Q. Rear Setback to Acc. Bldg.	100 ¹	100 ¹
R. Min. Paved Surface Setback	10 ft from lot line; 10 ft from street	10 ft from lot line; 10 ft from street
S. Min. Separation of Princ. Bldg.	na	na
T. Min. Separation of Acc. Bldg.	na	na
U. Max. Princ. Bldg. Height	35 ²	35 ²
V. Max. Acc. Bldg. Height	25 ²	35 ²
W. Min. Parking	See Land Use	See Land Use
X. Min. Dwelling Core Dimensions	980 sq. ft.	Na

¹ Adjustment to setbacks are provided in § 22.504(3).

² Exceptions to height regulations are found in § 22.504(4).

³ County or state regulations may impose a greater setback especially along State Highways and County Trunk Highways.

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22.207 RESIDENTIAL ZONING DISTRICTS**(1) SINGLE-FAMILY RESIDENTIAL (SF) DISTRICT:**

- (a) Description and Purpose:** This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential District shall serve as a designation which preserves and protects the residential community character of its area.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SF District designation is retained, regardless of how much development occurs within that area.

(b) List of Allowable Principal Land Uses (per Subchapter 4):**1. Principal Land Uses Allowed as Permitted Use:**

Single-Family Detached (per § 22.405(1))
Selective Cutting (per § 22.406(6))
Passive Outdoor Public Recreational (per § 22.407(1))
Active Outdoor Public Recreational (per § 22.407(2))
Community Living Arrangement (1-8 residents) (per § 22.407(7))

2. Principal Land Uses Allowed as Conditional Use:

Duplex (per § 22.405(2))
Cultivation (per § 22.406(1))
Clear Cutting (per § 22.406(7))
Indoor Institutional (per § 22.407(3))
Outdoor Institutional (per § 22.407(4))
Public Services and Utilities (per § 22.407(5))
Bed and Breakfast Establishment (per § 22.408(12))

(c) List of Allowable Accessory Uses (per Subchapter 4):**1. Accessory Land Uses Allowed as Permitted Use:**

Detached Residential Garage, Carport, Utility Shed, Play Structure or Lawn Ornament (per § 22.412(3))
Home Occupation (per § 22.412(10))
Family Day Care Home (4-8 children) (per § 22.412(11))
On-Site Parking Lot (per § 22.412(14))
Private Residential Recreational Facility (per § 22.412(15))
Drainage Structure (per § 22.412(18))
Exterior Communication Devices (per § 22.412(22))
Cultivation (per § 22.412(24))
Passive Outdoor Public Recreational Area (per § 22.412(25))
Active Outdoor Public Recreational Area (per § 22.412(26))
Camping Unit (per § 22.412(32))

2. Accessory Land Uses Allowed as Conditional Use:

Intermediate Day Care Home (9-15 children) (per § 22.412(12))
Outdoor Institutional (per § 22.412(27))
Road, Bridge and/or Appurtenances (per § 22.412(28))
Utility Lines and Related Facilities (per § 22.412(29))
Piers and Wharfs (per § 22.412(30))
Clear Cutting (per § 22.412(33))

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(d) List of Allowable Temporary Uses (per Subchapter 4):

Outdoor Assembly (per § 22.413(2))
 Contractor's Project Office (per § 22.413(3))
 Contractor's On-Site Equipment Storage (per § 22.413(4))
 On-Site Real Estate Sales Office (per § 22.413(6))

(e) Regulations: The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, the Landscaping Regulations of Subchapter 6, and the Signage Regulations of Subchapter 7:

	Single-Family Residential (SF) Regulations	Residential Uses	Non-Residential Uses
A.	Min. Zoning District Area	20 acres	20 acres
B.	Min. Lot Area	3 acres	3 acres
C.	Max. Princ. Bldg. Coverage	6,000 sq. ft.	10,000 sq. ft.
D.	Max. Acc. Bldg. Coverage	2,500 sq. ft.	4,000 sq. ft.
E.	Max. Coverage of all Bldgs.	8,500 sq. ft.	14,000 sq. ft.
F.	Max. Bldg. Size	na	Na
G.	Max. Gross Density/Intensity	1 du/3 acres MGA	1 F; .05 FAR
H.	Min. Landscaping Surface Ratio	na	na
I.	Princ. Bldgs. Per Lot	1	1
J.	Min. Lot Width	100	100
K.	Min. Street Frontage	66	66
L.	Front Setback to Princ. Bldg.	100 ⁴	100 ⁴
M.	Front Setback to Acc. Bldg.	100 ^{1,4}	100 ^{1,4}
N.	Side Setback to Princ. Bldg.	50 ⁵	50 ⁵
O.	Side Setback to Acc. Bldg.	25 ^{1,6}	25 ^{1,6}
P.	Rear Setback to Princ. Bldg.	50 ⁵	50 ⁵
Q.	Rear Setback to Acc. Bldg.	25 ^{1,6}	25 ^{1,6}
R.	Min. Paved Surface Setback	10	10
S.	Min. Separation of Princ. Bldg.	na	Na
T.	Min. Separation of Acc. Bldg.	na	Na
U.	Max. Princ. Bldg. Height	35 ²	35 ²
V.	Max. Acc. Bldg. Height	25 ^{2,3}	25 ^{2,3}
W.	Min. Parking	3 spaces	See Land Use

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Single-Family Residential (SF) Regulations	Residential Uses	Non-Residential Uses
X. Min. Dwelling Core Dimensions	980 sq. ft.	Na

¹ Adjustments to setbacks are provided in § 22.505(3).

² Exceptions to height regulations are found in § 22.504(4).

³ Or the height of the principal building, whichever is lower.

⁴ County or state regulations may impose a greater setback especially along State Highways and County Trunk Highways.

⁵ Thirty (30) feet on lots of one acre or less, which were established prior to this Code.

⁶ Fifteen (15) feet on lots of one acre or less, which were established prior to this Code.

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22.207 (2) MULTI-FAMILY RESIDENTIAL (MF) DISTRICT:

- (a) **Description and Purpose:** This district is intended to permit development which has a moderate density community character. The land use standards for this district permit single-family homes, duplexes, townhouses, multiplexes and apartments up to 4 units permitted by right and related institutional land uses. Density and intensity standards for this district are designed to ensure that the Multi-family Residential (MF) District shall serve as a designation which preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8 District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide a principal location for mixed residential development.

(b) List of Allowable Principal Land Uses (per Subchapter 4):**1. Principal Land Uses Allowed as Permitted Use:**

Single-Family Detached (per § 22.405(1))
 Duplex (per § 22.405(2))
 Multiplex (3 or 4 unit building)(per § 22.405(6))
 Selective Cutting (per § 22.406(6))
 Passive Outdoor Public Recreational (per § 22.407(1))
 Active Outdoor Public Recreational (per § 22.407(2))
 Community Living Arrangement (1-8 residents) (per § 22.407(7))
 Community Living Arrangement (9-15 residents) (per § 22.407(7))

2. Principal Land Uses Allowed as Conditional Use:

Multiplex (5 to 16 unit building)(per § 22.405(6))
 Apartment (3 to 16 unit building)(per § 22.405(7))
 Cultivation (per § 22.406(1))
 Clear Cutting (per § 22.406(7))
 Indoor Institutional (per § 22.407(3))
 Outdoor Institutional (per § 22.407(4))
 Public Services and Utilities (per § 22.407(5))
 Institutional Residential (per § 22.407(6))
 Bed and Breakfast Establishment (per § 22.408(12))
 Group Day Care Center (9+ children) (per § 22.408(13))

(c) List of Allowable Accessory Uses (per Subchapter 4):**1. Accessory Land Uses Allowed as Permitted Use:**

Detached Residential Garage, Carport, Shed, Play Structure or Lawn Ornament (per § 22.412(3)).
 Home Occupation (per § 22.412(10))
 Family Day Care Home (4-8 children) (per § 22.412(11))
 On-Site Parking Lot (per § 22.412(14))
 Private Residential Recreational Facility (per § 22.412(15))
 Drainage Structure (per § 22.412(18))
 Filling (per § 22.412(19))
 Exterior Communication Devices (per § 22.412(22))
 Cultivation (per § 22.412(24))
 Passive Outdoor Public Recreational Area (per § 22.412(25))
 Active Outdoor Public Recreational Area (per § 22.412(26))
 Camping Unit (per § 22.412(32))

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2. Accessory Land Uses Allowed as Conditional Use:

Intermediate Day Care Home (9-15 children) (per § 22.412(12))
 Outdoor Institutional (per § 22.412(27))
 Road, Bridge and/or Appurtenances (per § 22.412(28))
 Utility Lines and Related Facilities (per § 22.412(29))
 Piers and Wharfs (per § 22.412(30))
 Clear Cutting (per § 22.412(33))

(d) List of Allowable Temporary Uses (per Subchapter 4):

Outdoor Assembly (per § 22.413(2))
 Contractor's Project Office (per § 22.413(3))
 Contractor's On-Site Equipment Storage (per § 22.413(4))
 On-Site Real Estate Sales Office (per § 22.413(6))

(e) Regulations: The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, the Landscaping Regulations of Subchapter 6, and the Signage Regulations of Subchapter 7:

Multi-Family Residential (MF) Regulations	Residential Uses	Non-Residential Uses
A. Min. Zoning District Area	10 acres	10 acres
B. Min. Lot Area	3 acres	3 acres
C. Max. Princ. Bldg. Coverage	40%	40%
D. Max. Acc. Bldg. Coverage	10%	10%
E. Max. Coverage of all Bldgs.	50%	50%
F. Max. Bldg. Size	na	na
G. Max. Gross Density/Intensity	8.0 du/acre MGD	2 F; .25 FAR
H. Min. Landscaping Surface Ratio	50%	25%
I. Princ. Bldgs. Per Lot	1 ¹	1 ¹
J. Min. Lot Width	100	100
K. Min. Street Frontage	66	66
L. Front Setback to Princ. Bldg.	100 ^{2,5}	100 ^{2,5}
M. Front Setback to Acc. Bldg.	100 ^{2,5}	100 ^{2,5}
N. Side Setback to Princ. Bldg.	100	100
O. Side Setback to Acc. Bldg.	50 ²	50 ²
P. Rear Setback to Princ. Bldg.	100	100
Q. Rear Setback to Acc. Bldg.	50 ²	50 ²
R. Min. Paved Surface Setback	5 ft from side or rear; 10 ft from street ²	5 ft from side or rear; 10 ft from street ²

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Multi-Family Residential (MF) Regulations	Residential Uses	Non-Residential Uses
S. Min. Separation of Princ. Bldg.	20	20
T. Min. Separation of Acc. Bldg.	10	10
U. Max. Princ. Bldg. Height	35 ³	35 ³
V. Max. Acc. Bldg. Height	25 ^{3,4}	25 ^{3,4}
W. Min. Parking	2.5 spaces per 3 bedroom 2 spaces per 2 bedroom 1 space per 1 bedroom or efficiency	See Land Use
X. Min. Dwelling Core Dimensions	980 sq ft for single family du ⁶ 800 sq ft for each unit in a multiple family du	na

¹ More than one principal building may be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.

² Adjustment to setbacks are provided in § 22.504(3).

³ Exceptions to height regulations are found in § 22.504(4).

⁴ Or the height of the principal building, whichever is lower.

⁵ County or state regulations may impose a greater setback especially along State Highways and County Trunk Highways.

⁶ In manufactured home parks, 14'x70'

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22.208 NONRESIDENTIAL ZONING CATEGORY**(1) GENERAL BUSINESS (GB) DISTRICT:**

- (a) **Description and Purpose:** This district is intended to permit both large and small scale commercial development at intensities. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Suburban Commercial District. Performance standards for the General Business District are designed to ensure the longterm economic health of strip commercial development areas, existing as of the effective date of this Chapter, by limiting the attraction of the Planned Business District to those and uses which can afford the relatively higher development costs and rents associated with development in that district.

(b) **List of Allowable Principal Land Uses (per Subchapter 4):**

1. **Principal Land Uses Allowed as Permitted Use:**

Selective Cutting (per § 22.406(6))
Passive Outdoor Public Recreational (per § 22.407(1))
Active Outdoor Public Recreational (per § 22.407(2))
Office (per § 22.408(1))
Personal or Professional Services (per § 22.408(2))
Indoor Sales or Service (per § 22.408(3))
Indoor Maintenance Service (per § 22.408(5))
Indoor Vehicle Storage (per § 22.410(5))

2. **Principal Land Uses Allowed as Conditional Use:**

Multiplex (5-16 unit building) (per § 22.405(6))
Apartment (5-16 unit building) (per § 22.405(7))
Cultivation (per § 22.406(1))
Clear Cutting (per § 22.406(7))
Indoor Institutional (per § 22.407(3))
Outdoor Institutional (per § 22.407(4))
Public Services and Utilities (per § 22.407(5))
Institutional Residential (per § 22.407(6))
Outdoor Display (per § 22.408(4))
In-Vehicle Sales or Service (per § 22.408(7))
Indoor Commercial Entertainment (per § 22.408(8))
Outdoor Commercial Entertainment (per § 22.408(9))
Commercial Animal Boarding (per § 22.408(10))
Commercial Indoor Lodging (per § 22.408(11))
Bed and Breakfast Establishment (per § 22.408(12))
Group Day Care Center (9+ children) (per § 22.408(13))
Campgrounds (per § 22.408(14))
Vehicle Repair and Maintenance (per § 22.408(17))
Personal Storage Facility (per § 22.409(3))
Off-Site Parking Lot (per § 22.410(1))

(c) **List of Allowable Accessory Uses (per Subchapter 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**

Company Cafeteria (per § 22.412(4))
Home Occupation (per § 22.412(10))
On-Site Parking Lot (per § 22.412(14))
Drainage Structure (per § 22.412(18))
Filling (per § 22.412(19))

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- Caretaker Residence (per § 22.412(21))
- Exterior Communication Devices (per § 22.412(22))
- Cultivation (per § 22.412(24))
- Passive Outdoor Public Recreational Area (per § 22.412(25))
- Active Outdoor Public Recreational Area (per § 22.412(26))

2. Accessory Land Uses Allowed as Conditional Use:

- Commercial Apartment (per § 22.412(1))
- Detached garage, carport, utility shed, etc. (per § 22.412(3))
- Company Provided On-Site Recreation (per § 22.412(5))
- Outdoor Display Incidental to Indoor Sales & Service (12+ days)(per § 22.412(6))
- In-Vehicle Sales and Service (per § 22.412(7))
- Light Industrial Incidental to Indoor Sales or Service Activities Land Use (per § 22.412(9))
- Outdoor Institutional (per § 22.412(27))
- Road, Bridge and/or Appurtenances (per § 22.412(28))
- Utility Lines and Related Facilities (per § 22.412(29))
- Piers and Wharfs (per § 22.412(30))
- Towers (per § 22.412(31))
- Camping Unit (per § 22.412(32))
- Clear Cutting (per § 22.412(33))

(d) List of Allowable Temporary Uses (per Subchapter 4):

- General Temporary Outdoor Sales (per § 22.413(1))
- Outdoor Assembly (per § 22.413(2))
- Contractor's Project Office (per § 22.413(3))
- Contractor's On-Site Equipment Storage (per § 22.413(4))
- Relocatable Building (per § 22.413(5))
- On-Site Real Estate Sales Office (per § 22.413(6))
- Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

(e) Regulations: The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, the Landscaping Regulations of Subchapter 6, and the Signage Regulations of Subchapter 7:

General Business (GB) Regulations	Residential Uses	Non-Residential Uses
A. Min. Zoning District Area	6 acres	6 acres
B. Min. Lot Area	3 acres	3 acres
C. Max. Princ. Bldg. Coverage	30%	40%
D. Max. Acc. Bldg. Coverage	10%	10%
E. Max. Coverage of all Bldgs.	60%	60%
F. Max. Bldg. Size	na	na
G. Max. Gross Density/Intensity	8 du/acre MGD	2F .60 FAR
H. Min. Landscaping Surface Ratio	50%	30%
I. Princ. Bldgs. Per Lot	1 ¹	1 ¹
J. Min. Lot Width	100	100

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K.	Min. Street Frontage	66	66
L.	Front Setback to Princ. Bldg.	100 ^{2,5}	100 ^{2,5}
M.	Front Setback to Acc. Bldg.	100 ^{2,5}	100 ^{2,5}
N.	Side Setback to Princ. Bldg.	100 ²	100 ²
O.	Side Setback to Acc. Bldg.	50 ²	50 ²
P.	Rear Setback to Princ. Bldg.	50 ²	50 ²
Q.	Rear Setback to Acc. Bldg.	25 ²	25 ²
R.	Min. Paved Surface Setback	10 ²	10 ²
S.	Min. Separation of Princ. Bldg.	na	20
T.	Min. Separation of Acc. Bldg.	10	10
U.	Max. Princ. Bldg. Height	35 ft or greater with Conditional Use ³	35 ³
V.	Max. Acc. Bldg. Height	25 ^{3,4}	25 ^{3,4}
W.	Min. Parking	3 spaces	See Land Use
X.	Min. Dwelling Core Dimensions	980 sq ft for single family du ⁶ 800 sq ft for each unit in a multiple family du.	Na

¹ More than one principal building may be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.

² Adjustments to setbacks are provided in § 22.504(3).

³ Exceptions to height regulations are found in § 22.504(4).

⁴ Or the height of the principal building, whichever is lower.

⁵ County or state regulations may impose a greater setback especially along State Highways and County Trunk Highways.

⁶ In manufactured home parks, 14'x70'

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22.208 (2) LIGHT INDUSTRIAL (LI) DISTRICT:

- (a) **Description and Purpose:** This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the HI District. In addition, land uses shall comply with the minimum performance standards presented in Subchapter 5.

(b) List of Allowable Principal Land Uses (per Subchapter 4):**1. Principal Land Uses Allowed as Permitted Use:**

Selective Cutting (per § 22.406(6))
 Passive Outdoor Public Recreational (per § 22.407(1))
 Active Outdoor Public Recreational (per § 22.407(2))
 Indoor Storage or Wholesaling (per § 22.409(1))
 Indoor Vehicle Storage (per § 22.410(5))
 Light Industrial (per § 22.411(1))

2. Principal Land Uses Allowed as Conditional Use:

Cultivation (per § 22.406(1))
 Clear Cutting (per § 22.406(7))
 Indoor Institutional (per § 22.407(3))
 Outdoor Institutional (per § 22.407(4))
 Public Services and Utilities (per § 22.407(5))
 Office (per § 22.408(1))
 Personal or Professional Service (per § 22.408(2))
 Indoor Sales or Service (per § 22.408(3))
 Indoor Maintenance Service (per § 22.408(5))
 Indoor Commercial Entertainment (per § 22.408(8))
 Commercial Animal Boarding (per § 22.408(10))
 Group Day Care Center (9+ children) (per § 22.408(13))
 Personal Storage Facility (per § 22.409(3))
 Airport/Heliport (per § 22.410(2))
 Distribution Center (per § 22.410(4))
 Communication Tower (per § 22.411(3))
 Vehicle Repair and Maintenance Service (per § 22.408(17))

(c) List of Allowable Accessory Uses (per Subchapter 4):**1. Accessory Land Uses Allowed as Permitted Use:**

Company Cafeteria (per § 22.412(4))
 On-Site Parking Lot (per § 22.412(14))
 Drainage Structure (per § 22.412(18))
 Filling (per § 22.412(19))
 Exterior Communication Devices (per § 22.412(22))
 Caretaker=s Residence (per § 22.412(23))
 Cultivation (per § 22.412(24))
 Passive Outdoor Public Recreational Area (per § 22.412(25))
 Active Outdoor Public Recreational Area (per § 22.412(26))

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2. Accessory Land Uses Allowed as Conditional Use:

Detached Garage, Carport, Utility Shed, etc. (per § 22.412(3))
 Company Provided On-Site Recreation (per § 22.412(5))
 In-Vehicle Sales and Service (per § 22.412(7))
 Indoor Sales Incidental to Storage or Light Industrial Land Use (per § 22.412(8))
 Outdoor Institutional (per § 22.412(27))
 Road, Bridge and/or Appurtenances (per § 22.412(28))
 Utility Lines and Related Facilities (per § 22.412(29))
 Piers and Wharfs (per § 22.412(30))
 Towers (per § 22.412(31))
 Camping Unit (per § 22.412(32))
 Clear Cutting (per § 22.412(33))

(d) List of Allowable Temporary Uses (per Subchapter 4):

Outdoor Assembly (per § 22.413(2))
 Contractor's Project Office (per § 22.413(3))
 Contractor's On-Site Equipment Storage (per § 22.413(4))
 Relocatable Building (per § 22.413(5))
 On-Site Real Estate Sales Office (per § 22.413(6))
 Seasonal Outdoor Sales of Farm Products (per § 22.413(7))

(e) Regulations: The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, the Landscaping Regulations of Subchapter 6, and the Signage Regulations of Subchapter 7:

	Light Industrial (LI) Regulations	Residential Uses	Non-Residential Uses
A.	Min. Zoning District Area	na	6 acres
B.	Min. Lot Area	na	3 acres
C.	Max. Princ. Bldg. Coverage	na	30%
D.	Max. Acc. Bldg. Coverage	na	10%
E.	Max. Coverage of all Bldgs.	na	40%
F.	Max. Bldg. Size	na	na
G.	Max. Gross Density/Intensity	na	4 F .60 FAR
H.	Min. Landscaping Surface Ratio	na	25%
I.	Princ. Bldgs. Per Lot	na	1 ¹
J.	Min. Lot Width	na	200 ft
K.	Min. Street Frontage	na	100
L.	Front Setback to Princ. Bldg.	na	100 ^{2,5}
M.	Front Setback to Acc. Bldg.	na	100 ^{2,5}
N.	Side Setback to Princ. Bldg.	na	100 ²
O.	Side Setback to Acc. Bldg.	na	100 ²
P.	Rear Setback to Princ. Bldg.	na	100 ²

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Light Industrial (LI) Regulations	Residential Uses	Non-Residential Uses
Q. Rear Setback to Acc. Bldg.	na	50 ²
R. Min. Paved Surface Setback	na	25
S. Min. Separation of Princ. Bldg.	na	30
T. Min. Separation of Acc. Bldg.	na	10
U. Max. Princ. Bldg. Height	na	35 ³
V. Max. Acc. Bldg. Height	na	25 ^{3, 4}
W. Min. Parking	na	See Land Use
X. Min. Dwelling Core Dimensions	na	na

¹ More than one principal building may be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.

² Adjustments to setbacks are provided in § 22.504(3).

³ Exceptions to height regulations are found in § 22.504(4).

⁴ Or the height of the principal building, whichever is lower.

⁵ County or state regulations may impose a greater setback especially along State Highways and County Trunk Highways.

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22.208 (3) HEAVY INDUSTRIAL (HI) DISTRICT:

- (a) **Description and Purpose:** This district is intended to permit both large and small scale industrial and office development. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties.

Rationale: This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Subchapter 5. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a conditional use permit.

(b) **List of Allowable Principal Land Uses (per Subchapter 4):**

1. **Principal Land Uses Allowed as Permitted Use:**

Selective Cutting (per § 22.406(6))
Passive Outdoor Public Recreational (per § 22.407(1))
Active Outdoor Public Recreational (per § 22.407(2))
Indoor Storage or Wholesaling (per § 22.409(1))
Outdoor Storage or Wholesaling (per § 22.409(2))
Indoor Vehicle Storage (per § 22.410(5))
Light Industrial (per § 22.411(1))

2. **Principal Land Uses Allowed as Conditional Use:**

Cultivation (per § 22.406(1))
Intensive Agricultural (per § 22.406(3))
Agricultural Services (per § 22.406(4))
Clear Cutting (per § 22.406(7))
Indoor Institutional (per § 22.407(3))
Outdoor Institutional (per § 22.407(4))
Public Services and Utilities (per § 22.407(5))
Office (per § 22.408(1))
Indoor Maintenance Service (per § 22.408(5))
Outdoor Maintenance Service (per § 22.408(6))
Commercial Animal Boarding (per § 22.408(10))
Sexually Oriented Land Uses (per § 22.408(16))
Vehicle Repair and Maintenance (per § 22.408(17))
Personal Storage Facility (per § 22.409(3))
Junkyard or Salvage Yard (per § 22.409(4))
Waste Disposal Facility (per § 22.409(5))
Composting Operation (per § 22.409(6))
Off-Site Parking Lot (per § 22.410(1))
Airport/Heliport (per § 22.410(2))
Freight Terminal (per § 22.410(3))
Distribution Center (per § 22.410(4))
Heavy Industrial (per § 22.411(2))
Communication Tower (per § 22.411(3))
Extraction Use (per § 22.411(4))

(c) **List of Allowable Accessory Uses (per Subchapter 4):**

1. **Accessory Land Uses Allowed as Permitted Use:**

Company Cafeteria (per § 22.412(4))
Home Occupation (per § 22.412(10))
On-Site Parking Lot (per § 22.412(14))
Drainage Structure (per § 22.412(18))

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- Filling (per § 22.412(19))
- Lawn Care (per § 22.412(20))
- Exterior Communication Devices (per § 22.412(22))
- Cultivation (per § 22.412(24))
- Passive Outdoor Public Recreational Area (per § 22.412(25))
- Active Outdoor Public Recreational Area (per § 22.412(26))

2. Accessory Land Uses Allowed as Conditional Use:

- Caretaker=s Residence (per § 22.412(23))
- Detached Garage, Carport, Utility Shed, Etc. (per § 22.412(3))
- Company Provided On-Site Recreation (per § 22.412(5))
- In-Vehicle Sales and Service (per § 22.411(7))
- Migrant Labor Camp (per § 22.412(13))
- Outdoor Institutional (per § 22.412(27))
- Road, Bridge and/or Appurtenances (per § 22.412(28))
- Utility Lines and Related Facilities (per § 22.412(29))
- Piers and Wharfs (per § 22.412(30))
- Camping Unit (per § 22.412(32))
- Clear Cutting (per § 22.412(33))

(d) List of Allowable Temporary Uses (per Subchapter 4):

- Outdoor Assembly (per § 22.413(2))
- Contractor's Project Office (per § 22.413(3))
- Contractor's On-Site Equipment Storage (per § 22.413(4))
- Relocatable Building (per § 22.413(5))
- On-Site Real Estate Sales Office (per § 22.413(6))

(e) Regulations: The following regulations apply to this district, in addition to the Performance Standards of Subchapter 5, the Landscaping Regulations of Subchapter 6, and the Signage Regulations of Subchapter 7:

Heavy Industrial (HI) Regulations	Residential Uses	Non-Residential Uses
A. Min. Zoning District Area	na	10 acres ²
B. Min. Lot Area	na	3 acres
C. Max. Princ. Bldg. Coverage	na	75%
D. Max. Acc. Bldg. Coverage	na	10%
E. Max. Coverage of all Bldgs.	na	85%
F. Max. Bldg. Size	na	na
G. Max. Gross Density/Intensity	na	2 F ¹ ; 1.0 FAR
H. Min. Landscaping Surface Ratio	na	15%
I. Princ. Bldgs. Per Lot	na	1 ³
J. Min. Lot Width	na	200
K. Min. Street Frontage	na	100
L. Front Setback to Princ. Bldg.	na	100 ⁴
M. Front Setback to Acc. Bldg.	na	100 ⁴

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Heavy Industrial (HI) Regulations	Residential Uses	Non-Residential Uses
N. Side Setback to Princ. Bldg.	na	100 ⁴
O. Side Setback to Acc. Bldg.	na	100 ⁴
P. Rear Setback to Princ. Bldg.	na	100 ⁴
Q. Rear Setback to Acc. Bldg.	na	50 ⁴
R. Min. Paved Surface Setback	na	10
S. Min. Separation of Princ. Bldg.	na	40
T. Min. Separation of Acc. Bldg.	na	10
U. Max. Princ. Bldg. Height	na	45 ⁵
V. Max. Acc. Bldg. Height	na	25 ^{5,6}
W. Min. Parking	na	See Land Use
X. Min. Dwelling Core Dimensions	na	na

¹ Additional floors may be allowed as a Conditional Use.

² Lots as small as 5 acres may be approved by conditional use.

³ More than one principal building may be permitted on any one lot upon the granting of a Conditional Use Permit for a Group Development in compliance with § 22.414.

⁴ Adjustments to setbacks are provided in § 22.504(3).

⁵ Exceptions to height regulations are found in § 22.504(4).

⁶ Or the height of the principal building, whichever is lower.

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22.209 PLANNED DEVELOPMENT CATEGORY**(1) PLANNED DEVELOPMENT (PD-___) DISTRICT:**

- (a) Description and Purpose:** This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. The intent of this district is to require higher levels of development quality in both design and materials in exchange for carefully controlled flexibility on matters of land use, density, intensity, setbacks and/or bulk. This district is designed to forward both aesthetic and economic objectives of the Town by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to § 22.914 for the procedures applicable to proposal review in this standard zoning district.
- (b) Development Standards:** Development standards are flexible within this zoning district. Refer to § 22.914(2) for the range of development standards potentially available in this zoning district.

SUBCHAPTER 2: STANDARD ZONING DISTRICTS

SUBCHAPTER 3: OVERLAY ZONING DISTRICTS

SUBCHAPTER 3: OVERLAY ZONING DISTRICTS**22.300 PURPOSE**

Overlay zoning districts are a set of zoning requirements imposed in addition to those of the underlying standard zoning district. Development within the overlay zone must conform to the requirements of both zones. These districts are used for the protection of natural resource features and the preservation and enhancement of significant community character features.

22.301 OVERLAY ZONING CATEGORIES AND DISTRICTS

For purposes of this Subchapter, certain specified areas within the Town are hereby divided into the following overlay zoning categories and overlay zoning districts:

Natural Resource Protection Overlay Category

Floodplain Overlay District (FP)
Shoreland-Wetland Overlay District (SW)
Lakeshore Overlay District (LS)
Drainageway Overlay District (DW)
Woodland Overlay District (WL)
Steep Slope Overlay District (SS)

Community Character Overlay Category

Park Overlay Zoning District (POZ)

22.302 MAP OF OVERLAY ZONING DISTRICTS

The overlay zoning districts established by this Subchapter are shown on the Official Zoning Maps, which together with all explanatory materials thereon, are hereby made a part of this Subchapter.

22.303 INTERPRETATION OF OVERLAY ZONING DISTRICT BOUNDARIES

The rules applicable to standard zoning district boundaries shall also apply to overlay zoning district boundaries (*see*, Section 22.102), subject to the following additional rules:

- (1) Where an apparent discrepancy exists between the location of the outermost boundary of the Floodfringe District or the Floodplain District shown on the official zoning map and actual field conditions, the location shall be initially determined by the Zoning Administrator using the criteria described in (2) and (3), below. Where the Zoning Administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in Section 22.903. Disputes between the Zoning Administrator and the Applicant over the location of the district boundary line shall be settled using the procedures outlined in Section 22.912.
- (2) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map,

SUBCHAPTER 3: OVERLAY ZONING DISTRICTS

and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

- (3) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department of Natural Resources. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department of Natural Resources, the Zoning Administrator shall have the authority to grant or deny a land use permit.

22.304 NATURAL RESOURCE PROTECTION OVERLAY ZONING CATEGORIES

- (1) **INTRODUCTION:** This Section contains the standards governing the protection, disturbance, and mitigation of disruption of all natural resource areas. These provisions are intended to supplement those of Juneau County, the State of Wisconsin, and the Federal Government pertaining to natural resource protection. Prior to using the provisions of these sections to determine the permitted disruption of such areas, the requirements provided below should be reviewed. These sections recognize the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of these sections is oriented to a different natural resource type, and is designed to accomplish several objectives:

1. A definition of the natural resource is provided.
2. The specific purposes of the protective regulations governing each natural resource type are provided.
3. The required method of identifying and determining the boundaries of the natural resource area is given.
4. A list of land uses which are permitted by right, permitted by conditional use, or prohibited.
5. Mandatory protection requirements are identified.

NOTE: Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented as part of the regulations for each land use found in Subchapter 4.

SUBCHAPTER 3: OVERLAY ZONING DISTRICTS

- (2) **PURPOSE:** This Section sets forth the requirements for the mandatory protection of natural resources (resource protection area B RPA) within the jurisdiction of this Chapter. The provisions of this section interact closely with the regulations applicable to each zoning district in Subchapter 2, with the regulations applicable to each land use of Subchapter 4, and with the Density and Intensity Standards of Section 22.503.
- (3) **FLOODPLAIN OVERLAY ZONING DISTRICTS (FP):** Floodplain Overlay Zoning, including zoning in Floodway Districts, Floodfringe Districts and Floodplain Districts, is governed by Chapter 20 of the Juneau County Code of Ordinances.
- (4) **SHORELAND^B WETLAND OVERLAY ZONING DISTRICT (SW):** Shoreland-Wetland Overlay Zoning is governed by the Juneau County Shoreland Wetland Zoning Ordinance.

22.305 COMMUNITY CHARACTER OVERLAY ZONING

- (1) **INTRODUCTION:** This section contains the standards governing the preservation, protection, and enhancement of significant community character features in the community. This section recognizes the important and diverse benefits to the general welfare of the community in preserving and enhancing these key community character features. Each of the following districts is oriented to a particular community character feature.
- (2) **PURPOSE:** The purpose of this section is to set forth the requirements for the mandatory protection and enhancement of significant community character features within the jurisdiction of this Chapter. In part, the provisions of this section are designed to ensure the implementation of the Town Comprehensive Master Plan and State of Wisconsin Statutes §62.231 and §87.30.
- (3) **RESERVED FOR FUTURE USE**

SUBCHAPTER 3: OVERLAY ZONING DISTRICTS

SUBCHAPTER 3: OVERLAY ZONING DISTRICTS

SUBCHAPTER 4: LAND USES

SUBCHAPTER 4: LAND USES**22.400 GENERAL INFORMATION**

- (1) **PURPOSE:** The purpose of this Subchapter is to identify, describe and define the different types of land uses which are authorized by this ordinance. This Subchapter also imposes regulations which are specific to the different types of land uses identified herein.
- (2) **LAND USE CATEGORIES:** The land uses discussed herein are divided into ten (10) general categories:
1. Residential land uses
 2. Agricultural land uses
 3. Institutional land uses
 4. Commercial land uses
 5. Storage/Disposal land uses
 6. Transportation land uses
 7. Industrial land uses
 8. Accessory land uses
 9. Temporary land uses
- (3) **GROUP DEVELOPMENTS:** A group development is any development containing (a) two or more structures containing principal land uses on the same lot; or (b) two or more principal land uses in a single structure. Group developments are allowed as conditional uses in all zoning districts, provided that the proposed uses within the group development are either permitted uses or conditional uses within the zoning district in question. Group developments require special consideration because of the unique issues which arise when several principal structures, and/or several land uses are located on the same lot. Hence, additional regulations are imposed on group developments in Section 22.414.
- (4) **CLASSIFICATION OF USES:**
- (a) **Permitted Uses:** Permitted uses of land or buildings shall be restricted to the districts indicated in Subchapter 2, and under the condition specified. No land or structure shall be devoted to any use other than a use permitted in the zoning district in which the land or structure is located, except for (i) approved conditional uses, or (ii) legal non-conforming uses.

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- (b) **Conditional Uses:** Conditional uses of land or structures shall be restricted to the districts indicated in Subchapter 2, subject to the issuance of conditional use permits in accordance with Section 25.905.
- (c) **Omitted Uses:** Land uses which are not specifically described in this Chapter are not allowed in the Town. However, Subchapter 9 empowers applicants to amend this Chapter to address omitted land uses.
- (d) **Unused Uses:** The establishment of a particular land use herein does not require the Town to employ it in any zoning district. Some land uses have been created for possible future use and to illustrate the differences between various land uses.
- (5) **ILLUSTRATIONS:** The illustrations contained herein demonstrate how to measure the various setback requirements labeled in capital letters.
- (6) **DISCRIMINATION AGAINST CONDOMINIUM FORMS OF OWNERSHIP:** It is not the intent of this Section, nor any other provision of this Chapter, to discriminate against condominium forms of ownership in any manner which conflicts with ' 703.27 Wis. Stats. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically similar forms of development.

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22.401 REGULATIONS APPLICABLE TO ALL LAND USES

All Uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter. Specifically:

- (1) **LAND USE REGULATIONS AND REQUIREMENTS:** All uses of land shall comply with all the regulations of this Subchapter. Such regulations address both general and specific regulations which land uses shall adhere to and which are directly related to the protection of the health, safety and general welfare of the residents of the Town.
- (2) **ZONING DISTRICT REGULATIONS:** All land uses shall comply with the regulations of Subchapter 2 **Standard Zoning Districts** and Subchapter 3 **Overlay Zoning Districts**. Such regulations address requirements for residential and nonresidential developments and requirements relating to the density, intensity, and bulk of developments, which are directly related to the protection of the health, safety and general welfare of the Town.
- (3) **LANDSCAPING AND BUFFERYARD REGULATIONS AND REQUIREMENTS:** All development of land shall comply with all the regulations and requirements of Subchapter 6, pertaining to the provision of landscaping and bufferyards. Such regulations and requirements address issues such as minimum required landscaping of developed land, and minimum required provision of bufferyards between adjoining zoning districts and/or development options; which are directly related to, and a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the residents of the Town.
- (4) **GENERAL STANDARDS:** All development of land shall comply with all the regulations and requirements of Subchapter 5 which sets forth the general requirements applicable to all development for all land uses in all zoning districts. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town.
- (5) **SIGNAGE REGULATIONS AND REQUIREMENTS:** All land use and/or development of land

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shall comply with all the regulations and requirements of Subchapter 8, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town.

- (6) **PROCEDURAL REGULATIONS AND REQUIREMENTS:** All land uses and/or development of land shall comply with all the regulations and requirements of Subchapter 9, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town.
- (7) **NUMBER OF BUILDINGS PER LOT:** In the AG, RR, ER-1, SR-3 and SR-4 Districts, only one principal building shall be permitted on any one lot. In the TR-6, MR-8, MR-10, NO, PO, NB, PB, GB, CB, PI, GI, and HI Districts, more than 1 principal building shall be permitted on any 1 lot upon the granting of a conditional use permit (Section 22.905) for a Group Development (Section 22.414).
- (8) **NUMBER OF LAND USES PER BUILDING:**
- (a) No more than 1 nonresidential land use shall be permitted in any building unless a conditional use permit (Section 22.905) for a Group Development (22.414) is granted.
 - (b) With the exceptions of a Commercial Apartment or a Home Occupation, no building containing a nonresidential land use shall contain a residential land use. (See Sections 22.412(1) and 22.412(10)).
- (9) **DIVISION OR COMBINING OF A LOT:** No recorded lot shall be divided into 2 or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located (as set forth in this Chapter). (See also the Land Division Regulations.)

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22.402 NONCONFORMING USE REGULATIONS

- (1) **DEFINITION:** A nonconforming use is an active and actual use of land or structures, or both, legally established prior to the effective date of this Chapter, which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) **CONTINUANCE OF A NONCONFORMING USE:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per Section 22.905) to be granted legal conforming status. Any legal use under the previous zoning map which is made nonconforming by a change to the official zoning map may apply for a zoning map amendment (per Section 22.903) to an appropriate zoning district to be granted legal conforming use status.
- (3) **MODIFICATION OF A NONCONFORMING USE:** A nonconforming use shall not be expanded, or changed to another nonconforming use, unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Plan Commission). After such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.
- (4) **DISCONTINUANCE OF A NONCONFORMING USE:** When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed into a conforming use, for any period of time, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.
- (5) **MAINTENANCE OF A NONCONFORMING USE:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. In no instance shall said repairs or alterations exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs.

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- (6) **DESTRUCTION OF NONCONFORMING USES:** A building or structure, containing a legal non-conforming use, which is accidentally damaged by fire, tornado or other disaster, may be repaired so that the legal nonconforming use may be continued thereafter, provided that the total cost of all the repairs (both structural and non-structural) does not exceed 50% of the assessed value of the building or structure. However, if the cost to repair the building or structure exceeds 50% of the assessed value of the building or structure, then the building or structure shall not be allowed to be repaired and then used for a nonconforming use, except in the following circumstances:
- (a) The following legal nonconforming uses may be allowed, by conditional use, to rebuild as a non-conforming use regardless of the cost of repairs:
1. Single -family detached (section 22.405(1));
 2. Duplex (section 22.405(2));
 3. Townhouse (section 22.405(3))
- (b) A legal non-conforming use, which owns and occupies two or more principal buildings or structures in close proximity to one another (e.g. an industry which has 2 or more buildings located next to each other on separate tax parcels), may be allowed, by conditional use, to rebuild as a nonconforming use provided that the total cost of the rebuilding does not exceed 50% of the assessed value of all the adjacent buildings and structures owned and occupied by that nonconforming use. Nothing herein shall be construed to prohibit the repair or rebuilding of a building or structure which will contain a legal conforming use after the repairs are completed, provided the building or structure itself conforms with the other provisions of this Ordinance. (For regulations dealing with [Destruction of Non-conforming Structures](#),@ see. 22.541)
- (7) **NONCONFORMING LOTS, STRUCTURES, & BUILDINGS:** See Sections 22.538 and 22.539.

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22.403 RESERVED FOR FUTURE USE

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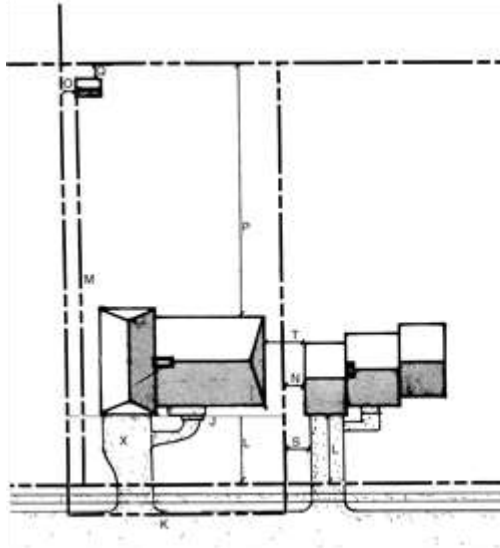
22.405 RESIDENTIAL LAND USES

(1) SINGLE-FAMILY DETACHED:

(a) Description: A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a single-family residence which is located on an individual lot or within a group development and which is fully detached from another dwelling unit or building.

(b) Regulations:

1. The dwelling unit must be one of the following: (i) a site-built structure, built in compliance with the UDC, or (ii) a manufactured dwelling (modular home) as permitted by the UDC, or (iii) a manufactured home as permitted by the HUD code.
2. For all dwelling units, the use of a permanent, continuous UDC foundation is required.
3. This dwelling unit type may not be split into two or more residences.



All below-grade portions of these dwellings (e.g. footings, crawl spaces, basements, etc.) shall be of masonry construction.

Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters:

Single-Family Detached Dwelling Unit

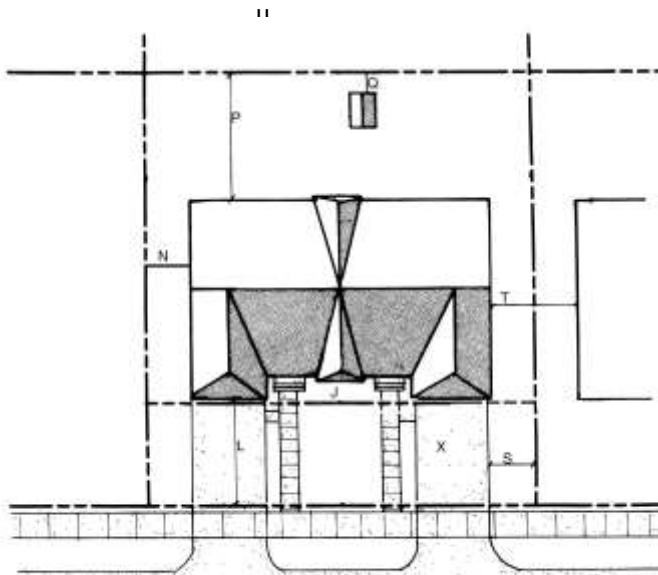
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22.405 (2) DUPLEX:

(a) Description: This dwelling unit type consists of a single, two-family dwelling unit, which is in complete compliance with the State of Wisconsin One and Two-Family Dwelling Code (s. 101.60.66), and which has two individual dwelling units located side-by-side, or on multiple levels, upon a single lot. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three month).

(b) Regulations:

1. In side-by-side duplexes, a fire-rated wall assembly division, pursuant to the UBC, between the two dwelling units from the lowest level to flush against the underside of the roof.
2. Individual entrances are required for each dwelling unit.
3. The two residences must be located on the same lot. (The Townhouse is distinguished from the Duplex merely by having each unit located on an individual lot or within a group development).
4. A Duplex may not be expanded into additional (i.e. more than 2) dwelling



b

elow-gra5. All Below-grade portions of these dwellings (e.g. footings, crawl spaces, basements, etc.) shall be of masonry construction.

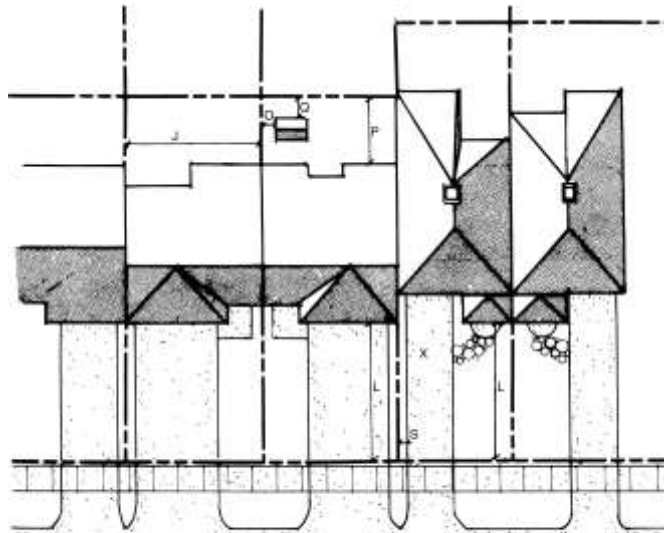
6. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Duplex

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22.405 (3) TOWNHOUSE:

- (a) **Description:** This residential dwelling unit type consists of attached side-by-side, single-family residences, each having private, individual access, and each located on a separate lot or within a group development. Separate lots permit, but do not require, ownership of each unit by a different person. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months). (Compare, duplexes which are located on a single lot and do not accommodate separate ownership of each unit.)
- (b) **Regulations:**
1. A fire-rated wall assembly division, pursuant to the UBC, shall be constructed between each dwelling unit from the lowest level through the roof.
 2. Individual sanitary sewer and water laterals are required for each dwelling unit.
 3. No more than 8 townhouse dwelling units may be attached per group.
 4. All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development.
 5. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Townhouse

Townhouse



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22.405 (4) MULTIPLEX:

- (a) **Description:** This residential dwelling unit type is owned by a single entity and consists of 3 or more attached dwelling units, each of which has a private, individual exterior entrance. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).
- (b) **Regulations:**
1. A fire-rated wall assembly division, pursuant to the UBC, between each dwelling unit from the lowest level through the roof.
 2. No more than 16 and no less than 3 dwelling units may be attached in a single building.
 3. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking or garage parking, architectural elements, landscaping, and/or onsite recreational facilities.
 4. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Multiplex

Multiplex

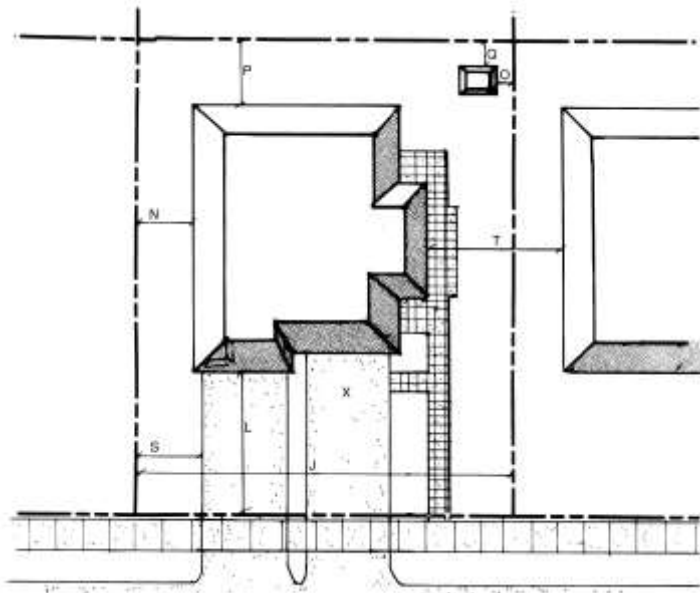
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22.405 (5) APARTMENT:

(a) Description: This dwelling unit type consists of 3 or more attached dwelling units which provide access to the dwelling units from a shared entrance or hallway. Each dwelling unit is occupied by the same family for periods of three months or longer. (See, Commercial Indoor Lodging, for rental periods of less than three months).

(b) Regulations: The following regulations apply to all Apartments wherever located in the Extraterritorial Zoning District:

1. A fire-rated wall assembly division, pursuant to the UBC, between each dwelling unit from the lowest level to the underside of the roof.
2. No more than 16 and no less than 3 dwelling units may be located in a single building. (2-unit buildings are either duplexes or Townhouses).
3. As part of the conditional use requirements for group developments, any



development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking or garage parking, architectural elements, landscaping, and/or onsite recreational facilities.

4. Refer to the illustration below and to Subchapter 2 for lot requirements labeled in capital letters: Apartment

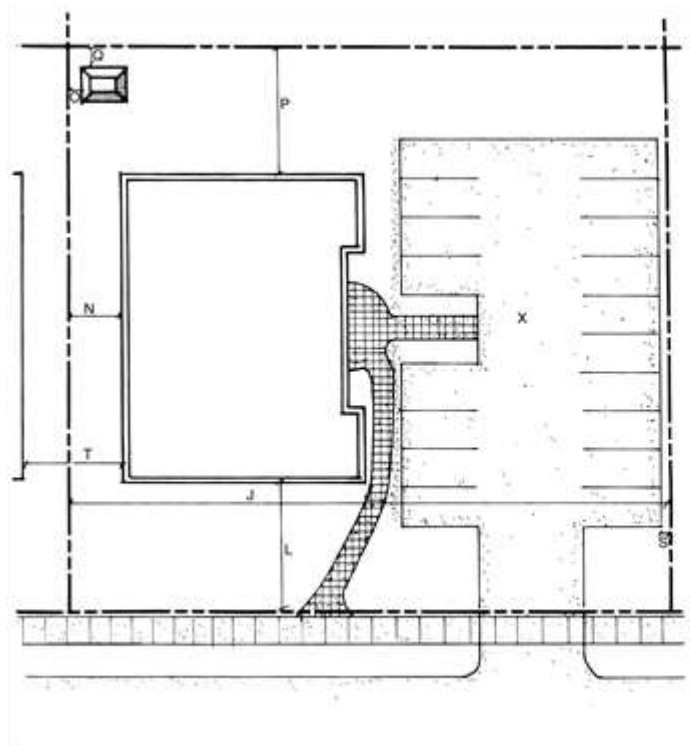
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22.405 (6) MOBILE HOME:

(a) Description: This dwelling unit type consists of a structure, manufactured or assembled before June 15, 1976, which was designed to be towed as a single unit or in sections upon a highway by a motor vehicle, and which was designed to be used primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. (Statutory reference Sec. 101.91(2k) Wis. Stats.). Mobile homes are distinguishable from Manufactured Homes.

(b) Regulations:

- 1. No mobile home may be placed, parked, stored or occupied within the Town unless
 - a. it is exclusively used as a Contractor=s Project Office (22.413(3)) temporary land use; or



ely offered Afor sale@ at an Outdoor Display (22.408(4)) commercial land use, provided the business conducting the outdoor display is engaged in the business of selling new mobile homes.

(c) Manufactured Home: Manufactured homes are treated like other stick-built homes.

(7) INSTITUTIONAL RESIDENTIAL DEVELOPMENT:

(a) Description: (See, Section 22.406(6))

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(b) Regulations:

1. See, Section 22.406(6)
2. This use is also listed as a residential use so that both the residential and the non-residential regulations of Subchapter 2 shall apply, because these uses combine features of residential and non-residential uses.

(8) MOBILE HOME/MANUFACTURED HOME PARK:**(a) Description:** This land use is a form of residential development which is exclusively reserved for,

1. conventional mobile home/manufactured home parks, in which all of the lots are owned by a single entity and rented (with or without homes) to individuals; and
2. mobile home/manufactured home condo parks, in which all lots are part of the same condominium association and are owned individually by unit owners.

Although mobile homes can not be placed, parked, or stored in the Town (as per section 22.405(6)), this land use includes mobile homes to cover existing parks (if any) with mobile homes that are non-conforming structures and non-conforming uses.

(b) Regulations:

1. Developments shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
2. Developments shall comply with the same landscaping and bufferyard requirements as the Multi-family Residential District, as specified in Section 22.207(2).
3. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 22.405(6).
4. A blanket variance is hereby granted to all existing mobile home/manufactured home parks located in the Town upon the effective date of this ordinance. This blanket variance will permit such parks to continue operation. However, such parks may not be expanded or altered except in compliance with this Ordinance. Nothing herein shall limit or waive the obligation of each park to comply with all other licensing or permitting requirements of the Township.

Rationale: The purpose of this blanket variance is to make sure that the continued operation of existing mobile home/manufactured home parks are not affected by this ordinance, but any expansion or modification of existing parks shall comply with this new ordinance. It is expected that park

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expansions or modifications shall be pursued either as a conditional use within the MF District (22.207(2)), or as a Planned Development (22.209). This blanket variance ensures that existing parks do not encounter difficulty when transferring ownership, because they would otherwise be considered nonconforming uses, and it ensures that mobile homes within the parks can be removed and replaced with manufactured homes without triggering the need for a zoning permit.

5. Each dwelling shall be occupied by not more than one family.
6. Each park shall be surrounded by an additional set back and buffer yard of 100 feet, which shall contain at least 500 landscaping points per 100 feet.

22.406 AGRICULTURAL LAND USES**(1) CULTIVATION:**

(a) **Description:** Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants for commercial sale or for livestock feed. This land use includes trees which were raised as a crop, such as in nursery or Christmas tree operations. It also includes trees which are subject to the "managed forest crop land" program.

(b) Regulations:

1. In all Natural Resource Protection Overlay Districts, cultivation is allowed only as a conditional use, provided the area proposed for cultivation is designated on the submitted site plan and/or recorded Plat or CSM as an "area which may be used for cultivation."

(2) HUSBANDRY:

(a) **Description:** Husbandry land uses include all operations which are primarily oriented to the on-site raising and/or use of animals, and which are not regulated by section 93.90 Wis. Stats. Apiaries are considered husbandry land uses.

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(b) Regulations:

1. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
2. Any outdoor animal containment (e.g. corrals, barn yards, feeding pens, and similar areas) shall be located a minimum of 100 feet from any residentially zoned property. This requirement does not apply to containments of 5 acres or more where animals graze. (e.g. pastures)
3. The use of "used" mobile homes, manufactured homes which are portable on a frame with wheels, or trailers to house animals, equipment, feed or other materials shall be prohibited.
4. Parking Requirements: One space per employee on the largest work shift.
(Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

(3) INTENSIVE AGRICULTURE:

- (a) Description:** Intensive agricultural land uses include all operations regulated by 93.90 Wis. Stats.
- (b) Regulations:** The following regulations shall apply to the extent that they are not preempted by the Wisconsin Livestock Facility Siting Law (93.90 Wis. Stats.):
 1. Shall not be located in, or within 500 feet of an existing or platted residential subdivision.
 2. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See Section 22.610.)
 3. All livestock structures (excluding waste storage structures) must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that such structure may not be expanded closer to the property line. All other buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
 4. All livestock structures (excluding waste storage structures) must be located

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a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way. All other buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 150 feet from all public road rights-of-way.

5. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way. A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - a. Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
 - b. No larger than the existing structure;
 - c. No further than 50 ft. from the existing structure; and
 - d. No closer to the road or property line than the existing structure.

This setback requirement *does not apply* to existing waste storage structures, except that an existing structure within 350 feet of a property line or road may not expand *toward* that property line or road.
6. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
7. Parking Requirements: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

22.406 (4) AGRICULTURAL SERVICE:

- (a) **Description:** Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and ²²⁻⁴⁻¹⁸agricultural waste disposal facilities (except

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commercial composting uses, see Section 22.409(6)).

(b) **Regulations:**

1. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
2. All buildings, structures, outdoor storage areas, and outdoor animal containments (pastures, pens and similar areas) shall be located a minimum of 100 feet from all lot lines.
3. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
4. **Parking Requirements:** One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

22.406 (5) ON-SITE AGRICULTURAL RETAIL:

(a) **Description:** On-site agricultural retail land uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

(b) **Regulations:**

1. Retail operations shall be located a minimum of 300 feet from any residentially zoned property.
2. **Parking Requirements:** One space per employee on the largest work shift and four spaces for customers. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 22.509(5)).

(6) **SELECTIVE CUTTING:**

(a) **Description:** Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees, which are natural woodlands not included in section 22.406(1), where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30% of the woodlands on a parcel.

(b) **Regulations:** The destruction of trees in an area in excess of this amount of the

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woodlands on a parcel shall be considered clear cutting, (see (7), below).

(7) CLEAR CUTTING:

- (a) **Description:** Clear cutting land uses include the onetime, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees, which are natural woodlands not included in section 22.406(1), where the extent of such activity covers an area (or combined areas) of more than 30% of the woodlands on a parcel.
- (b) **Regulations:** The following regulations apply to all Clear Cutting uses wherever located in the Town:
1. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
 2. Applicant shall provide a written statement from the County Forrester containing the Forrester=s opinion of the applicant=s cutting proposal.
 3. Areas which have been clear cut as a result of intentional action following the effective date of this Chapter without the granting of a conditional use permit are in violation of this Chapter and the property owner shall be fined for such violation (in accordance with the provisions of Section 22.936) and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas which have been clear cut unintentionally as a result of fire or other natural disaster shall not subject the owner of the property to fines associated with the violation of this Chapter. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of Section 22.609.
 4. Clear cutting shall not be permitted within a required bufferyard or landscaped area (see Section 22.610), or within an area designated as natural resource protection area.

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22.407 INSTITUTIONAL LAND USES**(1) PASSIVE OUTDOOR PUBLIC RECREATIONAL:**

(a) **Description:** Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated with any particular active recreational land use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

(b) **Regulations:**

1. In all Natural Resource Protection Overlay Districts, the area of use shall be limited to an 8-foot wide pathway.
2. **Parking Requirements:** Four spaces plus one space per four expected patrons at maximum.

(2) ACTIVE OUTDOOR PUBLIC RECREATIONAL:

(a) **Description:** Active outdoor public recreational land uses include all recreational land uses located on public property which involve active recreational activities. Such land uses include playcourts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.

(b) **Regulations:**

1. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
2. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
3. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if a significant number of the users will be children or elderly.
4. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be permitted to spread into native vegetation areas.
5. **Parking Requirements:** Four spaces plus one space per four expected patrons at maximum capacity.

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(3) INDOOR INSTITUTIONAL:

(a) **Description:** Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

(b) **Regulations:**

1. Shall provide off-street passenger loading area if a significant number of the users will be children or elderly (as in the case of a school, church, library, or similar land use).
2. All structures shall be located a minimum of 50 feet from any residentially zoned property.
3. **Parking Requirements:** Generally, one space per three expected patrons at maximum capacity, plus one space per employee on the largest work shift. However, see additional specific requirements below:

Church: one space per five seats at the maximum capacity.

Community or Recreation Center: One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

22.407 (4) OUTDOOR INSTITUTIONAL:

(a) **Description:** Outdoor institutional land uses include public and private cemeteries, country clubs, golf courses, and similar land uses.

(b) **Regulations:**

1. Shall provide off-street passenger loading area.
2. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
3. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
4. **Parking Requirements:** Generally, one space per three expected patrons at maximum capacity, plus one space per employee on the largest work shift. However, see additional specific requirements below:

Cemetery: one space per employee, plus one space per three patrons

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to the maximum capacity of all indoor assembly areas.

Golf Course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).

Swimming Pool: one space per 75 square feet of gross water area.

Tennis Court: three spaces per court.

(5) **PUBLIC SERVICE AND UTILITIES:**

(a) **Description:** Public service and utilities land uses include all Town, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

(b) **Regulations:**

1. Outdoor storage areas shall be located a minimum of 200 feet from any residentially zoned property.
2. Outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
3. All structures shall be located a minimum of 200 feet from any residentially zoned property.
4. Existing facilities may be expanded only by conditional use.
5. **Parking Requirements:** One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.

22.407 (6) **INSTITUTIONAL RESIDENTIAL:**

(a) **Description:** Institutional residential land uses include group homes, convents, monasteries, nursing homes, convalescent homes, retirement homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23.

(b) **Regulations:**

1. The development shall contain a minimum of 800 square feet of gross site area for each occupant of the development.
2. A minimum of 30% of the development's Gross Site Area (GSA) shall be held

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as permanently protected green space.

3. The Development shall provide an off-street passenger loading area.
4. All structures shall be located a minimum of 200 feet from any residentially zoned property which does not contain an institutional residential land use.
5. Parking Requirements: one space per six residents or per six patient beds, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend, plus one space per regularly-scheduled visiting doctor or other health care provider.

(7) COMMUNITY LIVING ARRANGEMENT (CLA):

(a) Description: Community Living Arrangement (CLA) land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, and community based residential facilities. CLA=s do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). CLA facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23.

(b) Regulations: The following regulations apply to all CLA=s:

1. No CLA shall be established within 2,500 feet of any other such facility regardless of its capacity.
2. The applicant shall demonstrate that the total capacity of all CLA=s (of all capacities) in the Town shall not exceed 25 or 1 percent of the Town's population, whichever is greater, unless specifically authorized by the Town Board following a public hearing.
3. Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to 1., above; and shall not be subject to, or count toward, the total arrived at in 2., above.
4. Parking Requirements: One space per owner and per employee on the largest work shift, plus one space per 3 tenants.
5. Capacity / Location: Pursuant to sec.62.23(7)(i) Wis. Stats.,
 - a. CLA=s with capacity for 8 or fewer persons and which meet the criteria of Sec. 62.23(7)(i)(3) shall be permitted to locate in any residential zoning district.
 - b. CLA=s with capacity for 9 to 15 persons and which meet the criteria of Sec. 62.23(7)(i)(4) shall be permitted to locate in any residential zoning district except in single-family zoning districts (e.g. RR & SF

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districts).

22.408 COMMERCIAL LAND USES**(1) OFFICE:**

(a) **Description:** Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on an appointment basis (see (2) below).

(b) **Regulations:** The following regulations apply to all Commercial Land uses wherever located in the Extraterritorial Zoning District:

1. **Parking Requirements:** One space per 300 square feet of gross floor area.

(2) PERSONAL OR PROFESSIONAL SERVICE:

(a) **Description:** Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to individuals (e.g. customer, client, patients, etc.) on a walk-in or appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses, but do not include sexually-oriented land uses (see 22.408(16)).

(b) **Regulations:**

1. **Parking Requirements:** One space per 300 square feet of gross floor area.

(3) INDOOR SALES OR SERVICE:

(a) **Description:** Indoor sales and service land uses include all exclusively indoor land uses whose primary function is the sale or rental of merchandise or equipment, or the delivery of non-personal or non-professional services (e.g. coin-operated Laundromats, copying services, etc.).

(b) **Regulations:**

1. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as "Outdoor Display Incidental to Indoor Sales" under "Accessory Uses" in the Table of Land Uses, (Section 22.412(6)).

2. A land use which has an outdoor sales area exceeding 15% of the total sales area of the building(s) on the property shall be considered as an outdoor sales land use, (See (4), below.).

3. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as

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"light industrial uses incidental to indoor sales" (see, Section 22.412(9)).

4. **Parking Requirements:** One space per 300 square feet of gross floor area. Parking spaces in service bays, in loading bays, in drive-thru lanes, at gas pumps, in car washes, or in similar locations, do not count toward this parking requirement.

(4) OUTDOOR DISPLAY:

- (a) Description:** Outdoor display land uses include all land uses which conduct sales, or display merchandise or equipment for sale or rent outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured and mobile housing sales, and monument sales. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection (5), below, also.) (Land uses which display only a limited amount of product outside of an enclosed building, are listed separately in Sections 22.412(6) as "Outdoor Display Incidental to Indoor Sales".)

(b) Regulations:

1. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors.
2. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
3. The display of items shall not be permitted within required setback areas for the principal structure, except by conditional use.
4. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 22.509. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
5. Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
6. Signs, screening, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either onsite or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

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7. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
 8. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed.
 9. Facility shall provide a buffer yard with a minimum opacity of .60 along all borders of the display area abutting residentially zoned property (See Section 22.610.).
 10. Parking Requirements for customer and employee parking
 - a. Vehicle sale or vehicle rental land uses: One (1) off-street parking space per 300 square feet or indoor floor space, plus one (1) off-street parking space per 4 display models.
 - b. Manufactured or Mobile Housing sale land uses: One(1) of-street parking space per 300 square feet of indoor floor space (excluding the indoor floor space of the display models), plus one (1) off-street parking space per 4 display models.
 - c. All other land uses: One (1) off-street parking space per 300 square feet of indoor floor space, plus one (1) off-street parking space per 600 square feet of outdoor display area.
- (5) **INDOOR MAINTENANCE SERVICE:**
- (a) **Description:** Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Examples of such uses include small engine repair. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is a separate land use, (see Section 22.408(17)).
 - (b) **Regulations:**
 1. Parking Requirements: One space per 300 square feet of gross floor area.
- (6) **OUTDOOR MAINTENANCE SERVICE:**
- (a) **Description:** Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.
 - (b) **Regulations:**
 1. All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a

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buffer yard with a minimum opacity of .60 (see Section 22.610).

2. Parking Requirements: One space per 300 square feet of gross floor area.

(7) **IN-VEHICLE SALES OR SERVICE:**

- (a) **Description:** In-vehicle sales and services include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity (except vehicle repair and maintenance services, see Section 22.408(17)). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see Section 22.412(7)).

(b) **Regulations:**

1. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
2. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
3. The setback of any overhead canopy or similar structure shall be a minimum of 50 feet from all street rights-of-way lines, a minimum of 200 feet from all residentially-zoned property lines, and shall be a minimum of 50 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to highest part of structure.
4. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
5. Facility shall provide a buffer yard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 22.610).
6. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
7. Each drive-up lane shall have a minimum stacking length of 100 feet behind

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the first pass through window and 40 feet beyond the pass through window.

8. **Parking Requirements:** One space per 50 square feet of gross floor area. If performed as an accessory land use (for example, gas pumps at a convenience store, drive-up window at bank), minimum parking shall be established by the principal land use, subject to any modifications required by the conditional use process.

(8) INDOOR COMMERCIAL ENTERTAINMENT:

- (a) Description:** Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.

(b) Regulations:

1. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
2. Facility shall provide buffer yard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 22.610).
3. **Parking Requirements:** One space per every three patron seats or lockers, or one space per three persons at the maximum capacity of the establishment; whichever is greater.

(9) OUTDOOR COMMERCIAL ENTERTAINMENT:

- (a) Description:** Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.

(b) Regulations:

1. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
2. Facility shall provide bufferyard with minimum opacity of .80 along all borders of the property abutting residentially zoned property (Section 22.610).
3. Activity areas (including drive-in movie screens) shall not be visible from any

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residentially-zoned property.

4. Parking Requirements: One space for every three persons at the maximum capacity of the establishment.

(10) **COMMERCIAL ANIMAL BOARDING:**

(a) **Description:** Commercial animal boarding facilities are land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration.

(b) **Regulations:**

1. All activities, except vehicle parking, exercise yards, fields, training areas, and trails, shall be completely and continuously contained indoors.
2. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 22.906.)
3. Animal waste disposal shall be handled in a manner that minimizes odor and potential spread of disease.
4. Parking Requirements: One space per employee on the largest work shift, plus one space for every 1,000 square feet of gross floor area.

(11) **COMMERCIAL INDOOR LODGING:**

(a) **Description:** Commercial indoor lodging facilities are land uses which provide overnight housing in individual rooms, suites of rooms, or apartments, with each room, suite or apartment having a private bathroom. Such facilities may provide kitchens, laundry facilities, multiple bedrooms, living rooms, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurants, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use. Commercial indoor lodging facilities include motels, hotels, time-share condos and short-term rental apartments, which typically provide housing for one month or less.

(b) **Regulations:**

1. No structure shall be permitted within 200 feet of residentially zoned property.
2. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
3. Parking Requirements: One space per bedroom, plus one space for each employee on the largest work shift.

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(12) **BED AND BREAKFAST ESTABLISHMENT:**

- (a) **Description:** Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.
- (b) **Regulations:**
1. All such establishments shall be required to obtain a permit to serve liquor pursuant to Chapter 125 Wis. Stats., if they intend to serve liquor.
 2. They shall be inspected annually at a fee established by a separate fee ordinance, to verify that the land use continues to meet all applicable regulations.
 3. The size, number and location of all signs shall be established by conditional use.
 4. The facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
 5. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the Building Code. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner=s/operator=s personal facilities.
 6. The dwelling unit in which the bed and breakfast is operated shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.
 7. Meals may be served only to overnight guests. (Businesses wishing to serve meals to others must apply for AIndoor Commercial Entertainment@ land use).
 8. Each operator shall keep a list, for a period of one year, of the names and addresses of all persons staying at the bed and breakfast. Such list shall be available for inspection by Town officials at reasonable times.
 9. The maximum stay for any occupant of a bed and breakfast shall be fourteen (14) days.
 10. In addition to the application requirements for all conditional uses, Applicants shall submit an interior floor plan of the dwelling illustrating that the proposed

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operation will comply with this Ordinance as amended, and other applicable Town codes and ordinances.

11. In addition to the standards of review for all conditional uses, the Commission shall also determine whether a permit shall be issued based upon the public convenience and necessity. In determining the number of bed and breakfast operations required to provide for such public convenience and necessity, the Commission shall consider the effect upon residential neighborhoods, the condition of existing holders of permits (if any), and the necessity of issuance of additional permits for public service.
 12. Parking Requirements: One space per each bedroom.
 13. Each Conditional Use Permit shall be valid only while said property is owned by the permit holder at time of conditional use approval. Unless specifically stated otherwise in the conditional use, the conditional use permit shall automatically terminate upon conveyance of the property to a new owner.
- (13) **GROUP DAY CARE CENTER (9 OR MORE CHILDREN):**
- (a) **Description:** Group day care centers are land uses in which qualified persons provide child care services for 9 or more children. Examples of such land uses include day care centers and nursery schools.
 - (b) **Regulations:**
 1. Facility shall provide a bufferyard with a minimum opacity of .50 along all property borders abutting residentially zoned property (see Section 22.610).
 2. Such land uses shall not be located within a residential building.
 3. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.
 4. Parking Requirements: One space per five students, plus one space for each employee on the largest work shift.
- (14) **CAMPGROUND:**
- (a) **Description:** Campground land uses include any facilities designed for overnight accommodation of persons in tents, travel trailers, recreational vehicles (RVs), motor homes, fifth wheelers, or other mobile or portable shelters or vehicles which are designed and customarily used for temporary, mobile, human dwelling.
 - (b) **Regulations:**
 1. Facility shall provide a buffer yard with a minimum opacity of .70 along all

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property borders abutting residentially zoned property (see Section 22.610).

2. Parking Requirements: One and one-half (1.5) spaces per campsite.
3. Facility must comply with State and County regulations.

(15) **BOARDING HOUSE:**

- (a) **Description:** Boarding Houses are land uses which provide overnight housing in renting rooms which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).
- (b) **Regulations:**
 1. Facility shall provide a buffer yard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
 2. Shall provide a minimum of on-site parking space for each room for rent.
 3. Parking requirements: One space per room for rent, plus one space per each employee on the largest work shift.

(16) **SEXUALLY-ORIENTED LAND USES:**

- (a) **Description:** Sexually-oriented land uses include any facility which rents, sells or displays sexually-oriented materials, such as X-rated videos, movies, slides, photos, books, or magazines. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented land uses (i) if the store area devoted to the sale or rent of said materials is less than 5% of the sales area devoted to non-sexually-oriented materials, and (ii) if such materials are placed in generic covers or are placed in an area which is separate from and not visible from the areas devoted to non-sexually-oriented materials, and (iii) if such materials are not advertized by any advertizing located or visible outside of the store.

Rationale: The incorporation of this Subsection into this Chapter is designed to reflect the Town Board=s official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Town is concerned with the potential for such uses to limit the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative

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avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Town's Comprehensive Master Plan and to protect the character and integrity of its commercial and residential neighborhoods.

(b) Regulations:

1. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
2. Exterior building appearance and signage shall be designed to ensure that the use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
3. Parking Requirements: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater), plus 1 space per employee on the largest work shift.

(17) VEHICLE REPAIR AND MAINTENANCE SERVICE:

(a) Description: Vehicle repair and maintenance services include all land uses which perform maintenance services (including repair) to motorized vehicles and perform all operations (except vehicle storage) entirely within an enclosed building.

(b) Regulations:

1. Storage of junk, salvage, or abandoned vehicles is prohibited.
2. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property, except that overnight storage areas shall have a bufferyard with a minimum opacity of .80. (Section 22.610).
3. Parking Requirements:
 - a. For Customers: One space per 300 square feet of gross floor area for on-site parking for all customer vehicles.
 - b. For Employees: One space per employee on the largest work shift.
 - c. For Cars being repaired: Adequate space to keep all cars and other motorized vehicles being repaired, off the public streets and out of the areas designated for employee and customer parking.
 - d. Overnight Storage: All overnight storage of cars and other motorized vehicles being repaired, shall be completely enclosed by any

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permitted combination of buildings, structures, walls and fencing, and shall be located in the rear yard of the facility. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored items from view.

22.409 STORAGE OR DISPOSAL LAND USES**(1) INDOOR STORAGE OR WHOLESALING:**

(a) **Description:** Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Subsection 22.412(8), below.

(b) **Regulations:**

1. Parking Requirements: One space per 2,000 sf of gross floor area.

(2) OUTDOOR STORAGE OR WHOLESALING:

(a) **Description:** Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (*See*, Subsection (4), below.)

(b) **Regulations:**

1. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls, berms, and fencing. Such items shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas and rights-of-way. Walls and fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of .80.
2. The storage of items shall not be permitted in Natural Resource Protection Areas. (see Section 22.608).

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3. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.
4. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 22.509. If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
5. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
6. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
7. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.

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8. The facility, exclusive of the outdoor storage areas (see 1 above), shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 22.610).
9. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
10. Parking Requirements: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(3) PERSONAL STORAGE FACILITY:

(a) Description: Personal storage facilities also known as Ammini-warehouses®, are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis.

(b) Regulations:

1. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
2. Facility shall provide a bufferyard with a minimum opacity of .80 along all property borders abutting residentially zoned property (see Section 22.610).
3. No outside storage or outside over-night parking is permitted.
4. No electrical power shall be run to the storage facilities, except for exterior lighting.
5. Parking Requirements: One space for each employee on the largest work shift.

(4) JUNKYARD OR SALVAGE YARD:

(a) Description: Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the aboveground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

(b) Regulations:

1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 22.610).

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2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 3. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 4. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 22.532.
 5. Parking Requirements: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.
- (5) **WASTE DISPOSAL FACILITY:**
- (a) **Description:** Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 144.01(15), but not including composting operations (see Subsection (6), below).
 - (b) **Regulations:**
 1. Shall comply with all County, State and Federal regulations.
 2. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 22.610).
 3. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 4. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 22.532) in any manner.
 5. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Committee), shall be filed with the Town by the Petitioner, and shall be held by the Town for the purpose of ensuring that the site is restored to the condition required by the approved Site Plan. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)
 6. Parking Requirements: One space for each employee on the largest work shift.
- (6) **COMPOSTING OPERATION:**
- (a) **Description:** Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation not grown on site.
 - (b) **Regulations:** The following regulations apply to all composting operation land uses wherever located in the Extraterritorial Zoning District:
 1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all

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borders of the property occupied by non-agricultural land uses (see Section 22.610).

2. All buildings, structures, and activity areas shall be located a minimum of 200 feet from all lot lines.
3. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
4. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes (as defined by Section 22.532) in any manner.
5. Parking Requirements: One space for each employee on the largest work shift.

22.410 TRANSPORTATION LAND USES**(1) OFF-SITE PARKING LOT:**

- (a) **Description:** Off-site parking lots are any areas used for the temporary parking of vehicles or trailers which are fully registered, licensed and operative. See also Section 22.509 for additional parking regulations.
- (b) **Regulations:**
 1. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
 2. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(2) AIRPORT/HELIPORT:

- (a) **Description:** Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport or heliport.
- (b) **Regulations:**
 1. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 200 feet from all lot lines.
 2. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Section 22.610).
 3. Parking Requirements: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership, plus one space per every 4 hangers, or fraction thereof.

(3) FREIGHT TERMINAL:

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- (a) **Description:** Freight terminals are defined as land and buildings used at any end of one or more truck carrier line(s) or route(s), which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment.
- (b) **Regulations:**
1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 22.610).
 2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 200 feet from all lot lines abutting residentially zoned property.
 3. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 4. **Parking Requirements:** One space per each employee on the largest work shift.
- (4) **DISTRIBUTION CENTER:**
- (a) **Description:** Distribution centers are facilities oriented to the short term indoor storage and possible repackaging and reshipment of materials. Retail outlets associated with this use shall be considered accessory uses per Subsection 22.412(8).
- (b) **Regulations:**
1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 22.610).
 2. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 3. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 4. **Parking Requirements:** One space per each employee on the largest work shift.
- (5) **INDOOR VEHICLE STORAGE:**
- (a) **Description:** Indoor vehicle storage facilities are detached vehicle storage buildings for non-residential purposes and shall be considered as a principal use building.
- (b) **Regulations:**
1. All activities shall be conducted entirely within the confines of the building.
 2. This facility will require consideration of a Group Development (Section

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22.414) if located on the same lot as another principal use building.

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22.411 INDUSTRIAL LAND USES**(1) LIGHT INDUSTRIAL LAND USE:**

(a) **Description:** Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Subchapter 5.

(b) Regulations:

1. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.
2. Light industrial land uses may conduct retail sales activity as an accessory use provided that the requirements of Subsection 22.412(8), are complied with.
3. **Parking Requirements:** One space per each employee on the largest work shift.

(2) HEAVY INDUSTRIAL LAND USE:

(a) **Description:** Heavy industrial land uses are industrial facilities which do not meet the requirements of Light Industrial Land uses. More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involved in the onsite storage of salvage materials.

(b) Regulations:

1. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned Heavy Industrial (see Section 22.610).
2. All outdoor activity areas shall be located a minimum of 200 feet from residentially zoned property. No materials shall be stacked or otherwise stored

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so as to be visible over bufferyard screening elements.

3. Heavy industrial land uses shall not exceed the performance standards listed in Subchapter 5.
4. Parking Requirements: One space per each employee on the largest work shift.

(3) **TOWERS:**

(a) **Description:** Towers include all freestanding broadcasting, receiving, or relay structures, wind energy conversion towers, smokestacks, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.

(b) **Requirements:**

1. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.
2. The installation and continued maintenance of a bufferyard with a minimum opacity of .80 along property borders abutting residentially zoned property (see Section 22.610).
3. Parking Requirements: One space per employee on the largest work shift.
4. See also, Section 22.535 regarding standards for "Signal Receiving Antennas" and Section 22.536 regarding standards for "Wind Energy Conversion Systems."

22.411 (4) **EXTRACTION USE:**

(a) **Description:** Extraction uses include land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.

(b) **Regulations:**

1. Shall receive approval from the County prior to action by the Committee, and shall comply with all County, State and Federal regulations.
2. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 22.610).
3. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
4. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and re-vegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with

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said restoration (as determined by a third party selected by the Committee), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety may be waived for publically-owned extraction or waste disposal facilities.)

5. Parking Requirements: One space per each employee on the largest work shift.

22.412 ACCESSORY LAND USES

Accessory uses are land uses which are incidental to the principal use conducted on the subject property. As such, accessory uses can not be conducted or built until the principal use is conducted and built, e.g. in a single-family residential zoning district, an accessory use, such as a garage, can not be built and used before the principal use, the single-family dwelling, is built. Moreover, only those accessory uses listed herein shall be permitted within the jurisdiction of this Chapter. With the exception of a commercial apartment (see (1), below), or a farm residence (see (2), below), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence.

(1) COMMERCIAL APARTMENT:

(a) **Description:** Commercial apartments are dwelling units which are located above the ground floor of a building used for a commercial land use (as designated in section 22.408 above) most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.

(b) Regulations:

1. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
2. A minimum of 1 off-street parking space shall be provided for each bedroom within a commercial apartment.

(2) FARM RESIDENCE:

(a) **Description:** A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Section 22.406 above.

(b) **Regulations:** None at this time.

(3) DETACHED GARAGE, CARPORT, UTILITY SHED, DETACHED DECK, PLAY STRUCTURE, LAWN ORNAMENT OR SIMILAR MINOR ACCESSORY STRUCTURES:

(a) **Description:** A garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of vehicles and/or maintenance equipment of the

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subject property. Play structures, including play houses or elevated play structures and climbing gyms, are used for the entertainment of children. Swing sets, slides, and sand boxes are not considered children=s play structures for purposes of this Section and are not regulated by this Ordinance. This section may be used, in the discretion of the Town, to handle other similar accessory structures, not otherwise specifically covered by this Subchapter 4.

(b) Regulations:

1. In Zoning Districts where this accessory use is permitted by right, no more than one attached or detached garage, and no more than two accessory structures, shall be permitted by right, except in the AG District where no limit is imposed. More accessory structures may be allowed by conditional use.
2. In Zoning Districts where this accessory use is permitted by right, all accessory structures shall not exceed a total of 1,600 square feet, except in the AG District where no limit is imposed. Accessory structures exceeding a total of 1,600 square feet may be allowed by conditional use.
Under no circumstances shall this accessory use exceed 30% coverage of the rear yard area.
3. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line.
4. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance.
5. Detached structures may be located on the same lot as the principal land use, or on a separate adjacent lot in conjunction with the principall land use.
6. Except in the AG District, structures shall be constructed of materials and colors which blend with and compliment the primary structures.
7. See Section 22.539 for requirements applicable to legal, nonconforming garages.

(4) COMPANY CAFETERIA:

- (a) Description:** A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

- (b) Regulations:** None at this time.

(5) COMPANY PROVIDED ON-SITE RECREATION:

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- (a) **Description:** A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests.
- (b) **Regulations:**
1. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
 2. Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 22.610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 3. Facilities using night lighting shall require a conditional use permit.
- (6) **OUTDOOR DISPLAY INCIDENTAL TO INDOOR SALES AND SERVICE (MORE THAN 12 DAYS):**
- (a) **Description:** See Subsection 22.408(4).
- (b) **Regulations:**
1. Shall comply with all conditions of Subsection 22.408(4).
 2. Display area shall not exceed 25% of gross floor area of principal building on the site.
- (7) **IN-VEHICLE SALES & SERVICES INCIDENTAL TO ON-SITE PRINCIPAL LAND USE:**
- (a) **Description:** See Subsection 22.408(7).
- (b) **Regulations:**
1. Shall comply with all conditions of Subsection 22.408(7).
- (8) **INDOOR SALES INCIDENTAL TO STORAGE OR LIGHT INDUSTRIAL LAND USE:**
- (a) **Description:** These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.
- (b) **Regulations:**
1. Adequate parking, per the requirements of Section 22.509, shall be provided for customers. Said parking shall be in addition to that required for the principal land use.
 2. The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property.
 3. Shall provide restroom facilities directly accessible from retail sales area.
 4. Retail sales area shall be physically separated by a wall from other activity areas.

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- (9) **LIGHT INDUSTRIAL ACTIVITIES INCIDENTAL TO INDOOR SALES OR SERVICE LAND USE:**
- (a) **Description:** These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.
- (b) **Regulations:**
1. The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
 2. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 22.517 for all adjacent properties.
- (10) **HOME OCCUPATION:**
- (a) **Description:** Home occupations are small home-based family or professional businesses, performed on a parcel having a single-family detached residence, which comply with the following requirements. Examples include personal and professional services, and handicrafts.
- (b) **Regulations:**
1. It is the intent of this Section to provide a means to accommodate a small home-based family or professional business without the necessity of a rezoning from a residential to a commercial district. Approval of a physical expansion of a home or accessory building to accommodate a growing occupation is beyond the limitations of this Section and is not to be anticipated. Hence, once a home occupation out-grows the existing buildings, relocation of the business to an area that is appropriately zoned may be necessary.
 2. The home occupation shall be conducted only within the enclosed area of the dwelling unit or accessory buildings.
 3. There shall be no exterior alterations which change the character of the home as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
 4. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
 5. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not

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normally associated with the average residential use in the district.

6. Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed 16 square feet.
 7. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 8. A permitted home occupation is restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises. Examples of service-oriented businesses include, but are not limited to, computer programming, accounting, insurance agency and computer-based consulting and clerical services. Other home occupations which are not service-oriented businesses may be permitted by conditional use.
 9. A permitted home occupation shall not occupy more than thirty percent (30%) of the floor area of the dwelling, or 30% of any accessory structure.
 10. Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one non-resident employee.
 11. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.
 12. The Committee may approve, by conditional use, home occupations in residential districts which do not meet standards 1. through 11. above.
- (11) **FAMILY DAY CARE HOME (4 TO 8 CHILDREN):**
- (a) **Description:** Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter. (See, Section 66.1017, Wis. Stats).
 - (b) **Regulations:** See State Statutes and regulations.
- (12) **INTERMEDIATE DAY CARE HOME (9 TO 15 CHILDREN):**
- (a) **Description:** Intermediate day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 children.
 - (b) **Regulations:** See State Statutes and regulations.
- (13) **MIGRANT LABOR CAMP:**
- (a) **Description:** Migrant labor camps include any facility subject to the regulation of Wisconsin Statutes 103.90.
 - (b) **Regulations:**
 1. Shall be surrounded by a bufferyard with a minimum opacity of .60 along all property lines adjacent to all properties in residential, office, or commercial

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zoning districts (see Section 22.610).

2. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership.

(14) ON-SITE PARKING LOT:

(a) **Description:** On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed, and operable.

(b) **Regulations:**

1. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

(15) PRIVATE RESIDENTIAL RECREATIONAL FACILITY:

(a) **Description:** This land use includes all large active outdoor recreational facilities located on a private residential lot which are not otherwise listed. Common examples of these accessory uses include swing sets, tree houses, basketball courts, tennis courts, swimming pools, and large recreation-type equipment.

(b) **Regulations:**

1. Swimming pools shall be regulated by the performance standards provided in Section 22.537.
2. Tree houses and similar platforms shall not exceed a platform height of eight feet and shall be setback twice their elevation from any property line.
3. Lighting shall be controlled so that light levels at said property line are limited to 0.5 foot candles or less (see Section 22.514).
4. All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Subchapter 2)

(16) PRIVATE RESIDENTIAL KENNEL:

(a) **Description:** A maximum of 3 dogs (over 6 months of age) are permitted by right for any 1 residential unit. Any residence housing more than 3 dogs shall be considered a private residential kennel, and such a kennel shall require licensing by the Township. (See, 10.207). In addition to those requirements, a private residential kennel shall meet the following requirements.

(b) **Regulations:**

1. For any number over 3 animals, one additional animal per 5 acres shall be permitted.

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2. Outdoor containments or enclosures for animals shall be located a minimum of 100 feet from any lot line and shall be screened from adjacent properties.

(17) **PRIVATE RESIDENTIAL STABLE:**

- (a) **Description:** A private residential stable is a structure facilitating the keeping of horses (or similar animals) on the same site as a residential dwelling.
- (b) **Regulations:**
 1. A minimum lot area of 5 acres is required for a private residential stable.
 2. A maximum of one horse per acre.
 3. Outdoor containments for animals shall be located a minimum of 200 feet from any residentially zoned property, and shall be screened with a bufferyard with a minimum opacity of .60 along the borders abutting residentially zoned property.
 4. The requirements of Subsection 22.408(10) shall also apply to private residential stables.

(18) **DRAINAGE STRUCTURE:**

- (a) **Description:** These land uses include all improvements to collect, retain, direct and control storm water drainage, including, but not limited to swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.
- (b) **Regulations:**
 1. In all Natural Resource Protection Overlay Districts, non-native vegetation shall not be restored, except where otherwise deemed necessary by the Town.
 2. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.

(19) **FILLING:**

- (a) **Description:** Filling includes any activity in an area over 4,000 square feet, or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.
- (b) **Regulations:**
 1. In all Natural Resource Protection Overlay Districts, native vegetation shall be restored to the extent practicable.
 2. Shall not alter drainage onto other properties.
 3. Shall not impede on-site drainage.

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4. Shall comply with provisions of the Subdivision Ordinance.
- (20) **MULTIPLE-USER SEPTIC DISPOSAL SYSTEM:**
- (a) **Description:** This land use includes any State-enabled, County-approved septic disposal system, which is designed or constructed to service more than 1 parcel.
- (b) **Regulations:**
1. See County regulations.
- (21) **CARETAKER'S RESIDENCE:**
- (a) **Description:** This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration.
- (b) **Regulations:**
1. Shall provide housing only for on-site caretaker and his/her family.
- (22) **CULTIVATION:**
- (a) **Description:** See Section 22.406(1) above.
- (b) **Regulations:** (None at this time)
- (23) **PASSIVE OUTDOOR PUBLIC RECREATIONAL AREA:**
- (a) **Description:** See Section 22.407(1).
- (b) **Regulations:**
1. Parking requirements: One space per four expected patrons at maximum capacity for any use requiring over five spaces.
2. In Natural Resource Protection Areas,
- a. limited to a 20 foot wide area.
- b. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20 foot wide area.
- (24) **ACTIVE OUTDOOR PUBLIC RECREATIONAL AREA:**
- (a) **Description:** See Section 22.407(2).
- (b) **Regulations:**
1. The regulations of Section 22.407(2)(b) are incorporated herein by reference.
2. In Natural Resource Protection Areas, non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
- (25) **OUTDOOR INSTITUTIONAL:**
- (a) **Description:** See Section 22.407(4).
- (b) **Regulations:**

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1. The regulations of Section 22.407(4)(b) are incorporated herein by reference.
 2. In Natural Resource Protection Areas, non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
- (26) **ROAD, BRIDGE, and/or APPURTENANCES THERETO:**
- (a) **Description:** Public and private roads, streets and bridges, including all appurtenances incidental and customary thereto, such as sidewalks, curb and gutter, utilities, lighting, etc.
 - (b) **Regulations:** (None at this time).
- (27) **UTILITY LINES AND RELATED FACILITIES:**
- (a) **Description:** Public and private utilities, such as underground and overhead electric lines, gas pipelines, sanitary sewer lines, water lines, storm water drainage pipes and ponds, etc.
 - (b) **Regulations:** (None at this time)
- (28) **PIERS AND WHARFS:**
- (a) **Description:** Public and private piers, docks, boat ramps, and wharfs. This does not include boat houses or storage facilities for piers, boats, etc.
 - (b) **Regulations:**
 1. See the requirements of the DNR or any State laws or regulations applicable to piers and wharfs.
- (29) **OUTDOOR COMMERCIAL ENTERTAINMENT:**
- (a) **Description:** This land use is identical to the land use described in Section 22.408(9) above, except this land use must be accessory to the principal use on the property. (See Definition of Accessory Use.) If the proposed outdoor commercial entertainment is a free-standing operation which charges a separate fee from the principal land use, then the entertainment is probably not a accessory use, and should be treated as a separate principal use.
 - (b) **Regulations:** The regulations of 22.408(9) are incorporated herein by reference.
- (30) **COMMERCIAL ANIMAL BOARDING:**
- (a) **Description:** See section 22.408(10)
 - (b) **Regulations:**
 1. The regulations of 22.408(10) are incorporated herein.
 2. No more than 1 horse or large animal per acre.
 3. Minimum of 5 acres.
 4. Outdoor containment of animals shall be at least 100 feet

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from lot line.

(31) TOWERS:

(a) Description: See 22.411(3)

(b) Regulations:

1. The tower must be setback from all lot lines a distance of 3 times the height of the tower.
2. Use of the tower must be directly related to the principal use on the subject property.

(32) CAMPING UNIT:

(a) Description: Travel trailers, recreational vehicles (RVs), motor homes, fifth wheelers, pop-up campers, or other mobile or portable shelters or vehicles which are designed and customarily used for temporary, mobile, human dwelling (but not including tent camping).

(b) Regulations:

1. No camping unit may be placed, parked, stored, or occupied within the Town unless
 - a. it is located in a Campground (22.407(14)), or
 - b. it is exclusively used as a Contractor=s Project Office (22.413(3)) temporary land use; or
 - c. it is unoccupied and is exclusively offered ~~A~~for sale~~@~~ at an Outdoor Display (22.408(4)) commercial land use, provided the business conducting the outdoor display is customarily engaged in the business of selling camping units; or
 - d. it is located inside a structure (e.g. it is stored in a barn or garage); or
 - e. it is located outside and meets all the following requirements:
 - (1) the camping unit is located on real estate which has an occupied permanent residence, and
 - (2) the camping unit is owned by the owner of the real estate, and
 - (2) the landowner does not allow anyone to occupy the camping unit, on the above-referenced real estate, for more than 30 days per calendar year, and
 - (3) the landowner has only 1 camping unit per residence, except a landowner with a permanent residence may allow guest

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camping units for no more than 10 days per calendar year.

2. No camping unit shall be used for storage of anything except customary camping equipment.

(33) CLEAR CUTTING

- (a) **Description:** See Section 22.406(7)
- (b) **Regulations:** See Section 22.406(7)

22.413 TEMPORARY LAND USES

(1) GENERAL TEMPORARY OUTDOOR SALES:

- (a) **Description:** Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the Township Code. Examples of this land use include but are not limited to: seasonal garden shops, tent sales, bratwurst stands, and garage sale.
- (b) **Regulations:**
 1. Display shall be limited to a maximum of 12 days in any calendar year.
 2. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 3. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
 4. Adequate parking shall be provided.
 5. If subject property is located in or adjacent to a residential area, sales and display activities shall be limited to daylight hours.

(2) OUTDOOR ASSEMBLY:

- (a) **Description:** Includes any organized outdoor assembly of more than 100 persons.
- (b) **Regulations:**
 1. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 2. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
 3. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
 4. If subject property is located adjacent to a residential area, activities shall be limited to the extent practicable to daylight hours.
 5. Adequate provisions for crowd control shall be made, and shall be described within the application.

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6. Shall comply with Juneau County ordinance regarding assemblies.
- (3) **CONTRACTOR'S PROJECT OFFICE:**
- (a) **Description:** Includes any structure containing an on-site construction management office for an active construction project.
- (b) **Regulations:** The following regulations apply to all contractor=s project offices which are temporary land uses wherever located in the Extraterritorial Zoning District:
1. Structure shall not exceed 2,000 square feet in gross floor area.
 2. Facility shall be removed within 10 days of issuance of occupancy permit.
 3. Shall not be used for sleeping or living quarters, or for sales activity. (See subsection (6) below.)
 4. Projects requiring an office to be in place for more than 365 days shall require a Conditional Use Permit.
- (4) **CONTRACTOR'S ON-SITE EQUIPMENT STORAGE FACILITY:**
- (a) **Description:** Includes any structure or outdoor storage area designed for the on-site storage of construction equipment and/or materials for an active construction project.
- (b) **Regulations:**
1. Facility shall be removed within 10 days of issuance of occupancy permit.
 2. Projects requiring land use to be in place for more than 365 days shall require a Conditional Use Permit.
 3. Shall be limited to a maximum area not exceeding 10% of the property's Gross Site Area.
- (5) **RELOCATABLE BUILDING:**
- (a) **Description:** Includes any manufactured building which serves as a temporary building for less than 6 months. (Facilities serving for more than 6 months shall be considered conditional uses and subject to the general standards and procedures presented in Section 22.905.)
- (b) **Regulations:**
1. Shall conform to all setback regulations.
 2. Shall conform to all State and local building code regulations.
- (6) **ON-SITE REAL ESTATE SALES OFFICE:**
- (a) **Description:** Includes any building which serves as an on-site sales office for a development project.
- (b) **Regulations:**
1. Office shall not exceed 500 square feet in gross floor area.
 2. Facility shall be removed or converted to a permitted land use

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within 10 days of the completion of sales activity.

3. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
 4. Projects requiring the office to be in place for more than 365 days shall require a conditional use permit.
- (7) **SEASONAL OUTDOOR SALES OF FARM PRODUCTS:**
- (a) **Description:** Includes any outdoor display of farm products not otherwise regulated by this Ordinance.
 - (b) **Regulations:**
 1. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 2. Signage shall comply with the requirements for temporary signs in Section 22.809(8).
 3. Adequate parking shall be provided.
 4. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.

22.414 GROUP DEVELOPMENTS

- (1) **DEFINITION:** A group development is any new development, or any addition to an existing development, which will cause the development to contain:
 - (a) Two or more structures containing different principal land uses on the same lot;
 - (b) Two or more principal land uses in a single structure.Common examples of group developments include resorts, strip centers, shopping centers, and office centers.
- (2) **REGULATION OF GROUP DEVELOPMENTS:** Group developments are permitted as conditional uses in the MF, GB, LI and HI zoning districts. Any land use which is allowed either as a permitted use or as a conditional use within the zoning district applicable to the group development, is allowed as a conditional use within a group development. Land uses which are not allowed as permitted uses or conditional uses shall not be allowed in a group development.
- (3) **SPECIFIC DEVELOPMENT STANDARDS FOR GROUP DEVELOPMENTS:**
 - (a) **Parking:** All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.
 - (b) **Trash:** The development shall contain a sufficient number of waste bins to

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accommodate all trash and waste generated by the land uses in a convenient manner.

- (c) **Setbacks:** All development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be so situated as to facilitate the subdivision of group developments into separate lots in the future (if such subdivision is desired).
- (d) **Exterior Design:** Building exterior design shall be unified in design and materials throughout the development, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. Roofs with particular slopes may be required by the Plan Commission to complement existing buildings or otherwise establish a particular aesthetic objective.
- (e) **Trash:** Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
- (f) **Entryways:** Public entryways shall be prominently indicated from the building's exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street shall have public entrances.
- (g) **Loading Areas:** Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screen wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.
- (h) **Vehicle Access:** Vehicle access from public streets shall be designed to accommodate peak hour traffic volumes without disrupting traffic on public streets. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant's traffic engineer to not adversely impact off site public roads during the peak hour. Where the project shall adversely impact off-site traffic, the Town may deny the application, may require a size reduction in the

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proposed development, or may require off-site improvements.

- (i) **Cart Returns:** A minimum of one 200 square foot cart return area shall be provided for every parking area pod. There shall be no exterior cart return nor cart storage areas located within twenty-five feet of the building in areas located between the building and a public street.
- (j) **Utilities:** The applicant shall demonstrate full compliance with all applicable rules, regulations and standards for storm water management, sanitary sewerage, public water, erosion control and public safety.
- (k) **Signage:** A conceptual plan for exterior signage shall be provided at time of GDP that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall compliment the on-building signage. Free standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.

SUBCHAPTER 5: GENERAL STANDARDS & REGULATIONS

SUBCHAPTER 5: GENERAL STANDARDS AND REGULATIONS**22.500 PURPOSE**

The purpose of this Subchapter is to set forth various general requirements applicable to all development for all land uses in all zoning districts within the jurisdiction of this Chapter. These requirements cover a broad array of issues which are important for the promotion and protection of the safety and general welfare of the public, including (but not limited to) requirements for density, intensity, bulk, access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring in the Town.

22.501 RESERVED FOR FUTURE USE**22.502 DENSITY AND INTENSITY STANDARDS**

(1) **PURPOSE:** The purpose of these standards is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Chapter. The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development. ADensity@ and AIntensity@ are defined in Section 22.125

Rationale: These standards regulate the development potential of all property within the jurisdiction of this Chapter. They are designed to ensure the implementation of many goals and objectives of the Master Plan. (See also, Section 22.103). Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such conventional approaches often prove to be inflexible and often permit the needless destruction of sensitive natural resources. The approach employed herein, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district), results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

(2) STANDARDS:

(a) **Where Found:** The standards which determine the maximum amount of development permitted on any given site are found in Subchapter 2. Each zoning district found in Subchapter 2 contains specific Density and Intensity requirements. Furthermore, for convenience, some of the Density and Intensity Standards are summarized in chart form in Appendix 2 ALot Development Worksheet@

(b) **How To Calculate Requirements:** These standards recognize the inherent differences between residential and nonresidential land uses, and thus regulate their development in slightly different manners. In determining the standards applicable to a particular lot, it is recommended that the AGeneral Instructions For Following Zoning Ordinance@ contained in Appendix 1 be consulted, along with the steps described below for each standard.

(3) **MINIMUM ZONING DISTRICT AREA (MZA):** In Subchapter 2, within each zoning district, there are standards which establish a Aminimum zoning district area@ (MZA). This term is defined in Section 22.125. The lot in question must be part of a zoning district area which meets or exceeds this minimum standard, which is intended to prevent Aspot zoning@. Compliance with the MZA standard is determined as follows:

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- Step 1: Consult the Official Zoning Map to determine the total contiguous area which is currently zoned and/or proposed to be zoned under the same zoning district as the proposed development.
- Step 2: Review the requirements for MZA found in Subchapter 2 under the particular land use which applies to the lot in question.
- Step 3: Compare the number calculated in Step 1 above with the MZA found in Step 2, to determine if the amount of zoning district area proposed for the lot complies with the standard. Modify, if necessary, the zoning district boundaries to comply with the standard.

- (4) MINIMUM LOT AREA (MLA):** In Subchapter 2, within each zoning district, there are standards which establish a minimum lot area (MLA). This term is defined in Section 22.125. The lot in question must meet or exceed this MLA. Compliance with the MLA standard is determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2)

Step 1: Calculate the size of the lot in question.

Step 2: Review the requirements for Minimum Lot Area found in Subchapter 2 under the particular land use which applies to the lot in question.

Step 3: Compare the number calculated in Step 1 above with the Minimum Lot Area (Step 2) established for the particular zoning district, to determine if the size of the lot complies with the standard. Modify, if necessary, the size of the lot in question to comply with the standard.

- (5) MAXIMUM BUILDING COVERAGE (MBC):** In Subchapter 2, within each zoning district, there are standards which establish a maximum building coverage (MBC) (i) for principal buildings, (ii) for accessory buildings, and (iii) for all buildings combined. MBC is defined in Section 22.125. These standards limit the total percentage amount of a lot which can be covered by principal buildings and accessory buildings. These percentages are determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2)

Step 1: Calculate the size of the lot in question in square feet.

Step 2: Calculate the size (footprint) of the proposed principal buildings and all existing principal buildings in square feet.

Step 3: Divide the total size of all the principal buildings (Step 2) by the size of the lot (Step 1) to obtain the percentage.

Step 4: Review the maximum building coverage requirements found in Subchapter 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed principal building to comply with the standard.

Step 5: Repeat the foregoing steps to determine the maximum building coverage for accessory buildings and for all buildings (principal and accessory combined).

- (6) MAXIMUM BUILDING SIZE (MBS):** In Subchapter 2, within each zoning district, there are standards which establish a maximum building size (MBS) for any building on a lot. MBS is defined in Section 22.125. All buildings on a lot must not exceed this standard, which is determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2)

Step 1: Calculate the total gross floor area in square feet of all floors (except crawl spaces and attics) of the building.

Step 2: Review the maximum building size requirements found in Subchapter 2 under the particular zoning district which applies to the lot in question. Modify, if necessary, the size of the proposed building to comply with the standard.

- (7) MAXIMUM GROSS DENSITY (MGD):** In Subchapter 2, within each zoning district, there are standards which establish a maximum gross density (MGD) for residential dwelling units on a lot. MGD is defined in Section 22.125. MGD limits the number of dwelling units permitted on a lot. The number of dwelling units is determined as follows: (For assistance, use a Lot Development Worksheet, Appendix 2).

Step 1: Calculate the size of the lot in question in square feet.

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- Step 2: Determine the total amount of dwelling units proposed for the site.
- Step 3: Divide the size of the lot (Step 1) by the total number of proposed dwelling units (Step 2).
- Step 4: Review the MGD requirements found in Subchapter 2 under the particular zoning district which applies to the site in question. Reduce, if necessary, the number of proposed dwelling units to comply with the standard.

- (8) MAXIMUM GROSS INTENSITY:** In Subchapter 2, within each zoning district, there are intensity standards which establish a maximum **Floor Area Ratio** (FAR) for nonresidential uses on a lot. This term is defined in Section 22.125. The total gross floor area of all the nonresidential buildings on the lot in question must not exceed this FAR. The FAR is determined as follows: (For assistance, use **Lot Development Worksheet**, Appendix 2).

- Step 1: Determine the total Gross Floor Area (GFA) of all buildings on the site. **Gross Floor Area** is defined in Section 22.125.
- Step 2: Calculate the size of the lot in question in square feet.
- Step 3: Divide the GFA (Step 1) by the lot size (Step 2) to obtain the Floor Area Ratio (FAR).
- Step 4: Review the nonresidential intensity requirements found in Subchapter 2 under the particular land use which applies to the site in question.
- Step 5: Compare the number calculated in Step 3 above with the FAR standard established for the particular zoning district, to determine if the amount of floor area proposed for the site complies with the standard. Modify, if necessary, the amount of GFA to comply with the standard.

- (9) MINIMUM LANDSCAPE SURFACE RATIO (LSR):** In Subchapter 2, within each zoning district, there are standards which establish a minimum **Landscape Surface Ratio** (LSR). This term is defined in Section 22.125. This standard requires a minimum amount of landscaped area on a lot. The minimum LSR is calculated as follows: (For assistance, use **Lot Development Worksheet**, Appendix 2).

- Step 1: Determine the total area in square feet of the site that will be preserved as landscaped area. **Landscaped area** is defined in Section 22.125.
- Step 2: Calculate the size of the lot in question in square feet.
- Step 3: Divide the total landscaped area (Step 1) by the lot area (Step 2) to obtain the Landscape Surface Ratio (LSR).
- Step 4: Review the minimum landscape surface ratio requirements found in Subchapter 2 under the particular zoning district which applies to the site in question. Modify, if necessary, the amount of landscaped area to comply with the standard.

22.503 RESERVED FOR FUTURE USE**22.504 BULK REGULATIONS**

- (1) PURPOSE:** The purpose of this section is to indicate the requirements for building height, size and location in both residential and nonresidential developments. The provisions of this section interact closely with the provisions of the previous section regarding Density and Intensity Regulations.
- (2) GENERAL STANDARDS:**
- (a) Where Found:** The standards which impose the Bulk Regulations for height, size and location of development on any given site are found in Subchapter 2. Each zoning district in Subchapter 2 contains specific residential and nonresidential bulk requirements.
- (b) Residential Development:** All residential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulations of the zoning district in which they reside.

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- (c) **Nonresidential Development:** All nonresidential lots created or existing under the provisions of this Chapter shall comply with the Bulk Regulation of this Section and with the Bulk Regulation of the zoning district in which they reside.

(3) **YARD SETBACK ADJUSTMENTS:**

- (a) **General Standards:** The minimum setback requirements found in each zoning district shall establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

1. **Reductions:** No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
2. **Lots Separate:** No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
3. **Bufferyards:** In instances where the required bufferyard width (per Section 22.610) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.
4. **Front Yards:** With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

- (b) **Permitted Intrusions Into Required Front or Street Yards:** The following intrusions are permitted into front or street yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than five feet into the required yard.
2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of Section 22.514 and provided they do not locate closer than five feet from the front or street property line.
3. Terraces, steps, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 20 feet from any street right-of-way.
4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 22.533.
5. Landscape areas.

- (c) **Permitted Intrusions Into Required Side or Rear Yards:** The following intrusions are permitted into rear or side yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than five feet into the required yard.
2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 22.533.
3. Fire escapes (on residential buildings) which do not extend more than five feet into the required yard.
4. Landscape areas.
5. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than twenty feet to the rear lot line

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6. In neighborhoods that were platted before adoption of this Code (01/30/02), driveways may be located within the side yard setback and/or may extend across side yard property lines (e.g. shared driveways) provided that a written agreement,
- a. executed by the adjacent property owners, and
 - b. in a form recordable with the Register of Deeds, and
 - c. addressing the issues of storm water run-off, snow removal, parking, outside storage, and driveway maintenance, and
 - d. addressing any additional issues which, in the discretion of the Zoning Administrator, are created by the unusual characteristics of the property, is presented to and approved by the Zoning Administrator pursuant to the process for the issuance of zoning permits for permitted uses under 22.904. Upon approval of any such agreement, it shall be recorded with the Register of Deeds.

(4) EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS:

- (a) Permitted Exceptions:** The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses.
- (b) Conditional Use Exceptions:** Any building or structure not otherwise accounted for by (a), above, may exceed the maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.

22.505 ACCESS STANDARDS

- (1) PURPOSE:** The purpose of this Section is to alleviate and/or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access from private property onto to public rights-of-way.
- (2) PERMIT REQUIRED:** Each access drive onto a Town road or right-of-way shall have a permit issued by the Town. Each access onto a County Highway shall obtain a permit from Juneau County and shall comply with this ordinance and all applicable County ordinances. Each access onto a State Highway shall obtain a permit from the DOT and shall comply with this ordinance and all state regulations.
- (3) NUMBER OF ACCESS POINTS:**
- (a)** Each parcel in the RR and SF Districts shall have not more than one access drive onto any adjacent highway(s). Each parcel in the AG, MF, GB, LI and HI Districts may have more than one drive, but not more than two access drives onto any adjacent highways(s).
 - (b)** In no instance shall any lot be permitted more than one access drive onto any one highway if its frontage on said highway is less than 100 linear feet (as measured along the right-of-way line).
 - (c)** In certain areas experiencing, or expected to experience, congestion and/or safety problems, access drives may be required to be located on adjacent property, or another highway, or on a frontage road.

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- (4) **DRIVEWAY REGULATIONS:** See section 15.202 for additional regulations regarding the location, design, construction, and maintenance of all driveways in the Town, including driveways onto County and State Highways.

22.506 RESERVED FOR FUTURE USE**22.507 VISIBILITY STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent accidents and to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **VISION CLEARANCE TRIANGLE:** In order to provide a clear view for motorists at all intersections, there shall be a triangular area of clear vision formed by the two intersecting highway rights-of-way and a chord connecting said rights-of-way, as determined by the Zoning Administrator. Generally, the following standards shall apply:

Table 22.508: Vision Clearance Triangle Standards

Intersection Type	Distance from Right-of Way Intersection
2 State Highways	Est. by State
State Highway & Co. Trunk Highways	Est. by State and County
State Highway & Town Road	50 feet
County Trunk Hwy & Town Road	50 feet
2 Town Roads	50 feet

- (3) **RESTRICTIONS IN TRIANGLE:** Within said vision clearance triangular area:
- (a) no signs, parking spaces, or structures shall be permitted,
 - (b) no earthwork in excess of 30 inches in height shall be permitted,
 - (c) no vegetation, fencing, nor other such obstructions, which exceed 30 inches in height above either of the centerline elevations of said two streets, shall be permitted.

22.508 OFF-STREET PARKING AND TRAFFIC CIRCULATION STANDARDS

- (1) **PURPOSE:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. (Also see, Section 22.528, Drainage Standards, and Chapter 8, Subchapter 3, Storm Water Drainage Ordinance).
- (2) **DEPICTION ON REQUIRED SITE PLAN:** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 22.908.) Except as permitted by a conditional use permit, each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet from the access point to the primary area(s) it is designated to serve, as measured along the shortest walking distance between the access point and the parking space. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.

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- (3) **USE OF OFF-STREET PARKING AREAS:** The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, required off-street parking spaces shall only be used by operable cars and trucks.
- (4) **TRAFFIC CIRCULATION AND TRAFFIC CONTROL:** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and driving on the site. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
- (5) **INSTALLATION AND MAINTENANCE:** All off-street parking and traffic circulation areas shall be completed, including surfacing, prior to building occupancy. Extensions within which to complete surfacing may be granted by the Zoning Administrator or the Plan Commission, when weather or other special circumstances warrant an extension. All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 22.512.
- (6) **DESIGN STANDARDS:**
- (a) **Signage:** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Subchapter 8.
 - (b) **Handicapped Parking Spaces:** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.
 - (c) **Snow Storage:** Required off-street parking and traffic circulation areas shall not be used for snow storage.
 - (d) **Landscaping:** Parking lot landscaping (if required) shall comply with the requirements of the paved area landscaping requirements in Section 22.604(3).
- (7) **CALCULATION OF MINIMUM REQUIRED PARKING SPACES:**
- (a) **General Guidelines for Calculating Required Parking Spaces:** The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.
 - (b) **Joint and Off-Site Parking Facilities:**
 - 1. Parking facilities which have been approved by the DPW to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for

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each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.

2. Each parking space designed to serve as joint parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, from the access to all of the various areas it is designated to serve. See Section 22.410(1).
3. The applicant(s) for approval of a joint parking facility shall demonstrate to the DPW's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.
4. A legally binding instrument, approved by the City Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the City Clerk. A fee shall be required to file this instrument (see Section 22.935).

- (c) **Minimum Off-Street Parking Requirements for Land Uses:** The off-street parking requirements for each land use are listed in Subchapter 4.

22.509 RESERVED FOR FUTURE USE**22.510 OFF-STREET LOADING STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **APPLICABILITY:** All loading facilities shall comply with the regulations of this Section.
- (3) **LOCATION:** All loading berths shall be located 50 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 22.506. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.
- (4) **ACCESS TO LOADING AREA:** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 22.509, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (5) **SURFACING AND MARKING:** *(No requirements at this time).*
- (6) **USE OF REQUIRED LOADING AREAS:** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used for parking spaces or storage space.
- (7) **LIGHTING:** *(No requirements at this time).*
- (8) **SIGNAGE:** All signage located within, or related to, loading areas shall comply with the requirements of Subchapter 8.
- (9) **DEPICTION ON REQUIRED SITE PLAN:** Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 22.908.)

22.511 EXTERIOR PARKING AND STORAGE STANDARDS

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- (1) **PURPOSE:** The purpose of this Section is to control the use of property for exterior storage so as to promote the safety, aesthetics, and general welfare of the public. (See also, Storage and Disposal Land Uses, Section 22.409).
- (2) **DEFINITIONS:** For the purposes of this Section, the following definitions shall apply:
- All-terrain Vehicle (ATV):** The definition of an ATV provided in Section 340.01(2g) Wis. Stats. is adopted by reference, including all amendments thereto.
- Boat:** Boat shall mean motor boats (whether or not a motor is actually on the boat), house boats, row boats, canoes and kayaks.
- Store:** To “store” shall mean to leave an item in one position or location on the property for more than 72 hours. It is not the intent of this ordinance to regulate the temporary parking of vehicles which are used by guests visiting the property, or which are regularly used by the occupants of the property.
- Recreational vehicle (RV):** Recreational vehicle shall mean motor homes, motor coaches, pickup campers when not positioned on top of a pickup, camping trailers, travel trailers, pop-up campers, folding campers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.
- Trailer:** Trailer shall mean fifth-wheel trailers, utility trailers, boat trailers, snowmobile trailers, race car trailers, and ATV trailers.
- (3) **RV=s, ATV=s, BOATS, SNOWMOBILES, AND TRAILERS:** No person shall park or store, outside of a fully-enclosed building, any RV=s, ATV=s, boats, snowmobiles, or trailers (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the Outdoor Display of such items, except as provided herein.
- (a) **Number:** The following sets forth the maximum number of RV=s, ATV=s, boats snowmobiles and trailers that can be stored outside on a parcel:
1. One RV, or
 2. Two boats, with or without motors or trailers, or
 3. One snowmobile not on a trailer, or two snowmobiles provided they are on the same trailer, or
 4. One ATV not on a trailer, or two ATV=s provided they are on the same trailer, or
 5. Any two of items a. thru d. above.
- (b) **Location:** No item shall be parked or stored in a front yard.
- (c) **Setback:** No item shall be parked or stored closer than 10 feet to a side or rear lot line.
- (d) **Maintenance:** Each item shall be maintained in working condition, reasonably ready for the effective performance of the function for which it was intended. RV=s and trailers shall be roadworthy. Items which need repair before they are operable may not be stored outside.
- (e) **Licenses:** Items that require license and/or registration shall be properly licensed and/or registered if they are stored outside. Unlicensed or unregistered items may be stored inside.
- (f) **Ownership:** Each item stored outside shall be owned, titled, and licensed by the occupant of the property in question. Items may not be stored outside on the property of a friend or neighbor.

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- (g) **Hidden and Neat:** Each item shall be parked or stored as inconspicuously as possible on the property. The area around each item must be kept weed free and free of accumulation of other storage material and debris (e.g. tires, wood, junk, etc. may not be piled next to these items).
 - (h) **Covers:** If the item is covered, the tarp or other covering material shall be of earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).
 - (i) **Storage:** No RV or boat shall be used for the storage of items unrelated to the primary function of the item (e.g. a camper can be used to store camping equipment, but it can not be used to store wood, fertilized, lawn mowers, clothing, etc).
- (3) **AUTOMOBILES AND TRUCKS:** No person shall park or store, outside of a fully-enclosed building, any automobile or truck (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the **Outdoor Display** of automobiles or trucks, except as provided herein.
 - (a) **Number:** *(No restrictions at this time).*
 - (b) **Location:** *(No restrictions at this time).*
 - (c) **Setback:** No item shall be located closer than 10 feet to a side or rear lot line.
 - (d) **Maintenance:** Each item shall be maintained in working condition and shall be roadworthy. Items which need repair before they are operable may not be parked or stored outside.
 - (e) **Licenses:** Items shall be registered and currently licensed if they are stored outside. Unlicensed or unregistered items may be stored inside.
 - (f) **Ownership:** No item shall be parked or stored outside unless it is owned, titled and licensed by the occupant of the property in question. Items may not be stored outside on the property of a friend or neighbor.
 - (g) **Hidden and Neat:** The area around each item shall be kept weed free and free of accumulation of other storage material and debris.
 - (h) **Covers:** If the item is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).
 - (i) **Storage:** No item shall be used for the storage of items not typically kept in a vehicle (e.g. an automobile can not be used to store clothes, animals, lawn tools, etc).
- (4) **FIREWOOD:** No person shall place or store, outside of a fully-enclosed building, any firewood (i) on a parcel in the RR, SF, or MF Districts, or (ii) on a parcel in the GB District unless the parcel is properly permitted to conduct the **Outdoor Display** of firewood, except as provided herein.
 - (a) **Front Yard Prohibited:** No person shall store firewood in the front yard in the GB District. Firewood may be stored in the front yard in the RR, SF, or MF Districts, only if the firewood can not be reasonably stored in a side yard or rear yard.
 - (b) **Stacking:** Firewood shall be neatly stacked, and shall not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a

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fence where firewood can be stacked against the fence as high as the fence. Fences, as used in this Section, shall not include hedges and other vegetation.

- (c) **Debris Removal:** All brush, debris and refuse from the processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (d) **Diseased Wood:** Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and shall be promptly and properly disposed of, and may be abated pursuant to the provisions of this Code.
- (e) **Volume Limitation:** *(None at this time).*
- (f) **Covers:** If the wood is covered, the tarp or other covering material shall be an earth-toned neutral color (e.g. not the common bright blue vinyl or other bright colors).

22.512 RESERVED FOR FUTURE USE**22.513 EXTERIOR LIGHTING STANDARDS** *(None at this time).***22.514 VIBRATION STANDARDS** *(None at this time).***22.515 RESERVED FOR FUTURE USE****22.516 NOISE STANDARDS** *(None at this time. See Nuisance Ordinance, Chapter 13).***22.517 AIR POLLUTION STANDARDS** *(None at this time).***22.518 ODOR STANDARDS** *(None at this time).***22.519 RESERVED FOR FUTURE USE****22.520 ELECTROMAGNETIC RADIATION STANDARDS** *(None at this time).***22.521 GLARE AND HEAT STANDARDS** *(None at this time).***22.522 RESERVED FOR FUTURE USE****22.523 FIRE AND EXPLOSION STANDARDS** *(None at this time).***22.524 TOXIC OR NOXIOUS MATERIAL STANDARDS** *(None at this time).***22.525 WASTE MATERIAL STANDARDS** *(None at this time).***22.526 RESERVED FOR FUTURE USE****22.527 DRAINAGE STANDARDS** *(None at this time).***22.528 EXTERIOR CONSTRUCTION MATERIAL STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to regulate the use of certain exterior construction materials so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and the property value of certain zoning districts.
- (2) **APPLICABILITY:** The requirements of this Section apply to all land uses and activities, except for permitted land uses within the AG District and except as otherwise provided in this Section.

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- (3) **MATCHING BUILDINGS:** With the exception of farm buildings, accessory buildings shall be constructed and finished in a complimentary architectural style and with material and colors that are similar to or complimentary to the principal structure. Buildings should look like they belong together, and present a unified design theme.

22.529 ROOF AND EAVE STANDARDS

- (1) **ROOFS:** The roof on all principal residential buildings shall have a minimum roof pitch of 4 :12, except the roofs over the following parts of residential structures may have a lesser pitch: porches, decks, dormers, and breezeways.
- (2) **EAVES:** All residential structures shall have a minimum eave width of 12 inches (not including the width of any gutter or other apparatus affixed to the eave or roof edge).

22.530 RESERVED FOR FUTURE USE**22.531 HAZARDOUS MATERIALS STANDARDS** *(None at this time).***22.532 FENCING STANDARDS**

- (1) **PURPOSE:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **APPLICABILITY:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities, except for fences in the AG and RR Districts.
- (3) **STANDARDS:**
- (a) **Materials:**
1. **SF & MF Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wiring fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.
 2. **GB, LI, & HI Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, wire mesh, polyethylene and similar materials approved by the Zoning Administrator, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall not exceed a maximum of 60% opaque.
 3. **Temporary Fencing:** Temporary fencing (i) for the purposes of limiting snow drifting between November 1 and April 1, (ii) for the protection of excavation and construction sites, and (iii) for the protection of plants during grading and construction, is permitted for up to 180 consecutive days or the period of construction, whichever is longer.
 4. **Snow Fences:** Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.
- (b) **Location:** Fences may be located on property lines.

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- (c) **Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:
 - 1. 3 feet within a front yard or street yard setback;
 - 2. 6 feet when located on any residentially zoned property, but not within a front yard or street yard setback; and
 - 3. 8 feet when located on any nonresidentially zoned property, but not within a front yard or street yard setback, except that security fences may exceed this height by conditional use.
- (d) **Orientation:** Fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property (i.e. the good looking side of the fence must face the neighbor who did not erect the fence).
- (e) **Maintenance:** Fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.

22.533 RESERVED FOR FUTURE USE**22.534 SIGNAL RECEIVING ANTENNAS (SATELLITE DISHES) STANDARDS** (None at this time).**22.535 WIND ENERGY CONVERSION SYSTEMS (WECS) STANDARDS**

- (1) **CONSTRUCTION OF WIND ENERGY SYSTEMS:** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (2) **PERMITS REQUIRED:**
 - (a) A zoning permit shall be obtained to allow construction of a WECS.
 - (b) A WECS permit shall be obtained from the Zoning Administrator for the construction of all WECS.
- (3) **APPLICATION REQUIREMENTS:** An application for a permit to build a wind energy system shall include the following:
 - (a) The property lines of the proposed site of construction.
 - (b) Proposed location of the WECS.
 - (c) Location and description of all structures located on the property where the WECS site is proposed.
 - (d) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
 - (e) Location of all underground utility lines on the property where a WECS site is proposed.
 - (f) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (g) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (h) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (i) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (4) **BLADE CLEARANCE:** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

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- (5) **CLIMBING TOWERS, TOWER ACCESS:** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
- (6) **TOWER CONSTRUCTION:** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wisconsin Administrative Code, and any future amendments, additions, and/or revisions to the same.
- (7) **UTILITY INTERCONNECTION:** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (8) **SETBACK REQUIREMENTS:**
- (a) No WECS shall be constructed in any setback, dedicated easement, or dedicated roadway.
 - (b) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (9) **NOISE:** *(See Nuisance Ordinance, Chapter 13)*
- (10) **INTERFERENCE WITH NAVIGATIONAL SYSTEMS:** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (11) **ELECTRICAL DISTRIBUTION LINES:** All WECS electrical distribution lines shall be located underground.
- (12) **REQUIRED SAFETY FEATURES:**
- (a) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (b) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
 - (c) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (d) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal.
- (13) **MAINTENANCE:** The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.
- (14) **INSPECTIONS:** A yearly inspection, at a fee to be determined from time to time by resolution of the Town Board, shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.
- (15) **BOND:** A bond or other security shall be posted with the Town to guarantee demolition and removal of all WECS which are not operational.

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22.536 SWIMMING POOL STANDARDS *(None at this time).*

22.537 RESERVED FOR FUTURE USE

22.538 SUBSTANDARD LOT REGULATIONS

- (1) **PROHIBITION:** Upon and after the effective date of this Chapter, no lot shall be created which does not meet (i) the Minimum Zoning District Area (MZA) requirements, the Minimum Lot Area (MLA) requirements, and the lot dimension requirements of this Chapter.
- (2) **PRE-EXISTING LOTS:** A lot of record existing upon the effective date of this Chapter in a Residential District, which does not meet the Minimum Zoning District Area or the Minimum Lot Area (MLA) requirements of Subchapter 2, or which does not meet the lot dimension requirements of Subchapter 2 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 50% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.
- (3) **DIVISION OF A LOT:** No recorded lot shall be divided into 2 or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located. (*See also*, Subdivision Ordinance, Chapter 20).

22.539 NONCONFORMING STRUCTURE AND BUILDING REGULATIONS

- (1) **EXISTING STRUCTURES:** Any structure or building that complies with all existing regulations upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (2) **UNSAFE STRUCTURES:** Nothing in this Chapter shall preclude the Town from pursuing remedial or enforcement actions when said structure or building is declared unsafe.
- (3) **MODIFICATIONS:** When any lawful nonconforming structure or building in any district is modified, the portion of the structure or building which is modified shall conform to the provisions of this Chapter.
- (4) **DESTRUCTION OF NONCONFORMING STRUCTURES:** A legal nonconforming building or structure, which is accidentally damaged by fire, tornado or other disaster, may be repaired so that the structural nonconformity is continued thereafter, provided all of the following conditions are met:
 - (a) the total cost of all the repairs (both structural and non-structural) shall not exceed 50% of the assessed value of the building or structure (excluding the assessed value of the land); and
 - (b) the repairs shall be completed within 1 year from the date of disaster which caused the damages, unless extended by conditional use; and
 - (c) the owner demonstrates, through the conditional use process, that the proposed repairs have been designed to eliminate or diminish the structural nonconformities wherever the structural nonconformities can be reasonably eliminated or diminished without causing unreasonable financial hardship to the owner and without causing unreasonable diminution in the utility of the structure. Nothing herein shall be construed to permit the repair of a building or structure which has contained or which is intended to contain a nonconforming “use” after the repairs are completed. (For regulations dealing with Destruction of Non-conforming Uses, see 22.402(6)).

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- (5) **MAINTENANCE AND REPAIRS:** Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming portion of the structure or building.
- (6) **ALTERATIONS:** Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand, or extend without bringing the enlargement, expansion, or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 22.909.
- (7) **GARAGES:** A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
- (a) the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure; and
 - (b) the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel); and
 - (c) precautions (determined on a case-by-case basis by the Zoning Administrator) are taken to reduce the possibility of fire damage to nearby structures.
- (8) **ISSUED BUILDING PERMITS:** Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 365 days of the effective date of this Chapter, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building. Extensions to these time limits may be granted by the Plan Commission for good cause.
- (9) **BLANKET VARIANCE FOR NONCONFORMING RESIDENCES:** A variance for any and all requirements of this Subchapter is hereby automatically granted to all legal nonconforming residential dwellings in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, the nonconforming portion of such structures shall not be permitted to enlarge, expand, or extend without bringing the enlargement, expansion, or extension into compliance with the provisions of the Subchapter unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 22.909. Rationale: This "blanket variance" is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of this provision ensures that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

22.540 ADMINISTRATION & ENFORCEMENT OF PERFORMANCE STANDARDS

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:

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- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Town or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Town to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.

 - 1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
 - 2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Town.
- (2) Enforcement of the provisions of this Subchapter shall be per Section 22.936.

SUBCHAPTER 6: LANDSCAPING AND BUFFERYARD REGULATIONS

SUBCHAPTER 6: LANDSCAPING AND BUFFERYARD REGULATIONS**22.600 PURPOSE**

The purpose of this Article is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

22.601 APPLICATION

- (1) Except as provided in (2) below, the landscaping and bufferyard requirements of this Chapter shall apply to all new developments and buildings, and to all additions to existing developments and buildings, constructed after the effective date of this Chapter.
- (2) The requirements of this Chapter shall not apply to the following land uses: AG, RR, and SF.

22.602 HOW TO USE THIS ARTICLE

- (1) This Article contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This Article recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Master Plan.
- (2) The landscaping requirements described in this Article of the Ordinance are cumulative in nature and are required in the following locations: around building foundations, in developed lots, along street frontages, in or around paved areas, in permanently protected green space areas, in reforestation areas, and in bufferyards. Descriptions of these areas and their associated landscape requirements are included in Landscaping Requirements for Regular Development (building foundation, developed lots, street frontages, paved areas) (Section 22.604); Landscaping Requirements for Permanently Protected Green Space Areas (Section 22.608); Landscaping Requirements for Reforestation (Section 22.609); and Landscaping Requirements for Bufferyards (Section 22.610).
- (3) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 22.603 presents sample landscape point combination alternatives used by this Chapter. At the end of this Chapter, Section 22.611 provides a listing of plant species fitting into the "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and "non-contributory plants" used by this Chapter. A more exhaustive list is contained in the Appendix. Section 22.613 provides requirements for the installation and maintenance of required landscaping, and Section 22.614

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describes the procedure for calculating landscaping requirements for this Section (See, Appendixes 7 and 8).

22.603 LANDSCAPING POINTS, MEASUREMENTS AND SAMPLE LANDSCAPING LAYOUTS

- (1) **POINT SYSTEM:** All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. A different number of points is awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are as follows:

22.603(1) Table 22.603: Landscaping Points and Minimum Installation Sizes

Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Climax Tree	75	2@ Caliper
Tall Deciduous Tree	30	1 2@ Caliper
Medium Deciduous Tree	15	6= Tall
Low Deciduous Tree	10	4= Tall
Tall Evergreen Tree	40	5= Tall
Medium Evergreen Tree	20	4= Tall
Low Evergreen Tree	12	3= Tall
Tall Deciduous Shrub	5	36@ Tall
Medium Deciduous Shrub	3	24@ Tall
Low Deciduous Shrub	1	18@ Tall
Medium Evergreen Shrub	5	18@ Tall/Wide
Low Evergreen Shrub	3	12@ Tall/Wide
Non-contributory Plants	0	N/A
<i>Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865</i>		

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- (2) **DEPICTION OF SAMPLE LANDSCAPING SCHEMES:** The illustrations shown on the following three pages, depict sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in Section 22.611.

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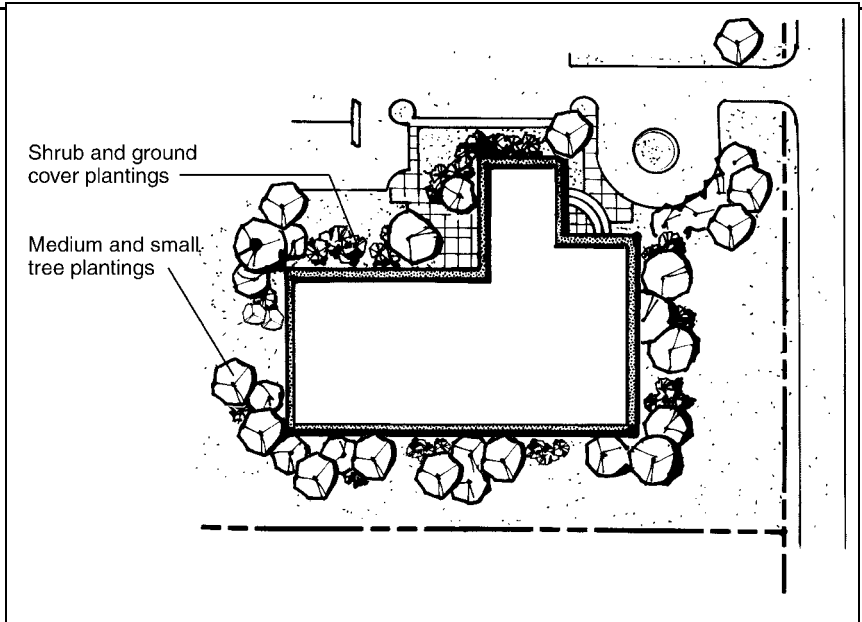
22.603 (2)

Alternative A:
Best Suited for Building
Foundations

750 Landscaping Points:
20 medium trees
15 small shrubs
60 shrubs

Shrub and ground
cover plantings

Medium and small,
tree plantings

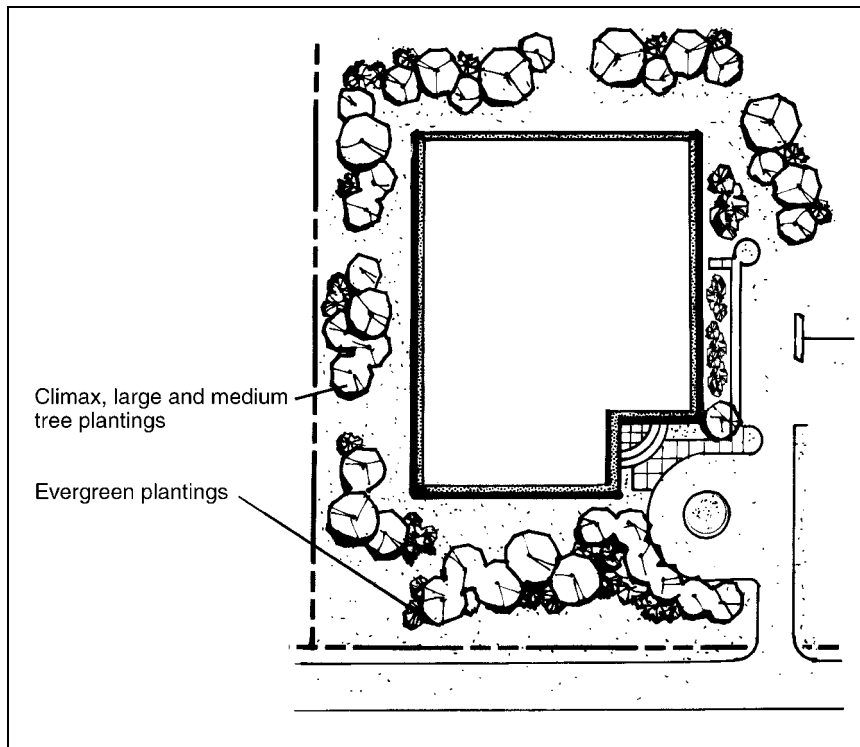


Alternative B:
Best Suited for Developed
Lots

1250 Landscaping Points:
6 climax trees
8 tall trees
20 medium trees
41 evergreen plantings

Climax, large and medium
tree plantings

Evergreen plantings



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22.603 (2)

Alternative C:

Best Suited for Street Frontages

Option 1

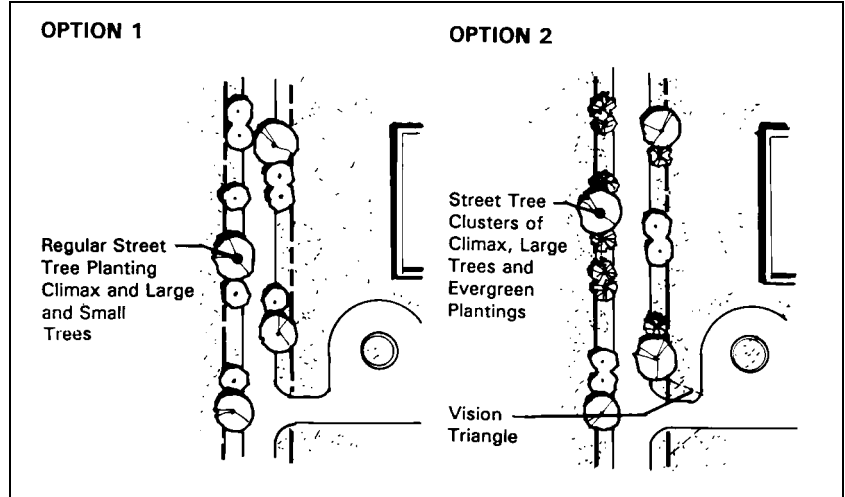
280 Landscaping Points:

- 2 climax trees
- 2 tall trees
- 8 small trees

Option 2

280 Landscaping Points:

- 2 climax trees
- 2 tall trees
- 4 small trees
- 8 evergreen shrubs



Alternative D:

Best Suited for Paved Areas

Option 1

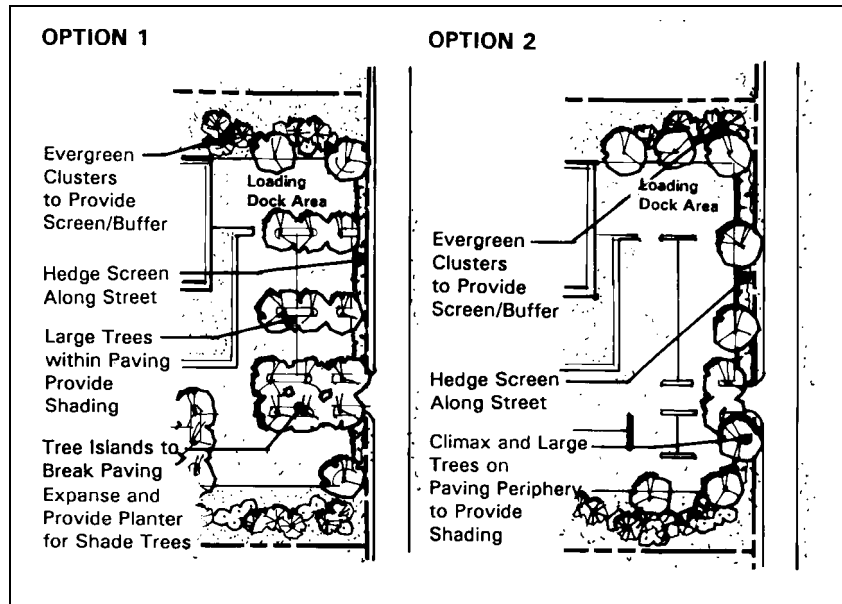
880 Landscaping Points:

- 2 climax trees
- 13 tall trees
- 68 evergreen shrubs

Option 2

880 Landscaping Points:

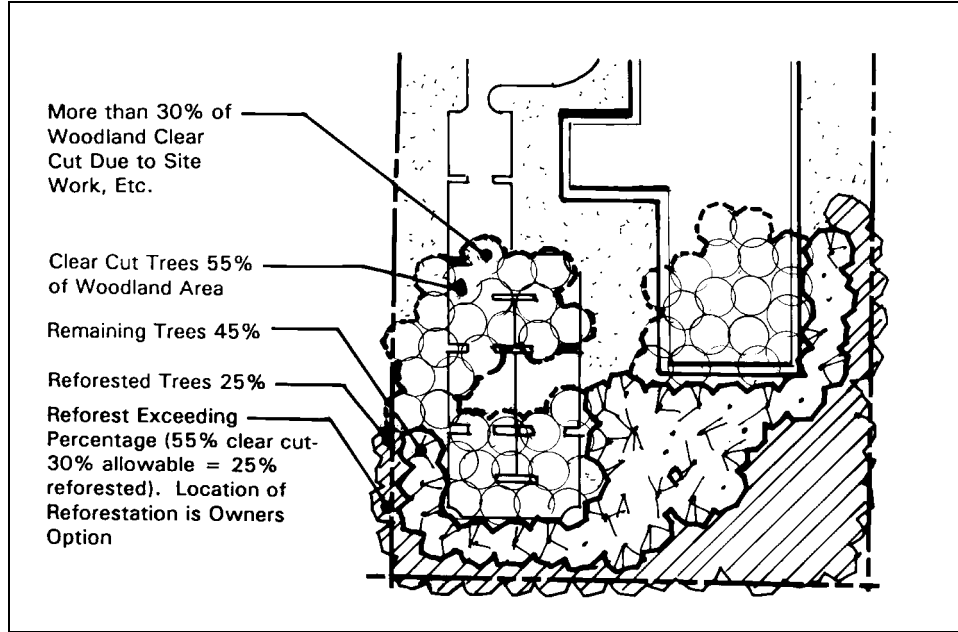
- 5 climax trees
- 6 tall trees
- 68 evergreen shrubs



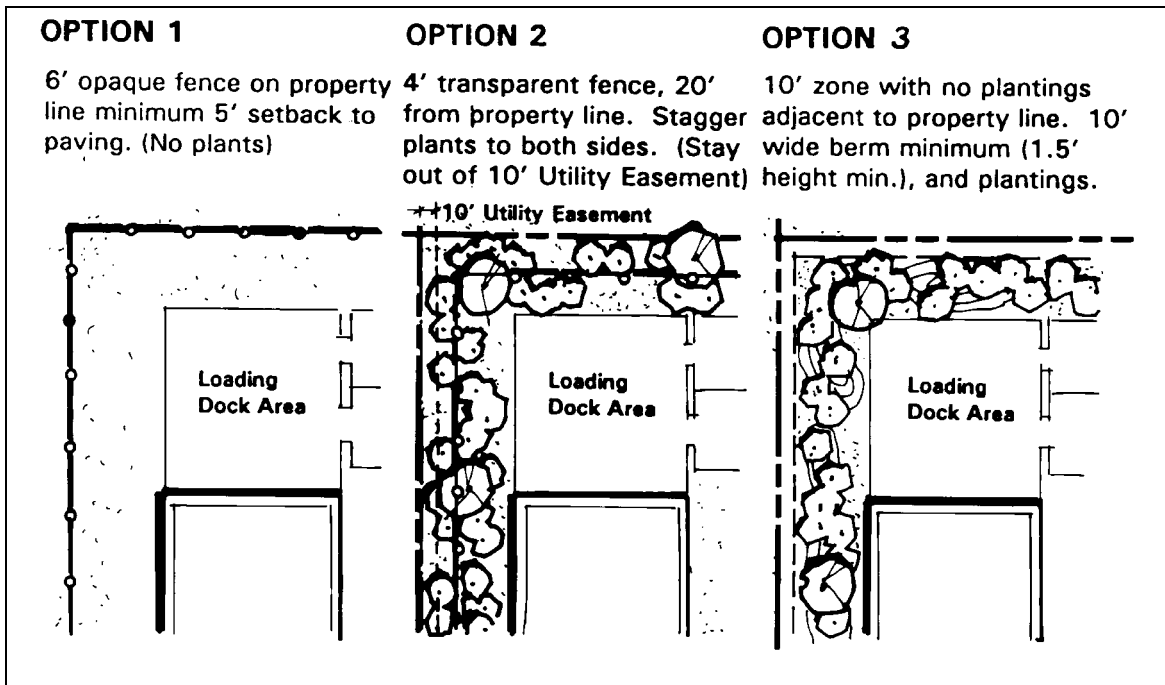
SUBCHAPTER 6: LANDSCAPING AND BUFFERYARD REGULATIONS

22.603 (2)

Alternative E:
Best Suited for
Reforestation



Alternative F:
Best Suited for Bufferyards

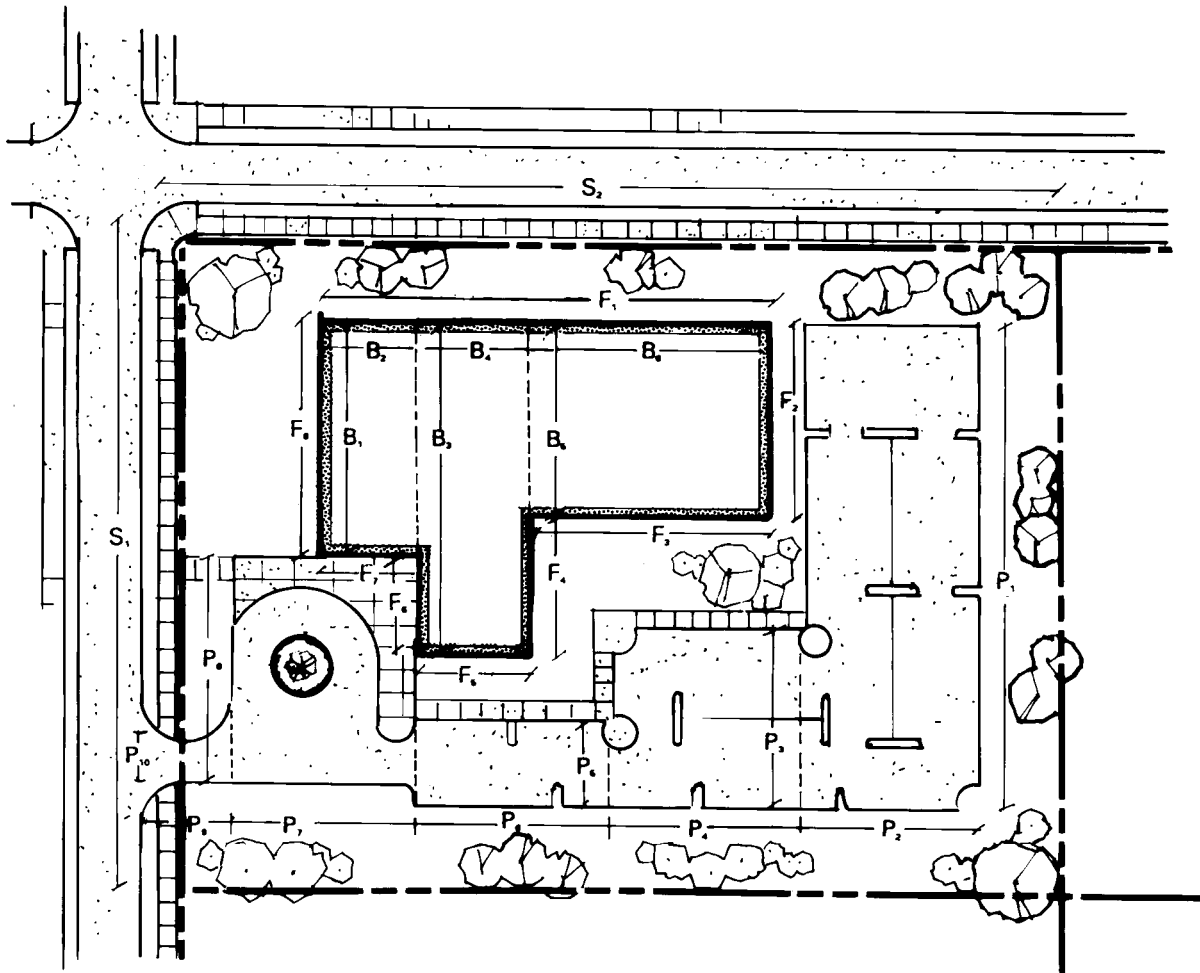


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22.603 (3) MEASUREMENT FOR LANDSCAPING REQUIREMENTS: A minimum amount of landscaping points, based upon the zoning district in which the lot is located, is required for each of the following:

- (a) **Building Foundations:** The foundation of each side of each building on a lot based upon linear feet of each building side (calculated below using $\Delta F\textcircled{a}$)
- (b) **Street Frontage:** The length of each Street Frontage (calculated below using $\Delta S\textcircled{a}$)
- (c) **Paved Areas:** The total combined area of each Paved Area (calculated below using $\Delta P\textcircled{a}$), and
- (d) **Developed Lots:** The gross floor area of buildings on Developed Lots (calculated below using $\Delta B\textcircled{a}$).

The following diagram illustrates the measurement techniques used to determine these requirements:



Landscape Measurements

Landscaping Calculation Equations for this Example:

Paved Area = $(P_1 \times P_2) + (P_3 \times P_4) + (P_5 \times P_6) + (P_7 \times P_8) + (P_9 \times P_{10})$

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Street Frontage = S_1, S_2

Building Foundation = $F_1, F_2, F_3, F_4, F_5, F_6, F_7, F_8$

Building Floor Area = $(B_1 \times B_2) + (B_3 \times B_4) + (B_5 \times B_6)$

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22.604 LANDSCAPING REQUIREMENTS FOR REGULAR DEVELOPMENT

- (1) **BUILDING FOUNDATIONS:** This Section requires that certain buildings, or building additions, constructed after the effective date of this chapter be accented by a minimum amount of landscaping placed near the building foundation.
- (a) Landscaping required by this Section shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards. See 22.603(2)(A) for a suggested scheme.
- (b) For each 100 feet of building foundation perimeter, the number of landscaping points per building side, established in Table 22.604, shall be provided, installed and permanently maintained per the requirements of Section 22.613.
- (c) Climax trees and tall trees shall not be used to meet this requirement. The intent of this Section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes.)
- (d) Where the officially approved site plan depicts a future building extension, the foundation landscaping requirement shall be calculated by measuring the length of the total perimeter. However, foundation plantings need only be installed based on the landscape points calculated from the portions of the building perimeter that will not be affected by building extension. If this results in point requirements which are not met through the initial planting, then said requirement shall be met within five years of building permit issuance, or as extended in writing by the Committee.
- (2) **HIGHWAY FRONTAGES:** This Section requires that street frontages on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping in those areas which abut the right-of-way of a public highway.
- (a) All landscaping used to meet this requirement shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. See Section 22.603(2)(C) for a suggested landscaping scheme. Landscaping shall not impede vehicle or pedestrian visibility.

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- (b) For every 100 linear feet of street frontage where a developed lot abuts a public right-of-way, the number of landscaping points established in Table 22.604 shall be provided on a prorated basis, and installed and maintained per the requirements of Section 22.613.
 - (c) Shrubs shall not be used to meet this requirement. A minimum of 50% of all points shall be devoted to climax and/or tall trees and a minimum of 30% of all points shall be devoted to medium trees.
- (3) **PAVED AREAS:** This Section requires that paved areas on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping within, or within 10 feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches.
 - (a) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area. Sample configurations are depicted in Section 22.603. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public highways.
 - (b) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the number of landscaping points established in Table 22.604 shall be provided on a prorated basis, and installed and maintained per the requirements of Section 22.613. A minimum of 30% of all points shall be devoted to climax and/or tall trees and a minimum of 40% of all points shall be devoted to shrubs.
 - (c) Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking isle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a maximum of 100 spaces in any one pod.
- (4) **DEVELOPED LOTS:** This Section requires that certain lots developed after the effective date of this chapter contain a minimum amount of landscaping.

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- (a) Landscaping required by this Section shall be located within 100 feet of the principal or accessory structures, but outside of and away from those areas required for the landscaping of building foundations, highway frontages, paved areas, green space areas, reforestation areas, and bufferyards. See Section 22.603(2)(B) for a suggest landscaping scheme.
 - (b) The number of landscaping points established in Table 22.604 shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of Section 22.613.
 - (c) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, storm water discharge pipes and other unsightly areas.)
- (5) **FLEXIBILITY OF DESIGN:** Landscaping design flexibility is encouraged, provided the purpose and intent of this Article is preserved. It is recognized that the configuration of buildings, paved areas, and highways on some lots may make the application of the foregoing rules difficult or confusing (e.g. when a parking lot is located next to a street, is landscaping between the street and the lot considered landscaping for *Astreet frontage* or *Apaved areas*?). The Zoning Administrator is hereby authorized to resolve these types of problems and to promote design flexibility, provided the purpose and intent of this Article shall, at all times, be preserved.

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Table 22.604: Landscaping Requirements for Regular Development

	Components				
	Building Foundation	Street Frontages	Paved Areas	Developed Lots	
Types of Landscaping¹	Climax trees and tall trees shall not be used to meet this requirement	No Shrubs; Min. of 50% of points devoted to climax/tall trees and 30% to med. trees	A min. of 30% of points devoted to climax/tall trees and 40% to shrubs	All plant categories can be used to meet requirements	
Placement of Landscaping¹	Located so that at maturity the plant's drip line is located within 10' of building foundation	Located within 10' of the public right-of-way	Within paved area or within 10' of the paved area	Located away from areas that meet other landscaping requirements (i.e., building foundation, street frontage, paved areas)	
Calculation of Landscaping Points¹	Points per 100' of building foundation 9	Points per 100 linear feet of street frontage 9	Greater of: points per 20 parking stalls or per 10,000 sq. ft. of parking area 9	Points per 1,000 sq. ft. of building footprint 9	
Zoning District	Agricultural (AG)	0	0	0	
	Rural Residential (RR)	0	0	0	
	Single-family Residential	0	0	0	
	Multi-family Residential	40	40	80	20
	General Business (GB)	20	20	40	10
	Light Industrial (LI)	30	30	30	10
	Heavy Industrial (HI)	20	20	20	5
¹ See Section 22.603(2) for examples of landscaping schemes					

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22.608 LANDSCAPING REQUIREMENTS FOR GREEN SPACES *(None at this time)***22.609 LANDSCAPING REQUIREMENTS FOR REQUIRED REFORESTATION**

- (1) This Section requires that each area required to be reforested, be reforested and maintained in a manner appropriate to site conditions.
- (2) A detailed reforestation plan shall be submitted by the property owner and approved by the Committee prior to clear cutting. This plan may be reviewed by a reforestation consultant chosen by the Committee, with funding for consulting services provided by the Petitioner.
Rationale: The provisions of this Section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide.

22.610 LANDSCAPING REQUIREMENTS FOR BUFFERYARDS

- (1) **PURPOSE:** This Section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this chapter. A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.
Rationale: One of zoning's most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the Town, this is not always the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of this chapter. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.
- (2) **REQUIRED LOCATIONS FOR BUFFERYARDS:** Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards shall not be required in front yards.
- (3) **DETERMINATION OF REQUIRED BUFFERYARD:** The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using Table 610(5)(a). Second, the selection of the appropriate combination of

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width, landscaping and structure to achieve the required opacity is determined using Table 610(5)(b).

- (a) **Step 1: Opacity:** Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. Table 610(5)(a) shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property. The required level of opacity indicated by Table 610(4)(a) is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this Section indicate the minimum requirements for bufferyards located along zoning district boundaries.
- (b) **Step 2: Bufferyard Requirements:** For each level of opacity listed in Table 610(5)(a), a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in Table 610(5)(b). The requirements listed in Table 610(5)(b) pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every 100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. Section 603 describes the various available landscaping point alternatives. Section 611 provides a listing of tree and shrub species which correspond the landscaping point descriptions.
- (4) **MODIFICATION THROUGH AGREEMENT OF ADJACENT OWNERS:** Adjacent property owners may establish, through a written agreement, recorded in the Office of the Register of Deeds and filed with the Town, that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an immediately adjacent portion of their land, thereby exempting the developer from providing all or a portion of the bufferyard on his property.
- (5) **TABLES FOR REQUIRED BUFFERYARDS:**

Table 22.610(5)(a): Required Bufferyard Opacity Values

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_ Adjacent Property=s Zoning District								
Subject Property=s Zoning District								
	AG	RR	SF	MF	GB	LI	HI	PB
AG	na	na	na	0.4	0.4	0.4	0.6	1
RR	na	na	na	0.5	0.6	0.6	0.8	1
SF	na	na	na	0.5	0.6	0.4	1.0	1
MF	na	na	na	na	0.6	0.6	1.0	1
GB	na	na	na	0.6	na	0.4	0.6	1
LI	na	na	na	0.6	0.4	na	0.3	1
HI	na	na	na	1.0	0.6	0.3	na	1
PB	na	na	na	0.5	0.5	0.6	0.8	1
1 As per the terms of the Planned Business Development PIP.								

Table 22.610(5)(b) Detailed Bufferyard Requirements

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.05	00	10=+	Minimum 44” picket fence ¹
	00	10=+	Minimum 4= wood rail fence ¹
	40	10=	-
	36	15=	-
	33	20=	-
	31	25=	-
	29	30=	-
0.10	00	10=+	Minimum 44@ picket fence ¹
	38	10=+	Minimum 4= wood rail fence ¹
	91	10=	-
	80	15=	-
	73	20=	-
	68	25=	-

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Opacity	# Landscaping Points/100 feet	Width	Required Structure
	65	30=	-
	62	35=+	-
	00	35=+	Minimum 4= berm
0.20	00	10=+	Minimum 6= solid fence ¹
	84	10=+	Minimum 44@ picket fence ¹
	133	15=+	Minimum 4= wood rail fence ¹
	198	15=	-
	173	20=	-
	158	25=	-
	149	30=	-
	140	35=	-
	10	35=+	Minimum 4= berm
	135	40@+	-
	00	40=+	Minimum 5= berm
	0.30	00	10=+
198		15=+	Minimum 44@ picket fence ¹
320		20=	-
240		20=+	Minimum 4= wood rail fence ¹
276		25=	-
252		30=	-
235		35=	-
104		35=+	Minimum 4= berm
223		40=	-
44		40=+	Minimum 5= berm
215		45=	-
209		50=+	-
00		50=+	Minimum 6= berm
0.40	53	10=+	Minimum 6= solid fence ¹
	330	20=+	Minimum 44@ picket fence ¹
	440	25=	-
	362	25=+	Minimum 4= wood rail fence ¹
	385	30=	-

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Opacity	# Landscaping Points/100 feet	Width	Required Structure
	349	35=	-
	208	35=+	Minimum 4= berm
	327	40=	-
	148	40=+	Minimum 5= berm
	310	45=	-
	299	50=+	-
	56	50=+	Minimum 6= berm
0.50	135	15=+	Minimum 6= solid fence ¹
	564	30=	-
	405	30=+	Minimum 44@ picket fence ¹
	492	30=+	Minimum 4= wood rail fence ¹
	499	35=	-
	319	35=+	Minimum 4= berm
	454	40=	-
	261	40=+	Minimum 5= berm
	422	45=	-
	405	50=	-
	160	50=+	Minimum 6=berm
	388	55=	-
	374	60=+	-
	0.60	221	20=+
433		35=+	Minimum 4= berm
541		35=+	Minimum 44@ picket fence ¹
630		35=+	Minimum 4= wood rail fence ¹
626		40=	-
379		40=+	Minimum 5= berm
570		45=	-
525		50=	-
270		50=+	Minimum 6= berm
500		55=	-
480		60=+	-

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Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.80	415	30=+	Minimum 6= solid fence ¹
	655	40=+	Minimum 4= berm
	627	45=+	Minimum 5= berm
	873	45=+	Minimum 44@ picket fence ¹
	910	50=	-
	505	50=+	Minimum 6= berm
	809	50=+	Minimum 4= wood rail fence ¹
	804	55=	-
	744	60=	-
	710	65=	-
	677	70=+	-
1.00	636	40=+	Minimum 6' solid fence* (<i>Amended per Ord 984</i>)
	732	50=+	Minimum 6' berm
	751	50=+	Minimum 5' berm
	867	55=+	Minimum 4' berm
	1091	60=+	Minimum 44" picket fence*
	1136	60=+	Minimum 4' wood rail fence*
	1083	65=	
	994	70=	
	934	75=	
	892	80=+	

¹ Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence. A building wall which does not contain doors (except those used for emergency exit) may be used to satisfy the

22.611 CLASSIFICATION OF PLANT SPECIES

For the purpose of this chapter, plant materials are classified into thirteen (13) groupings: "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low

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deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and non-contributory plants. Species typically used for landscaping in Juneau County and compatible with Juneau County climate and soil factors are listed in Table 22.611 below. Table 22.611 is not an exhaustive list of every compatible species. There are many additional species which can grow in Juneau County and which are allowed under this Ordinance. The Zoning Administrator shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species. Appendix 9 is a detailed listing of other plant species and characteristics.

Table 22.611: Classification of Plants

	Botanical Name	Common Name
Climax Trees (75 Landscaping Points)	<i>Acer saccharum</i>	Sugar Maple
	<i>Ginkgo biloba</i>	Ginkgo
	<i>Quercus sp.</i>	Oak Red, White, Pin
Tall Deciduous Trees (30 Landscaping Points)	<i>Acer sp.</i>	Maple: Red, Silver, Norway
	<i>Fraxinus sp.</i>	Ash: White, Green
	<i>Gleditsia triacanthos</i>	Honeylocust
	<i>Populus grandidentata</i>	Bigtooth Aspen
	<i>Tilia sp.</i>	Linden: Basswood, Littleleaf, Redmond
Medium Deciduous Trees (15 Landscaping Points)	<i>Betula sp.</i>	Birch: River, Paper
	<i>Prunus sp.</i>	Cherry: Choke, Pin
	<i>Salix sp.</i>	Willow
Low Deciduous Trees (10 Landscaping Points)	<i>Amelanchier sp.</i>	Serviceberry
	<i>Crataegus sp.</i>	Hawthorn: Cockspur, Downy, Washington
	<i>Malus sp.</i>	Crabapple sp.

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	Botanical Name	Common Name
Tall Evergreen Trees (40 Landscaping Points)	<i>Abies concolor</i>	White Fir
	<i>Pinus sp.</i>	Pine: Red, White, Scots
	<i>Tsuga Canadensis</i>	Canada Hemlock
Medium Evergreen Trees (20 Landscaping Points)	<i>Thuja occidentalis</i>	American Arborvitae
Low Evergreen Trees (12 Landscaping Points)	<i>Juniperus sp.</i>	Juniper: Mountbatten, Redcedar
	<i>Thuja sp.</i>	Arborvitae: Pyramidal, Techny
Tall Deciduous Shrubs (5 Landscaping Points)	<i>Cornus sp.</i>	Dogwood: Grey, Pagoda
	<i>Syringa sp.</i>	Lilac: Chinese, Hyacinth
	<i>Viburnum sp.</i>	Virburnum: Arrowwood, Wayfaringtree, Nannyberry
Medium Deciduous Shrubs (3 Landscaping Points)	<i>Corylus americana</i>	American Filbert, Hazelnut
	<i>Cotoneaster sp.</i>	Cotoneaster
	<i>Forsythia sp.</i>	Forsythia: Border, Early, Weeping
	<i>Rosa sp.</i>	Rose: Virginia, Rugosa
Low Deciduous Shrubs (1 Landscaping Point)	<i>Berberis Thunbergii</i>	Japanese Barberry
	<i>Spiraea sp.</i>	Spiraea: Froebel, Snowmound
Tall-Medium Evergreen Shrubs (5 Landscaping Points)	<i>Juniperus chinensis</i>	Juniper: Pfitzer
	<i>Taxus sp.</i>	Yew: Japanese
Low Evergreen Shrubs (3 Landscaping Points)	<i>Juniperus sp.</i>	Juniper: Sargent, Creeping, Andorra

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22.612 RESERVED FOR FUTURE USE**22.613 REQUIREMENTS FOR INSTALLATION, MAINTENANCE & USE OF LANDSCAPED AND BUFFERYARD AREAS****(1) INSTALLATION:**

- (a) **Timetable:** Any and all landscaping and bufferyard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan (See, Section 22.908), prior to occupancy of the premises, unless:
1. The owner executes the agreement required by subsection (b) below, and
 2. All required landscaping and bufferyard material is installed within a period not to exceed 365 days from the date of execution of said agreement, unless the conditional use permit specifically allows for greater than 365 days.

(b) **Surety:**

1. If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an agreement stating the intent to install the landscaping within the period established in subsection (a) above. This agreement shall also contain a statement indicating that there are fines associated with not complying with this agreement.
2. If a part of a plat of subdivision is approved per the requirements of this Chapter, said amount may be split into amounts which are applicable to phases of the plat approved per the requirements of the Land Division Ordinance.
3. Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Article.

- (c) **Counting Existing Plants:** Existing plant material which meets the requirements of Section 22.603 and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping requirements.

- (d) **Establishment of Lawns:** All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

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- (e) **Plant Placement:** The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan and shall be the decision of each property owner within the requirements of this Section, except that the following requirements shall be met:
1. Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.
 2. Where a combination of plant materials, and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 3. In no manner shall landscaping or bufferyard materials be selected and/or located in a manner that results in the creation of a safety or visibility hazard.
 4. The restrictions on types of plants listed in Section 22.604 shall apply.
- (2) **MAINTENANCE:** The continued and continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials are placed. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. Upon failure to comply with these provisions, the Town may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.
- (3) **USE OF REQUIRED BUFFERYARD AND LANDSCAPED AREAS:** Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that: no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation uses be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

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- (4) **UTILITY EASEMENTS:** Landscaping materials, fences and berms which are located within a duly recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscaping requirement, unless authorized otherwise by a conditional use permit. However, the width of such areas may be counted as part of a landscaping requirement.

22.614 CALCULATING LANDSCAPING AND BUFFERYARD REQUIREMENTS

In calculating the number of required landscaping points under the provisions of this Section, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this Section shall be rounded up to the nearest whole plant (e.g. 23.3 canopy trees shall become 24 canopy trees).

22.615 DEPICTION ON REQUIRED SITE PLAN

Any and all proposed landscaping on the subject property, required to meet the standards of this Chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property.

SUBCHAPTER 8: SIGN REGULATIONS

SUBCHAPTER 8: SIGN REGULATIONS**22.800 PURPOSE**

The purpose of this Article is to establish standards for the fabrication, erection, and use of signs and signage for all properties within the Town. This Article regulates the location, type, size, and height of signage in order to protect and promote the public welfare, health, and safety of persons within the community; to aid in the development and promotion of business and industry; and to ensure implementation of the Comprehensive Plan of the Town. The adoption of this Article reflects the formal finding of fact on the part of the Plan Commission and the Board that regulation of signage furthers four compelling governmental interests:

- (1) To promote the public welfare, health, and safety of all persons using the public thoroughfares and right-of-ways within the Town as to the signage displayed thereon, or overhanging, or projecting into such public spaces;
- (2) To advance the aesthetic goals of the Town throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public;
- (3) To reduce the visual clutter caused by advertising signage which the Town has determined is a significant cause of unsafe traffic and visibility conditions; and
- (4) To limit the spread of unattractive strip commercial development, of which signs are a primary contributor, so as to be respectful of the reasonable rights of other advertisers and business entities whose messages are also displayed in such areas.

Furthermore, the Town advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage, namely, print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.

22.801 RESERVED FOR FUTURE USE**22.802 SIGN PERMITS**

- (1) **PERMIT REQUIRED:** Except as otherwise provided in Subsection (2) below, it shall be unlawful for any person to erect, install, construct, enlarge, alter, move, or convert any sign in the Town, or cause the same to be done, without first obtaining a sign permit for each sign from the Zoning Administrator as required under this Article. This Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure for which a permit has been previously issued. This Section shall not apply to cleaning, repairing, reprinting, or other normal maintenance of the sign or sign structure. No new permit is required for existing signs which have permits on the date on which this Chapter was adopted and which conform with the requirements of this Article on the date of its adoption unless and until the sign is altered or relocated in any way.
- (2) **EXCEPTIONS TO PERMIT:** The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated herein.
 - (a) Address numerals and identification signs not exceeding two (2) square feet in area.
 - (b) Government signs.
 - (c) Memorial signs and monuments displayed in cemeteries.
 - (d) On-premise directional signs which bear no advertising, except the business name or logo, and which are under four (4) square feet.
 - (e) Temporary signs which conform to the requirements of § 22.809(8).

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(3) **APPLICATION PROCEDURE:** See, § 22.907.

(4) **PERMIT FEES:** See, § 22.907(11).

22.803 RESERVED FOR FUTURE USE

22.804 DEFINITIONS AND RULES OF INTERPRETATION

(1) **ASIGN@ DEFINED:** A ASign@ is any object, device, display, structure, or part thereof, situated outdoors and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, or projected images. Building colors and building outline lighting (i.e. neon lighting along roof lines, etc.) which convey a logo or message specific to the use may be considered, in the discretion of the Zoning Administrator, to be signs. Definitions of particular functional, locational, and structural types of signs are listed in this Article.

(2) **EXCLUDED ITEMS:** ASigns@ do not include the following:

- (a) Flags or emblems of any nation, organization or nations, state, city, religious fraternal, or civic organization;
- (b) Merchandise and pictures or models of products or services incorporated into a window display.
- (c) Works of art which do not identify a product;
- (d) Scoreboards located on athletic fields, provided the advertising thereon does not exceed 50% of the size of the scoreboard area; and
- (e) Signage located within an outdoor athletic facility=s walls or fences, provided (i) the sign is mounted upon the walls or fences, (ii) the sign does not extend above or beyond the height or width of the wall or fences to which it is affixed, and (iii) the sign is designed to be viewed by persons sitting in the area designed for spectators (e.g. signs on outfield fences of a baseball field, which face the bleachers, are not controlled by this Code, but signs on the fence which face away from the bleachers or which extend above the fence, are controlled by this Code).

(3) **ASIGN PURPOSES@ DEFINED:** In general, ASign purposes@ refers to how a sign is used or the kind of message contained on the sign. For purposes of this Chapter, all signs are divided into the following categories of ASign purposes:@

(a) **Billboards:** See, AOff-premises sign,@ § 22.805(2)(h)

(b) **Business signs (a/k/a On-premise signs):** A permanent sign which directs attention to a business, commodity, service, entertainment, or governmental activity conducted, sold, offered, or manufactured upon the premises where the sign is located. (See § 22.809(1)).

(c) **Changeable Copy Signs:** Signs which are designed to electronically, mechanically or manually change messages on a regular basis (e.g. time and temperature signs, gasoline price signs, school or church event signs). Changeable copy signs do not include billboards which change faces no more than 3 times per calendar year. (See § 22.809(2)).

1. **Community information signs:** A type of changeable copy sign which is owned by a governmental, religious, educational or philanthropic entity and which is limited to the display of information of interest to the general community regarding scheduled public events and public activities. Such signs shall only display information regarding events and information of general interest to the general public. Copy which may be considered as

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advertising a product for sale or private profit, or an activity for private profit, shall be prohibited.

2. **Business Information Signs:** A type of changeable copy sign which is owned by a private entity and which is used to advertize products or services, in addition to the display of information of interest to the general public (e.g. Bank sign which provides time and temperature as well as promoting services of the Bank such as interest rates).

22.804(3)**(d) Directional signs:** (See § 22.809(3))

1. **Off-premise:** A sign, owned, installed and maintained by government, for the purpose of providing guidance to the traveling public to important points of general public interest (e.g. government buildings, libraries, medical facilities, schools, churches, recreational facilities, parks, etc.).
2. **On-premise:** A sign which indicates only the name, logo (if under one sq. ft.), and or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.

(e) Government Signs: Signs or other legal notices erected by a governmental entity or public utility, for the control of traffic, railroads, or other regulatory purposes, and typically located within the right-of-way of a street or highway. (Government signs do not include non-regulatory signs, such as signs which identify a government building or agency, e.g. signs which identify the Town Hall, the Town Shop, etc. Such signs are business signs.) (See § 22.809(4)).

(f) Group signs: A sign displaying the collective name of a group of uses such as the title of a shopping center, office park, industrial park or apartment complex. A group sign may display the names of individual tenants, but those portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. No sales or price information shall be permitted on a group sign. (See § 22.809(5)).

(g) Identification signs: A sign indicating the street number and/or street name for a particular property, or a sign indicating the name, address and/or telephone number of a project, property owner, tenant and/or manager of the property. (See § 22.809(6)).

(h) Off-premise advertising signs (a/k/a Billboards): A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. (See § 22.809(7)). Off-premise signs include signs commonly referred to as billboards. Off-premise signs do not include temporary business signs. (See § 22.805(2)(i)8. below).

(i) Temporary signs: A sign intended to be displayed for a limited period of time. A sign with a permanent display area on which changeable messages are displayed, is not a temporary sign, but instead, is a changeable copy sign. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. (See § 22.809(8)). The following are the most common types of temporary signs:

1. **Political Signs:** Any sign concerning a candidate, political party, levy, referendum, or other political matter whatsoever, to be voted upon in any general, primary or special election, or any sign advocating any type of political action.
2. **Real Estate Signs:** Any sign which advertizes real estate for sale or for

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rent/lease, by the owner, the occupant or a realtor.

3. **Construction Signs:** Any sign, located on a construction site, which identifies and/or describes the proposed future development on the site, and/or which identifies the contractors, engineers, architects, products, owners and/or sponsors of the development.
4. **Advertising Displays:** Any sign or device (e.g. festoons, pennants, banners, pinwheels, inflatable devices and similar devices), erected by a commercial or industrial use, intended to advertize a particular business, product, service or event, at a special price, rate, size or quantity, for a limited time.
5. **For Sale Signs:** Signs which advertize garage sales, yard sales, or the sale of vehicles, boats, campers, ATVs or other similar personal property (but not the sale of real estate), by the owner who is not in the business of selling such property from the location where such property and sign is located.
6. **Personal greeting / congratulatory signs:** Any sign which is limited to a non-commercial, personal greeting or message used to announce, congratulate, or greet members of a family or work staff. A temporary sign which is limited to thirty-two (32) square feet.
7. **Event Signs:** Signs which advertise a special public event, e.g. Sidewalk Days, Juneau County Fair, or Grand Opening. Such signs shall not advertise a particular product or business, except as a sponsor of the event.
8. **Temporary Business Signs:** Temporary business signs direct customers around or through construction work which, in the opinion of the Town, impairs the average customer's ability to find a safe and efficient route to said business.

(j) **Warning Signs:** Signs which are intended to warn of regulations, restrictions or safety hazards affecting the property (e.g. No Trespassing signs, Beware of Dog signs, No Parking signs, No Dumping signs, etc.). (See § 22.809(9)).

(k) **Group Development Signs:** Signs for Group Developments approved as per § 22.414.

22.804 (4) SIGN TYPES DEFINED: In general, sign types refers to how the sign is constructed, erected and/or held in place. For purposes of this Ordinance, all signs are divided into the following categories of sign types:

(a) **On-Building Signs:** This type of sign is affixed to and supported by a building which has some function other than the purpose of holding the sign. There are seven (7) types of on-building signs:

1. **Awning sign:** A type of projecting, on-building sign consisting of a fabric or fabric-like sheathing material.
2. **Canopy Sign:** A type of on-building sign that is a part of or attached to a canopy or similar structure over an outdoor service area (e.g. canopy over gas pumps).
3. **Marquee sign:** A type of projecting, on-building sign sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other similar use, which advertises present and scheduled events.
4. **Projecting sign:** A type of on-building sign, other than a wall sign, which is attached to and projects more than one foot from the building, generally perpendicular from the building face. See §§ 22.807(2)(d)&(e) regarding the restrictions on projecting signs over public and private property.

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5. **Wall sign:** A type of on-building sign mounted parallel to a building facade or other vertical building surface, which projects less than one foot from the building surface and which does not extend beyond the horizontal or vertical edge of any wall or other surface to which it is mounted.
 6. **Window Sign:** A type of sign mounted inside a building, either on the face of a window, or within 24 inches of the window, so that the sign can be viewed through a window by persons outside the building. Window signs are to be distinguished from window advertizing displays, which are displays of stock-in-trade.
 7. **Roof Sign:** A type of on-building sign which is mounted to the roof of a building and which projects above the roof-line of the building. Signs mounted to the roof, but which do not project above the roof, are considered wall signs.
- (b) **Free-standing signs:** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground, the sole purpose of which is to support the sign. There are two types of free-standing signs: monument signs and pylon signs.
1. **Monument sign:** A type of freestanding sign whose bottom edge is located within one foot of a ground-mounted pedestal and whose top edge is located no more than six feet high.
 2. **Pylon sign:** A type of freestanding sign whose bottom edge is located more than one foot above a ground-mounted pedestal or whose top edge is located more than six feet high.
- (c) **Mobile signs:** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage. It does not include signs on vehicles used for transportation or delivery services, but does include vehicle or trailers primarily used for storage in one location (e.g. a trailer parked in one location for an extended period).

22.804 (5) SIGN MEASUREMENTS: The following explains how the dimensions of a sign are determined.

- (a) **Sign height defined:**
1. On-building signs: The height of on-building signs is established by § 22.805(3)(a) above.
 2. Free-standing signs: The height of all free-standing signs shall be determined by calculating the height of the sign above a point on the centerline of the street or highway closest to the sign. The point on the centerline shall be located by drawing an imaginary line from the base of the sign to the centerline so that the line intersects the centerline at a 90 degree angle. The intersection of this imaginary line and the centerline of the nearest street or highway shall be the point from which the height of the sign shall be calculated, except when a sign is located on the corner of two intersecting streets or highways, the height of the sign shall be measured from the point where the centerlines of the two streets or highways intersect.
- (b) **Sign area defined:** Sign area shall be measured in the following manner:
1. For marquee signs, changeable copy signs, and signs placed within a frame or other structure, sign area shall consist of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a freestanding on-premise sign (monument or pylon) has two or more display faces, the total area of all of the display faces which can be viewed from any single location shall be considered the sign face area.

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2. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background. If the sign is framed in lights, the lights shall be included in the sign=s area.
3. In the case of a sign whose message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign face area shall be the combined areas of the smallest rectangle(s) which can encompass each word, letter, figure, emblem, and other element of the sign message per a scaled, fully dimensioned drawing approved by the Zoning Administrator. Where such drawing is not provided, said area shall be the smallest area of the entire message enclosed in a single rectangle.
4. When measuring neon signs (e.g. window beer signs), the size shall be determined by measuring the height of the sign at its highest point, by the width of the sign at its widest point.
5. Landscape features such as plant materials, berms, boulders and similar natural landscape features are encouraged, and are not counted as part of the sign for purposes of measuring the size of the sign.
6. Signs which have an unusual shape may be divided into component parts by the Zoning Administrator, who may calculate the total size of the sign by adding together the sizes of the component parts of the sign. Where the sign is an erratic shape, which does not lend itself to an easy calculation of size, the Zoning Administrator need not compute size exactly, and is authorized to determine the size by measuring the outermost dimensions of the component parts of the sign. Nothing herein shall prevent the sign owner from submitting a detailed calculation of the sign=s size to assist the Zoning Administrator in making these calculations.
7. When several signs are mounted on the same structure, only the signs shall be measured and not the structure.
8. Signs less than one square foot in area are not regulated by this Article.
9. For group signs, portions of a sign containing the names of individual tenants shall be considered as part of the area of the group sign.
10. The following illustration demonstrates how sign face area is measured.

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22.804(5) (c) Sign Setback Measurements: Setback measurements for signs shall be determined in the same fashion as setback measurements for all other structures except that setback measurements for pylon signs shall be determined as follows: The pedestal(s) supporting a pylon sign shall comply with the setback requirements of this Article, but the sign which is placed upon the pedestal(s) may intrude into 50% of the setback area, provided the lowest edge of the sign is at least 8 ft above ground level. (Example: In an area having an 8 ft setback for signs, the pedestal of a pylon sign shall be 8 ft from the edge of the property, but the sign on the pedestal may project 4 ft (50%) into the 8 ft setback area, provided the lowest edge of the sign is at least 8 ft above ground level.)

22.805 RESERVED FOR FUTURE USE

22.806 GENERAL SIGNAGE REGULATIONS

(1) PROHIBITED SIGNS:

- (a) Traffic Interference:** No sign shall use any word, phrase, symbol, shape, form, lighting or character in such manner as to interfere with or create confusion for moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors, and signs which are illuminated by lights which shine into drivers' eyes.
- (b) Traffic Visibility:** No sign shall be erected or placed so that it obstructs, impedes or confuses visibility for safe pedestrian and/or vehicular traffic.

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- (c) **Moving Signs:** Except for sequin-like eyecatcher devices and temporary signs, no fluttering, undulating, swinging, rotating, animated or otherwise moving signs or other moving decorations shall be permitted.
- (d) **Flashing Signs:** No sign shall be illuminated by or contain any flashing, intermittent, or moving light(s). Flashing signs are those which change their appearance more than once every 60 seconds. Electronic message center signs and time/temperature signs are permitted with a conditional use permit. Chasing lights shall not be allowed.
- (e) **Illuminated Signs:** No illuminated sign shall be permitted unless the illumination of the sign is so designed that the lighting element (except neon signs) is not visible from (i) any property within a residential zoning district and (ii) any public street or highway. No sign may be so illuminated as to obscure or interfere with the effectiveness of an official traffic sign, signal or device. All illuminated signs shall comply with the State Electrical Code.
- (f) **Mobile Signs:** No mobile signs shall be permitted, except for political signs and government signs.
- (g) **Inflatable Signs:** No inflatable signs shall be permitted, except as temporary signs.
- (h) **Vehicle Signs:** No persons shall park any vehicle or trailer on a public right-of-way or on any private property so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device which advertises products or directs people to a business activity. Licensed business vehicles and trailers which contain typical business signage and which are actively driven or towed on a daily basis for business purposes, are exempt from this prohibition.
- (i) **Signs on Natural Objects:** No sign shall be attached to or painted on natural objects, such as trees or rocks.
- (j) **Wall Painted Signs:** Signs painted directly on a wall or other portion of an exterior surface of a building are not permitted.
- (k) **Price/Product Information:** No sales, price or product information shall be permitted on any signs, except on
 - (1) Changeable Copy Business Information Signs,
 - (2) Temporary Advertizing Display Signs, and
 - (3) Temporary AFor Sale@ Signs.
- (l) **Business Closings:** Closed businesses must remove their signs within 60 days of closing.
- (m) **Off-premise advertising signs:** Off-premise advertising signs are not permitted in the Town. (Cf. Off-premises directional signs.) Existing off-premise advertising signs made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures. However, such signs may not be relocated, structurally modified, or replaced if damaged over 50%. (See, § 22.810 regarding nonconforming signs).
- (n) **Roof Signs:** Roof signs are prohibited.

22.806 (2) SIGN LOCATION REGULATIONS:

- (a) **Traffic Interference:** No sign shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal or device. Freestanding signs and projecting signs may not locate within vision triangles nor otherwise impede traffic or pedestrian visibility. Freestanding sign setbacks from right-of-way lines vary by zoning district.

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- (b) **Bufferyards:** No sign shall be located within a required bufferyard.
 - (c) **Natural Resource Overlay Districts:** No sign shall be located within a Natural Resource Overlay District.
 - (d) **Private Property:** No person shall erect, construct, or maintain any sign, temporary or otherwise, upon any private property or building without the express consent of the owner or person entitled to possession of the property or building or their authorized representative. Furthermore, no person shall erect, construct, or maintain any sign, temporary or otherwise, which projects or hangs over any private property or building without the express written consent of the property owner.
 - (e) **Public Property:** Privately owned signs shall not be placed, grounded, anchored or allowed to project over any public property, easement or road right-of-way.
 - (f) **Freestanding signs:** Except where another distance is specifically provided in this Ordinance, freestanding signs shall be located a minimum of 25 feet from property lines.
 - (g) **Awnings:** Awnings made only of cloth or cloth-like materials are permitted. Such awnings may use backlighting and may contain signs.
- (3) **SIGN APPEARANCE AND MAINTENANCE REGULATIONS:**
- (a) **Maintenance:** All signage within the jurisdiction of this Article shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper, wires, braces or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof. All lighted signs shall be maintained so that all intended lighting is fully functional. Any signs which are, or may hereafter become rotted, unsafe, or in a state which is not properly maintained, shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.
 - (b) **Landscaping:** The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements. The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut, and debris and rubbish cleaned up and removed from the lot on which the sign is located.
 - (c) **Pylon Signs:** All supporting columns shall be painted or enclosed in a decorative material which shall be integrated into the sign as a whole. Bare wooden posts or poles shall not be permitted.
- (4) **SIGN SIZE REGULATIONS:** (See, Definitions in § 22.805(4))
- (a) **Gross Sign Area:** The total area of all Signage on a lot shall be the lesser of either
 - (i) the combined total of all signs listed under § 22.809 below, or
 - (ii) the combined total established by conditional use, planned development, deed restriction or other site-specific regulation, restriction or requirement.
 - (b) **Window Signs:** Window signs are not subject to any size restrictions
- (5) **SIGN ALLOCATION AMONG TENANTS:** The owner of property containing more than one tenant shall allocate the number and size of signs to the tenants, up to the allowed maximum

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for the entire property. This provision will allow the property owner to allocate all of the allowed signage to one tenant and none to another tenant if the owner sees fit to do so.

- (6) **SIGNS FOR CONDITIONAL USES:** If the land use for which a particular sign is requested, is a land use that has been permitted by the granting of a conditional use, then the signs for such land use shall also be granted by conditional use, provided that the terms and conditions of the conditional use for the sign may not exceed the signage permitted by right in the zoning district of the subject property.
- (7) **SIGNS FOR LEGAL NONCONFORMING USES:** If the land use for which a particular sign is requested, is a land use that is a legal non-conforming use in its present location, then the signs for such legal non-conforming use shall be granted only by conditional use, provided that the terms and conditions of the conditional use for the sign may not exceed the signage permitted by right in the zoning district of the subject property.
- (8) **STATE CODES:** All signs shall be constructed and maintained so as to comply with State Building Codes and State Electrical Codes.
- (9) **CHANGE OF SIGN OR LAND USER:** Whenever there is a change in the sign user (excluding off-premise signs), sign owner, or owner of the property on which the sign is located, the new sign user, owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.

22.807 RESERVED FOR FUTURE USE**22.808 REGULATIONS FOR DIFFERENT SIGN PURPOSES**

- (1) **BUSINESS SIGNS:**
 - (a) **For RR, SF, and MF Zoning Districts:** Business signs are not permitted in these districts, however, in the case of (i) legal non-conforming commercial uses or (ii) institutional land uses existing in these districts, business signs shall be allowed by conditional use, provided such signs shall not exceed the requirements for such signs in the GB District.

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(b) For AG, HI and LI Zoning Districts:

1. **Permitted Sign Type:** Wall or Awning Sign:
 - a. **Max. No. per Lot:** One (1) sign per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property, plus one additional sign per customer entrance.
 - b. **Max. Area:** One (1) square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, or 50 square feet per building, whichever is greater.

2. **Permitted Sign Type:** Monument or Pylon Sign:
 - a. **Max. No. per Lot:** One (1) two-faced pylon or monument sign per lot.
 - b. **Max. Area per Sign:** One (1) square foot of signage for every foot of the adjacent public street frontage selected for the lot up to a maximum sign area of 100 square feet for all combined sign faces seen at one time.
 - c. **Max. Height of Pylon Sign:** Eight (8) feet or height of principal structure, whichever is lower.
 - d. **Setback:** Eight (8) feet, or equal to sign height, whichever is greater.

(c) For GB Zoning District:

1. **Permitted Sign Type:** Wall, Marquee or Awning Sign:
 - a. **Max. No.:** Multiple signs are permitted on each building, on each wall not directly adjacent to a residentially zoned property, provided that the signs do not collectively exceed the maximum area allowed on the wall upon which they are placed as described below, and provided the signs comply with the following theme requirements. The signage plan, required by § 22.907, shall identify the size, location, illumination, landscaping, and other pertinent factors for each and every exterior sign. If more than one sign is proposed, the signage plan shall also present a signage theme which must provide for coordinated and complimentary exterior sign locations, configurations, sizes, styles and colors throughout the development, so that sign materials and design compliment the building's exterior and so that a unified theme is conveyed among all the signs.

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- b. **Max. Area:** One (1) square foot of signage for every linear foot of exposed exterior wall length on that supporting wall, or 50 square feet per building, whichever is greater.
2. **Permitted Sign Type: Monument or Pylon Sign:**
- a. **Max. No. per Lot:** Only one (1) two-faced pylon or monument sign may be erected on each lot. However, for lots which exceed 6 acres and which adjoin more than one street/highway, such lots may have one (1) two-faced pylon or monument sign for each adjoining street/highway, provided
1. each sign must be located to serve a separate street/highway, and
 2. all such signs must be a minimum of 300 feet apart.
- b. **Max. Area per Sign:** One (1) square foot of signage for every foot of the adjacent public street frontage selected for the lot. Cup to a maximum sign area of 200 square feet for all combined sign faces seen at one time.
- c. **Max. Height of Pylon Sign:** 20 feet.
- d. **Setback:** 8 feet from the right-of-way of the street/ highway and 50 feet from all side lot lines, but if 50 feet is not practically feasible, then the location shall be established by conditional use.
3. **Permitted Sign Type: Canopy:**
- a. **Max. No. per Lot:** One (1) on each face of canopy.
- b. **Max. Area per Sign:** Nine (9) square feet per sign face. (Note: Corporate logos, e.g. the McDonald=s AM@ or the BP Helios, are considered signs when located on a canopy or any other structure).
- c. **Max. Height :** Shall be mounted on face of canopy and shall not project above or below horizontal lines of canopy.
4. **Permitted Sign Type: Window:**
- a. **Max. No:** Unlimited.
- b. **Max. Area:** 25% of widow area for Awindow signs,@ but unlimited area for window displays.

(2) **CHANGEABLE COPY SIGNS:**

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- (a) **Community Information Signs:** Community Information signs are allowed as a conditional use in all zoning districts, subject to the requirements of this Chapter and the following additional restrictions:
1. **Type:** Marquee, Wall, Monument.
 2. **Size:** The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the Town may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this Article. Such action shall proceed per the requirements of Article 9.
 3. **Area:** Such signs may, but need not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area.
- (b) **Business Information Signs:** Changeable copy business information signs are allowed as a conditional use only in the following zoning districts, subject to the requirements of this Ordinance and the following additional restrictions:
1. **For GB Zoning District:**
 - a. **Type:** Wall, Marquee, Monument and Pylon.
 - b. **Max No:** One (1), which may be 2-sided.
 - c. **Max. area:** Calculated as part of the area of other wall, marquee, monument or pylon signs.
 - d. **Max height of Pylon Sign:** 12 feet.
 - e. **Set back:** 8 feet.

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(3) DIRECTIONAL SIGNS:

- (a) **Off-Premise Directional Signs:** Off-Premise Directional Signs are not permitted in the Town, except that only the government may erect Off-Premise Directional Signs, provided however that existing Off-Premise Advertising Signs (a/k/a billboards) which are legal, non-conforming uses, may continue to be used as off-premise directional signs.
- (b) **On-Premise Directional Signs:** On-premise directional signs are permitted by right in all zoning districts, subject to the requirements of this Ordinance and the following additional restrictions. On-premise directional signs shall not advertize a product or business, except the business name or business logo may be placed on each sign, provided the name or logo does not exceed 1 square foot.
1. **Entrance/Exit Signs:** All land uses which provide off-street parking to customers, employees or tenants, or which provide drive-thru service to customers, may have on-premise directional signs which identify the location of each entrance and exit to the parking and/or to the drive-thru, subject to the following:
 - a. **Type:** Wall, Window, Pylon or Monument.
 - b. **Max. No:** 1 one-sided or 1 two-sided sign per entrance and exit.
 - c. **Max. area:** 9 sq. ft. per sign face.
 - d. **Max. Height of pylon signs:** 3 ft.
 2. **Parking Area Signs:** All land uses which provide off-street parking to customers or tenants, may have on-premise directional signs which list the conditions applicable to the parking area.
 - a. **Type:** Wall, Window, Pylon or Monument.
 - b. **Max. No:** 1 one-sided sign per 20 parking spaces.
 - c. **Max. area:** 9 sq. ft. per sign face.
 - d. **Max. Height of pylon signs:** 8 ft.
 3. **Other Directional Signs:** Except for entrance/exit signs and for parking area signs which are regulated above, additional on-premise directional signs are permitted by right for all legal conforming commercial uses, transportation uses and industrial uses, subject to the following regulations.
 - a. **Type:** Wall, Window, Pylon or Monument.
 - b. **Max. No:** Unlimited.

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- c. **Max. area:** 9 sq. ft. per sign face; 50 sq. ft total area per lot (or more by conditional use).
 - d. **Max. Height of pylon signs:** 8 ft. (or more by conditional use).
- (4) **GOVERNMENT SIGNS:** Government signs are permitted by right in all zoning districts in the City, subject to the following regulations:
 - a. **Type:** Wall, Pylon, Projecting or Monument.
 - b. **Max. No:** Unlimited.
 - c. **Max. area:** Unlimited.
 - d. **Max. Height of pylon signs:** Unlimited.
- (5) **GROUP SIGNS:** Group signs are allowed only by conditional use and only in the zoning districts listed below, subject to the requirements of this Chapter and the following additional restrictions:
 - (a) **For All Residential Districts (RR, SF, MF)**
 - 1. **How Permitted:** By conditional use.
 - 2. **Type:** Monument.
 - 3. **Max. No:** One (1) two-sided sign per group.
 - 4. **Max. Area:** 50 sq. ft. per side, calculated as part of the area of other monument signs.
 - (b) **For All Non-Residential Districts (AG, GB, LI, HI):**
 - 1. **How Permitted:** By conditional use.
 - 2. **Type:** Monument, Pylon or Wall.
 - 3. **Max. No:** One (1) two-sided sign per group.
 - 4. **Max. area:** For institutional land uses, 50 sq. ft. per side, and for commercial, storage/disposal, transportation and industrial land uses, 200sq. ft. per side, calculated as part of the area of other monument, pylon or wall signs.
- (6) **IDENTIFICATION SIGNS:**
 - (a) **Street Names and Address Numbers:** Street numbers are required for each principal residential, commercial and industrial building located on each lot in the City. Such street numbers shall be in a location and of a minimum size to be clearly visible from the street. Street names are optional.
 - 1. **Zoning Districts:** All.
 - 2. **Type:** Awning, Canopy, Wall, Window, Monument.
 - 3. **Max. No:** 1 per street frontage.
 - 4. **Max area:** 1 sq. ft. per 50 ft. of setback from street.
 - (b) **Owner/manager Identification:** A sign stating the name, address telephone number and/or location of the owner or manager of the property is

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permitted by right, only for the land uses listed below, subject to the requirements of this Chapter and the following additional restrictions:

1. **For RR, and SF Districts:**
 - a. **Type:** Wall, Window.
 - b. **Max. No:** One (1) per building.
 - c. **Max. Area:** 2 sq. ft.
 2. **For MF District:**
 - a. **Type:** Wall, Window, Canopy, Monument, or Awning. (*Amended per Ord. 939*)
 - b. **Max. No:** 1 monument, plus 1 wall or canopy.
 - c. **Max. Area:** 24 sq. ft. per sign, 48 sq. ft. total.
 3. **For AG, GB, LI, and HI Districts:**
 - a. **Type:** Wall, Window, Canopy, Monument, or Awning.
 - b. **Max. No:** One (1), (more per Plat or Conditional Use).
 - c. **Max. Area:** 32 sq. ft. per sign, (more per Plat or Conditional Use).
- (7) **OFF-PREMISE ADVERTISING SIGNS (a/k/a BILLBOARDS):** Off-premise advertising signs are not permitted in any zoning district in the Town.
- (8) **TEMPORARY SIGNS:**
- (a) **Political Signs:** Political signs are permitted by right in all zoning districts, subject to the requirements of this Chapter and the following additional restrictions:
 1. **Zoning districts:** All.
 2. **Permitted Sign Types:** Wall, Window, Monument, Pylon, or Mobile.
 3. **Time limitations:** Signs for particular elections, referenda, or other events scheduled for a particular date shall not be erected more than 6 months prior to the date, and shall be removed within 30 days after the date.
 4. **Size Limitations:**
 - a. **For residential and agriculture districts:** 32 sq. ft.
 - b. **For all other districts:** 100 sq. ft.
 - (b) **Real Estate Signs:** Real estate signs are permitted by right in all zoning districts in the City, subject to the requirements of this Chapter and the following additional restrictions:
 1. **Permitted Sign Types:** Wall, Window, Monument, or Pylon.
 2. **In all residential and agricultural zoning districts, the following restrictions shall apply:**
 - a. Property having 1-5 dwelling units shall be entitled to have one 2-sided sign, with 10 square feet on each side, except that corner lots may have two (2) such signs.
 - b. Property having 6 or more dwelling units may have one 2-sided sign, consisting of 32 square feet on each side, or two 1-sided signs,

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consisting of 32 square feet on each side.

3. In all other zoning districts, the following restrictions shall apply:
 - a. Property having less than 50 feet of lineal street frontage shall be entitled to one 2-sided sign or two 1-sided signs, with each side not to exceed 25 square feet.
 - b. Property having more than 50 but less than 150 lineal feet of street frontage shall be entitled to one 2-sided sign or two 1-sided signs, with each side not to exceed 50 square feet.
 - c. Property having more than 150 feet of lineal street frontage shall be entitled to two 2-sided signs or three 1-sided signs, with each side not to exceed 100 square feet.
 - d. Larger signs for property having more than 300 lineal street frontage may be authorized as a conditional use.
- (c) **Construction Signs:** Construction signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:
1. **Zoning districts:** All.
 2. **Permitted Sign Types:** Wall, Monument, Pylon, or Window.
 3. **Max. No:** Two 1-sided signs, or one 2-sided sign per construction site.
 4. **Size:**
 - a. For residential and agricultural districts: 50 sq. ft. per sign side.
 - b. For non-residential districts: 100 sq. ft. per sign side.
 5. **Removal:** All construction signs shall be removed within sixty (60) days after completion of construction.
- (d) **Advertising Displays:** Advertising displays are permitted by right subject to the requirements of this Chapter and the following additional restrictions:
1. **For GB District:**
 - a. **Permitted Sign Types:** Wall, Monument, Pylon, or Canopy:
 - (i) **Max. No:** One (1) sign.
 - (ii) **Max. Area:** 50 sq. ft.
 - (iii) **Max. Time:** No one sign shall remain for more than 30 days, but one temporary advertising display sign may be immediately replaced with another, provided that no two signs shall be the same during any calendar year.
 - b. **Permitted Sign Type:** Window:
 - (i) **Max. No:** Unlimited.
 - (ii) **Max. Area:** 25% of widow area for Awindow signs,@

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but unlimited area for window displays.

(iii) Max. Time: Unlimited.

- (e) **For Sale Signs:** For Sale signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:
1. **Time Limit:** All For Sale signs shall be removed within 10 days after completion of the sale.
 2. **Type:** Wall, Window, or Monument.
 3. **Max. No:** One (1) per lot under 1 acres
Two (2) per lots 1 to 5 acres
Three (3) per lots over 5 acres
 4. **Size:** 32 sq. ft. per side.
 5. **Max. Height:** 8 ft.
- (f) **Personal Greeting/Congratulatory Signs:** Personal greeting/congratulatory signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:
1. **Time Limit:** All such signs shall not be permitted for more than 7 days.
 2. **Type:** Wall, Window or Monument.
 3. **Max. No:** One (1) per lot.
 4. **Size:** 32 sq. ft. per side.
 5. **Max. Height:** 8 ft.
- (g) **Special Event Signs:** Special Event Signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:
1. **Time Limit:** All such signs shall not be permitted for more than 30 days before the event, and shall be removed within 5 days after the event, unless a different period of time is approved by the Plan Commission.
 2. **Type:** Wall, Canopy, Monument, Pylon, or Window.
 3. **Max. No:** Two (2) two-sided signs on the event site. Up to 5 additional two-sided signs may be located off-premises subject to the following conditions:
 - a. All off-premise signs shall be approved by the Zoning Administrator, and such approval may cover more than 1 year.
 - b. Written permission of the property owner must be obtained each time an approved sign is placed.
 4. **Size:** 50 sq. ft. per side.
 5. **Max. Height:** 8 ft.

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(h) Temporary Business Signs:

Temporary business signs are permitted by right in all zoning districts, subject to the requirements of this Chapter and the following additional restrictions:

1. **Time Limit:** All such signs shall be permitted for not more than five (5) days before the commencement of construction, and shall be removed within five (5) days after the completion of construction or after the customary route to the business is open to traffic, whichever occurs first.
2. **Type:** Pylon, monument or wall.
3. **Number, Height and Location:** The number, height and location of signs shall be determined by the Zoning Administrator, based upon the nature and extent of the construction project and its relationship to the business in question.
4. **Size:** The size of signs shall be determined by the Zoning Administrator, but shall not exceed 16 sq. ft. per sign face.

(9) WARNING SIGNS: Warning Signs are permitted by right in all zoning districts subject to the requirements of this Chapter and the following additional restrictions:

- (a) **Time Limit:** For hazards which are temporary, all warning signs shall be removed within 5 days after the hazard is removed.
- (b) **Type:** Wall, Window, Pylon, or Monument.
- (c) **Max. No:** Two signs per hazard or warning.
- (d) **Size:** 16 sq. ft. per side.
- (e) **Max. Height:** 8 ft.
- (f) **Conditional Use:** Additional signs, larger signs and higher signs may be obtained by conditional use.

(10) GROUP DEVELOPMENT SIGNS: Group Development signs are allowed only for Group Developments, approved as per § 22.414. The regulations of this Chapter shall apply to all signage in and for Group Developments, except as specifically modified below:

- (a) **Signage Plan and Theme:** A signage plan, containing the information required by § 22.907 for all exterior signage, shall be reviewed and approved as part of the site plan process for all Group Developments. The signage plan shall identify the size, location, illumination, landscaping, and other pertinent factors for each and every exterior sign. The signage plan shall also present a signage theme which must provide for coordinated and complimentary exterior sign locations, configurations, sizes, styles and colors throughout the development, so as to convey a unified theme among all the signs. All free-standing signs shall compliment the on-building signs, and vice versa. Sign materials and design shall compliment the building=s exterior. No exterior signs may be erected until a signage plan, containing a signage theme, has been reviewed and approved for the Group Development by conditional use.
- (b) **Sign Regulations:** The regulations contained in 22.808 (1) through (9) shall apply to all signs in Group Developments, except as follows:
 1. **Multiple Wall or Awning Business Signs for Multiple Tenants:** Group

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developments with multiple tenants shall be entitled to have at least 1 exterior wall or awning business sign for each tenant. The total square footage of all exterior wall or awning business signs shall not exceed double the square footage of Δ Max. Area $\text{\textcircled{a}}$ allowed for wall or awning signs under the standard formulas set forth in the regulations contained in § 22.808(1) above. This available square footage shall be divided among the tenants as the owner deems appropriate, subject to the following limitations: the maximum area of all wall or awning signs for a particular tenant may not be larger than the greater of (i) 50 square feet, or (ii) the percentage of that tenant=s occupancy of the whole building, multiplied times the Δ Max. Area $\text{\textcircled{a}}$ of available signage under the standard formulas set forth in 22.808(1).

Example: Assume a building located in the GB District which is 100 ft. by 200 ft., for a total of 20,000 sq. ft. The building has 10 tenants, who all want signage on the wall facing the street, which is 200 feet long. The Δ Max. Area $\text{\textcircled{a}}$ of signage under the standard formula for Business Signs in the GB District is 200 sq. ft. (200 lineal ft. of frontage x 1sq. ft. of signage = 200 sq. ft. of signage). Double the standard formula would entitle the owner to 400 sq. ft. of signage. One tenant (the Δ Anchor $\text{\textcircled{a}}$ tenant) has 9,000 sq. ft. of the total building, or 45% of the total building. All the other tenants have small spaces, each under 2,000 sq. ft or less than 10% of the total building. The owner may divide the signage as he wishes subject to the following limitations. Each of the small tenants may not have more than 50 sq. ft. of signage because each tenant=s percentage of occupancy (under 10%) would not entitle the tenant to exceed the 50 sq. ft maximum (e.g. 10% x 200 = 20 sq. ft of signage). However, the anchor tenant=s percentage of occupancy exceeds the maximum of 50 sq. ft. The anchor tenant occupies 45% of the building and so the anchor is entitled to 45% of 200 sq. ft., or 90 sq. ft. of signage. If the owner gives the anchor tenant the maximum of 90 sq. ft., then the remaining 9 tenants must divide up the remaining 310 sq. ft. of total signage available for the whole building (400 sq. ft. B 90 sq. ft. = 310 sq. ft.) If the remaining signage area is divided equally among the tenants, each tenant will receive 34 sq. ft. However, if the owner gives one of the small tenants the maximum of 50 sq. ft. of signage, then the remaining 8 tenants must divide up the remaining 260 sq. ft. of signage (400 sq. ft. B 90 sq. ft. for the anchor B 50 sq. ft. for a small tenant = 260 sq. ft. remaining). If the remaining signage area is divided equally among the remaining 8 tenants, each tenant will receive 32.5 sq. ft.

22.809 NONCONFORMING SIGNS**(1) DEFINITIONS:**

- (a) **Δ Legal Nonconforming Sign $\text{\textcircled{a}}$ defined:** Signs legally existing as of the effective date of this Chapter but which do not conform to the provisions of this Article, shall be legal nonconforming signs.
- (b) **Δ Illegal Nonconforming Sign $\text{\textcircled{a}}$ defined:** Signs which were illegal as of the effective date of this Chapter shall remain illegal nonconforming signs.
- (c) **Δ Alteration $\text{\textcircled{a}}$ Defined:** For purposes of this Section, the alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting, including (but not limited to) changing the message (except for marquee, changeable copy, or off-premise advertising signs), or changing the symbols, color, material, height, size, location, or any other alteration, as determined by the Zoning Administrator. *Alterations require a sign permit.*
- (d) **Δ Maintenance $\text{\textcircled{a}}$ defined:** For purposes of this Article, the maintenance of a sign consists of the ordinary and customary repair and upkeep of an existing sign, which

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results in no meaningful change in the appearance of the sign from that originally approved, as determined by the Zoning Administrator. Maintenance includes (but is not limited to) the removal or repair of loose materials (e.g. peeling paint, paper or other materials), or the painting or patching of the sign, or the repair or replacement of the structural components of the sign (e.g. frames, pylons, supports, mounts, etc), provided such work causes neither an alteration to the sign nor a change in the appearance of the sign from what was originally approved. Maintenance does not require a sign permit.

(2) **REGULATIONS:**

(a) **Illegal Nonconforming Signs:** All illegal nonconforming signs shall be immediately removed.

(b) **Legal Nonconforming Signs:**

1. **Maintenance:** Legal nonconforming signs shall be maintained as required by § 22.806(3)(a) above.

2. **Alteration:** Legal nonconforming signs shall not be altered without the entire sign being brought into compliance with the requirements of this Article, except as follows:

a. A legal nonconforming sign, which consists of a back-lighted sign, may be altered as follows: that part of the sign face which fits into a permanent frame and through which the light is designed to shine, may be altered (e.g. an illuminated sign advertizing "Amoco" may have the face changed to advertize "Shell"), but the structure, frame, size or height of the sign may not be altered without bringing the entire sign into compliance with this Article; or

b. A legal nonconforming pylon or monument sign, which is nonconforming **only** because its pedestal violates the setback requirements of this Article, may be altered as follows: a new sign may be placed on top of an existing pylon or monument pedestal provided the new sign does not exceed the height or size of the previous sign and provided that the new sign does not extend over or across any property line or right-of-way line.

3. **Removal upon change of Land Use:** Legal nonconforming signs shall be removed when the principal structure located on the premises undergoes a change of use

(c) **Signs for Legal Nonconforming Land Uses:** Existing signs for legal nonconforming uses may be continued, and if continued, shall be maintained, but such signs shall not be altered, except that the Plan Commission may permit, by conditional use, any alteration which moves the sign closer toward conformity with the signage requirements of the zoning district in which the nonconforming use is located.

(d) **Signs on Legal Nonconforming Structures:** Existing signs on legal nonconforming structures may be continued, and if continued, shall be maintained, but additional new signs shall not be allowed to be affixed to that portion of the structure which is nonconforming, nor shall existing signs which are affixed to that portion of the structure which is nonconforming be altered.

SUBCHAPTER 9: PROCEDURES AND ADMINISTRATION

SUBCHAPTER 9: PROCEDURES AND ADMINISTRATION**22.900 GENERAL APPLICATION OF THIS SUBCHAPTER**

- (1) **PURPOSE:** The purpose of this Subchapter is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, temporary use review and approval, sign permits, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Zoning Administrator, and appeals of zoning provision interpretations to the Zoning Board of Appeals.
- (2) **PERMITS REQUIRED:** After the effective date of this Ordinance, a zoning permit shall be obtained from the Town before any building or structure is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or extended, or before the use of any building, structure or property is commenced, changed or altered. Permits for uses authorized as a permitted use shall be issued pursuant to the procedures of §22.904 below. Permits for uses authorized only by conditional use shall be issued pursuant to the procedures of §22.905 below. Permits for temporary uses shall be issued pursuant to the procedures of §22.906 below. Permits for signs shall be issued pursuant to the procedures of §22.907 below. All other zoning permits shall be issued pursuant to the following procedures.

22.901 AMENDMENTS TO THE TEXT OF THESE ZONING REGULATIONS

- (1) **PURPOSE:** Subject to the requirements of §62.23(7)(d) Wis. Stats., the purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the text of this Chapter, except amendments to the Official Zoning Map.
- (2) **WHO MAY INITIATE A REQUEST FOR AMENDMENT OF THIS CHAPTER:** Proceedings to amend this Chapter may be initiated by any of the following methods:
 - (a) By an application by any resident or landowner in the Town;
 - (b) By a recommendation of the Plan Commission; or
 - (c) By action of the Town Board.
- (3) **APPLICATION REQUIREMENTS:** All applications from the general public for proposed amendments to this Ordinance shall be submitted to the Zoning Administrator or designee, who shall determine if the application is complete. A complete application shall contain all of the following:
 - (a) **Applicant Info:** Name and address of the applicant.
 - (b) **Current Text:** A copy of the portion of the current provisions of this Ordinance which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier.
 - (c) **Proposed Text:** A copy of the text which is proposed to replace the current text.
 - (d) **Explanation:** Written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in §22.901(5)(e) below.

SUBCHAPTER 9: PROCEDURES AND ADMINISTRATION

(4) REVIEW BY ZONING ADMINISTRATOR:

- (a)** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Plan Commission for further action.
- (b)** The Zoning Administrator shall review and evaluate the application and shall comment in writing to the Plan Commission on the proposed text amendment provided in the application, taking into consideration the review standards of §22.901(5)(e) below. The Zoning Administrator's written comments shall be submitted to the Plan Commission on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.
- (c)** The Zoning Administrator shall not refer the application to the Plan Commission and no one shall place the application on the Plan Commission agenda until the Zoning Administrator, or designee, has certified that the application is complete. However, an item may be placed on an agenda as a "discussion-only" item, with the permission of the Chairman of the Plan Commission, even though a completed application has not yet been submitted.

(5) REVIEW AND RECOMMENDATION BY THE PLAN COMMISSION:

- (a) Submission to Plan Commission Required:** Pursuant to §62.23(7)(d) Wis. Stats., no amendment shall be made to this Chapter without first allowing for a recommendation from the Plan Commission.
- (b) Public Hearing:** Unless the Town Board specifically provides otherwise, public hearings on proposed amendments shall be held by the Plan Commission. The Plan Commission shall schedule a reasonable time and place for a public hearing, within 45 days after the Administrator determines that the application is complete. The Applicant may appear in person, by agent, and/or by attorney.
- (c) Notice:** Notice of the proposed amendment and the public hearing shall conform to the requirements of §62.23(7)(d) Wis. Stats. Said notice shall contain a description of the proposed text change. In addition, at least ten(10) days before said public hearing, the Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Ordinance. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (d) Formal Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission (i) shall make a written report to the Town Board and/or (ii) shall state in the formal minutes of its meeting, its findings and its recommendations regarding the application. Said report and/or minutes shall include formal findings of facts developed and approved by the Plan Commission concerning the standards of subsection (e) below.

SUBCHAPTER 9: PROCEDURES AND ADMINISTRATION

- (e) **Standards of Review:** The following issues shall be considered by the Plan Commission in making its decision:
1. Whether the proposed text amendment is in harmony with the recommendations of the Comprehensive Master Plan, with specific reference wherever applicable to the text of the Comprehensive Plan, and/or whether the Comprehensive Plan needs to be amended either (i) to change the recommendations of the Plan or (ii) to promulgate a recommendation which was omitted from the Plan.
 2. Whether the proposed text amendment furthers the purposes of this Chapter as outlined in Section 22.103.
 3. Whether the proposed text amendment furthers the purposes of the general Subchapter in which the amendment is proposed to be located.
 4. Whether the proposed text amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.
 5. Whether any new, different or unusual factors have arisen that are not properly addressed in the current zoning text. The following are examples of such factors:
 - a. The provisions of this Chapter should be brought into conformity with the Comprehensive Plan. (If this is a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
 - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - c. New methods of creating development or providing infrastructure make it necessary to alter this Ordinance to meet these new factors;
 - d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing affordable public services.
 6. Whether the proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
 7. Whether the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment.
- (f) **Failure to Act:** If the Plan Commission fails to act as required above, then the Town Board may hold a public hearing, pursuant to the requirements of subsection (c) above, and then make a decision as required below.
- (6) **REVIEW AND ACTION BY THE TOWN BOARD:** The Town Board shall consider the Plan Commission=s recommendation regarding the proposed text amendment. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the application before taking final action. The Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in subsection (5) above shall again be followed prior to Board action. The Board=s approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

SUBCHAPTER 9: PROCEDURES AND ADMINISTRATION

- (7) **EFFECT OF DENIAL:** No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Administrator, or designee, first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.
- (8) **FEE:**
- (a) All applicants shall pay an application fee when requesting an amendment to the text, and such fee shall be established by resolution of the Town Board. See, §22.937.
 - (b) Application fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
 - (c) A double application fee shall be charged by the Town if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks an amendment. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (d) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
 - (e) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.902 AMENDMENTS TO THE OFFICIAL ZONING MAPS

- (1) **PURPOSE:** Subject to the requirements of §62.23(7)(d) Wis. Stats., the purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the Official Zoning Maps.
- (2) **WHO MAY INITIATE A REQUEST FOR AMENDMENT OF THE ZONING MAPS:** Proceedings to amend the Official Zoning Maps may be initiated by any of the following:
- (a) By an application by any resident or landowner in the Town;
 - (b) By a recommendation of the Plan Commission; or
 - (c) By action of the Town Board.
- (3) **APPLICATION REQUIREMENTS:** All applications from the general public for proposed amendments to the Map shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:
- (a) **Applicant Info:** Name and address of the applicant, and the owner of the site, and the address and tax parcel number for the site.

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- (b) **Site Map:** A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the Town. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is not larger than 11" by 17," which is clearly reproducible with a photocopier, and which is at a scale that is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (c) **Overall Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.
 - (d) **Explanation:** Written justification for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with recommendations of the Master Plan, particularly as evidenced by compliance with the standards set out in §22.902(5)(e) below.
- (4) **REVIEW BY ZONING ADMINISTRATOR:**
- (a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Plan Commission for further action.
 - (b) The Zoning Administrator shall review and evaluate the application and shall comment in writing to the Plan Commission on the proposed text amendment provided in the application, taking into consideration the review standards of §22.902(5)(e) below. The Zoning Administrator=s written comments shall be submitted to the Plan Commission on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.
 - (c) The Zoning Administrator shall not refer the application to the Plan Commission and no one shall place the application on the Plan Commission agenda until the Zoning Administrator, or designee, has certified that the application is complete. However, an item may be placed on an agenda as a discussion-only item, with the permission of the Chairman of the Plan Commission, even though a completed application has not yet been submitted.
- (5) **REVIEW AND RECOMMENDATION BY THE PLAN COMMISSION:**
- (a) **Submission To Plan Commission Required:** Pursuant to §62.23(7)(d) Wis. Stats., no amendment shall be made to the Official Zoning Map without first allowing for a recommendation from the Plan Commission.
 - (b) **Hearing:** Unless the Town Board specifically provides otherwise, public hearings on proposed amendments shall be held by the Plan Commission. The Plan Commission shall schedule a reasonable time and place for a public hearing, within 45 days after the Administrator determines that the application is complete. The Applicant may appear in person, by agent, and/or by attorney.
 - (c) **Notice:** Notice of the proposed amendment and the public hearing shall conform to the requirements of §62.23(7)(d) of the Wis. Stats. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at

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least ten days before said public hearing, the Clerk shall mail an identical notice to the Applicant; to all property owners within 200 feet of the boundaries of the subject property as identified in §22.902(3)(b), above; and to the Clerk of any municipality whose boundaries are within 1,000 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (d) **Formal Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission (i) shall make a written report to the Town Board and/or (ii) shall state in the formal minutes of its meeting, its findings and its recommendations regarding the application. Said report and/or minutes shall include formal findings of facts developed and approved by the Plan Commission concerning the standards of subsection (e) below.
- (e) **Standards of Review:** The following issues shall be considered by the Plan Commission in making its decision:
1. Whether the proposed map amendment is in harmony with the recommendations of the Comprehensive Master Plan, with specific reference wherever applicable to the text of the Comprehensive Plan, and/or whether the Comprehensive Plan needs to be amended either (i) to change the recommendations of the Plan or (ii) to promulgate a recommendation which was omitted from the Plan.
 2. Whether the proposed map amendment furthers the purposes of this Chapter as outlined in Section 22.103 and the applicable rules and regulations of the DNR and FEMA.
 3. Whether any new, different or unusual factors have arisen that are not properly addressed on the current zoning maps. The following are examples of such factors:
 - a. The designation of the Map should be brought into conformity with the Comprehensive Plan;
 - b. A change has occurred in the land market, or other factors have arisen which require a new form of development or a new type of land use;
 - c. A mistake was made in mapping on the Official Zoning Map. (e.g. an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Town may intend to stop an undesirable land use pattern from spreading;
 - d. Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district;
 - e. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.
 4. Whether the proposed amendment to the Official Zoning Map maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 5. Whether the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment.
- (f) **Failure To Act:** If the Plan Commission fails to act as required above, then the Town Board may hold a public hearing, pursuant to the requirements of subsection (c) above, and then make a decision as required below.
- (6) **REVIEW AND ACTION BY THE TOWN BOARD:** The Town Board shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning

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Map. The Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the application before taking final action. The Town Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the Town Board wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in subsection (5) above shall again be followed prior to Town action. The Town Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

- (7) **EFFECT OF DENIAL:** No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Administrator first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.
- (8) **FEE:**
- (a) All applicants shall pay an application fee when requesting an amendment to the Maps, and such fee shall be established by resolution of the Town Board. See, §22.937.
 - (b) Application fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
 - (c) A double application fee shall be charged by the Town if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks an amendment. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (d) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
 - (e) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.903 ZONING PERMITS FOR PERMITTED USES

- (1) **PURPOSE:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of requests for zoning permits for permitted uses.
- (2) **GENERAL REQUIREMENT:** After the effective date of this Ordinance, a zoning permit shall be obtained from the Town before any building or structure is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or extended, or before the use of any building, structure or property is commenced, changed or altered. Permits for uses authorized as a permitted use shall be issued pursuant to the procedures below. Permits for uses authorized only by conditional use shall be issued pursuant to the procedures of §22.904 below. Permits for temporary uses shall be issued pursuant to the procedures of §22.905 below. Permits for signs shall be issued pursuant to the procedures of §22.906 below. All other zoning permits shall be issued pursuant to the following procedures.

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- (3) **APPLICATION REQUIREMENTS:** All applications for permits shall be submitted to the Zoning Administrator or designee, who shall determine if the application is complete. A complete application shall contain all of the following:
- (a) **Applicant Info:** Name and address of the applicant, the owner of the site, and the architect(s), professional engineer(s), developer(s) and contractor(s) being used on the project.
 - (b) **Property Info:** Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; tax parcel number for the site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (c) **Survey:** Plat of survey, and a reduced map not larger than 11" by 17," prepared by a land surveyor registered in Wisconsin (or at the Town's discretion, a scaled drawing) showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements; streets and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water, channel floodway, floodplain shoreland, and wetland boundaries; and existing and proposed street, side, and rear yards.
 - (d) **Other:** Additional information as may be required by the Zoning Administrator.
- (4) **REVIEW BY ZONING ADMINISTRATOR:** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, or if he determines that additional information is needed to determine compliance with this Chapter, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a written decision.
- (5) **DECISION:** A zoning permit shall be granted or denied, in writing, by the Zoning Administrator within thirty (30) days of either (i) the filing of a complete application or (ii) the filing of additional information requested by the Zoning Administrator, whichever is later. In making a decision, the Zoning Administrator may seek input from other City Staff, consultants, and/or the Plan Commission before rendering a decision. If a decision is not rendered by the Zoning Administrator within said 30-day period, the application shall be deemed to have been denied, and the Applicant may either re-apply or appeal the denial to the Board of Appeals. (See, §22.911).
- (6) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.
- (7) **EXPIRATION:** The permit shall expire within four (4) months after issuance unless work equal to 10% of the dollar amount of the project has been completed, and the permit shall expire within eighteen (18) months after issuance if the structure for which a permit issued is not 75% completed as measured by the dollar amount of the project. Once a permit has expired, the applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of the Chapter shall be null and void.
- (8) **TERMINATION OF AN ISSUED PERMIT AND/OR AN APPROVED PERMIT:** Any applicant and/or land owner found not to be in compliance with the terms of this Ordinance

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shall be considered in violation of this Ordinance, and shall be subject to all applicable procedures and penalties. A zoning permit may be revoked for such a violation by majority vote of the Plan Commission, following notice to the land owner and following a hearing before the Plan Commission. Furthermore, at any time after approval of a zoning permit, upon request by the Plan Commission, the Applicant must appear before the Plan Commission at a time and date set by the Commission, and the Applicant must demonstrate to the satisfaction of the Plan Commission that the Applicant has met all general and specific requirements of the zoning permit and this Chapter for the subject property.

- (9) **EFFECT ON OTHER PERMITS:** Once a zoning permit is granted, no other permits (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which do not comply with all requirements of the granted zoning permit and this Ordinance.
- (10) **FEES:**
- (a) All applicants shall pay a zoning permit fee which shall be established by resolution of the Town Board. (See, §22.937).
 - (b) Zoning permit fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
 - (c) A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (d) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
 - (e) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.904 ZONING PERMITS FOR CONDITIONAL USES

- (1) **PURPOSE:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses, including limited conditional uses.
- (2) **PERMIT REQUIRED:** Permits for uses allowed only by conditional use shall be issued pursuant to the following procedures.
- (3) **LIMITED CONDITIONAL USES:** Limited conditional uses are the same as regular conditional uses except that limited conditional uses are not permanent, but instead, they are limited in time or duration because of
- (a) their particularly specialized nature, or
 - (b) their particular location within a district, or
 - (c) the peculiar unique relationships or needed compatibility of uses to involved individuals, or
 - (d) any other reason(s) the Plan Commission deems specially relevant and material to limit the scope thereof.
- (4) **INITIATION OF REQUEST FOR APPROVAL OF A CONDITIONAL USE:**

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- (a) **Who May Apply:** Proceedings for approval of a site plan shall be initiated by application of the owner(s) of the subject property, or their legally authorized representative(s).
 - (b) **Pre-Application Meeting:** Before submitting an application, the Applicant may first meet with Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Applicant on technical requirements and procedures, and a timetable for project review may be discussed.
- (5) **APPLICATION REQUIREMENTS:** All applications for proposed conditional uses shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:
 - (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s), developer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
 - (b) **Site Map:** A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the tax records. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (c) **Overview Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.
 - (d) **Description of Proposed Uses:** A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (e) **Site Plan:** A site plan of the subject property as proposed for development. Said site plan shall conform to the requirements of §22.907(3). If the proposed conditional use is a group development (per §22.414), a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per §22.907(3).
 - (f) **Explanation:** Written justification for the proposed conditional use consisting of the reasons why the Applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in §22.904(7)(e) below.
- (6) **REVIEW BY ZONING ADMINISTRATOR:** The proposed conditional use application shall be reviewed by the Zoning Administrator, or designee, as follows:
 - (a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (5) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (5) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (5), he shall so notify Applicant and forward the application for further action.

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- (b) If the applicant is complete, the Zoning Administrator shall review and evaluate the application and shall comment in writing to the Plan Commission on the proposed application, taking into consideration the review standards of §22.904(7)(e) below. The Zoning Administrator's written comments shall be submitted to the Plan Commission on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.
- (c) The Zoning Administrator shall not refer the application to the Plan Commission and no one shall place the application on the Plan Commission agenda until the application is complete. However, an item may be placed on the agenda as a discussion-only item, with the permission of the Chairman of the Plan Commission, even though a completed application has not yet been submitted.

(7) REVIEW AND ACTION BY THE PLAN COMMISSION:

- (a) **Referral to Plan Commission:** Once the application is referred to the Plan Commission, the Commission may request further information and/or additional reports from the Zoning Administrator, the Applicant, and/or from any other source. The Plan Commission shall take final action on the application pursuant to the following procedure.
- (b) **Public Hearing:** The Plan Commission shall schedule a reasonable time and place for a public hearing, within 45 days after the Administrator determines that the application is complete. The Applicant may appear in person, by agent, and/or by attorney.
- (c) **Notice:** Notice of an application for a conditional use and the public hearing thereon shall be given as follows. A Class 1 notice, under Ch. 985 Wis. Stats., shall be published containing (i) a description of the subject property, (ii) a description of the proposed use(s), (iii) the identity of the owner of the subject property, (iv) the identity of the applicant and any intended future owner (if different from the current owner and applicant), and (v) the date and location of the public hearing. In addition, at least ten (10) days before said public hearing, the Clerk shall mail an identical notice to the Applicant and to all property owners within 200 feet of the boundary of the subject property as identified in §22.904(5)(b) above. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional and provided substantial compliance has occurred, shall not invalidate proceedings under this Section.
- (d) **Formal Decision:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection (e) below. In making its decision the Plan Commission,
 1. may approve the conditional use as originally proposed, or
 2. may approve the proposed conditional use with such modifications and conditions as it deems necessary and appropriate after consideration of the standards of review set forth below and consideration of the recommendations of the Zoning Administrator, outside experts, its own members, and any other source, or
 3. may deny approval of the proposed conditional use.The Plan Commission's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.

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- (e) **Standard of Review:** The following issues shall be considered and addressed by the Plan Commission in making its decision:
1. Whether the proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration by the Town.
 2. Whether the proposed conditional use (in its proposed specific location) is in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration by the Town.
 3. Whether the proposed conditional use, in its proposed location and as depicted on the required site plan, will cause a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide development.
 4. Whether the proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 5. Whether the proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
 6. Whether the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration the Applicant=s proposal, including the Applicant=s suggestions to ameliorate any adverse impacts.
- (8) **EFFECT OF DENIAL:** No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Zoning Administrator first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.
- (9) **EFFECT OF APPROVAL:** Except for conditional use approvals for temporary uses, a copy of the authorizing resolution, containing a legal description of the property subject to the conditional use and containing any specific requirements of approval, shall be recorded by the Town with the Register of Deeds office. Also, the Zoning Administrator shall issue a Zoning Permit, with a copy of the authorizing resolution attached, to the Applicant.
- (10) **EFFECT ON OTHER PERMITS:** Once a conditional use is granted, no other permits (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which do not comply with all requirements of the granted conditional use and this Ordinance.
- (11) **TIME LIMITS ON THE DEVELOPMENT OF CONDITIONAL USE:** The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Plan Commission and shall be operational within 730 days of said approval, unless a different deadline is established by the terms of the Conditional Use. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, **operational** shall be defined as the granting of a Certificate of

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Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission and shall be based upon a showing of acceptable justification (as determined by the Plan Commission).

- (12) **DISCONTINUING AN APPROVED CONDITIONAL USE:** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.
- (13) **CHANGE OF OWNERSHIP:** All requirements of an approved conditional use shall be continued regardless of ownership of the subject property. Modification, alteration, or expansion of any approved conditional use, without approval by the Plan Commission, shall be considered a violation of this Chapter and shall be grounds for revocation of said conditional use approval.
- (14) **TERMINATION OF AN APPROVED CONDITIONAL USE:** Any conditional use found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in §22.904(4) through (8) above. Furthermore, at any time after approval of a conditional use, upon request by the Plan Commission, the Applicant must appear before the Plan Commission at a time and date set by the Commission and the Applicant must demonstrate to the satisfaction of the Plan Commission that the Applicant has met all general and specific conditional use requirements for the subject property.
- (15) **NOTICE TO THE DNR:** The Plan Commission shall transmit a copy of each application for a conditional use in the Shoreland-Wetland, Floodway, Floodplain Conservancy, or Floodway Fringe Overlay Zoning Districts to Juneau County and the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for 30 days or until Juneau County and the DNR has made their recommendations, whichever comes first. A copy of the decision shall be transmitted to Juneau County and the DNR within ten (10) days of the date of such decision.
- (16) **USES NOW REGULATED AS CONDITIONAL USES WHICH WERE APPROVED AS LEGAL LAND USES (permitted by right or as conditional uses) PRIOR TO THE EFFECTIVE DATE OF THIS CHAPTER:** A use now regulated as a conditional use which was approved as a legal land use either permitted by right or as a conditional use prior to the Effective Date of this Chapter shall be considered as a legal, conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require submission of a new application for a conditional use pursuant to the foregoing procedures.
- (17) **MINOR CHANGES:** Prior to the issuance of a Certificate of Occupancy, the Zoning Administrator, with the consent of the Chairman of the Plan Commission, is authorized to approve minor variations and minor changes to any previously-granted Conditional Use, without compliance with the notice and public hearing procedures of subsection (7) above, provided (i) the variations do not violate any of the minimum standards of this Ordinance and (ii) the spirit and intent of the original Conditional Use is preserved. All such variations shall be approved in writing and, whenever the variation changes any term or condition of a written resolution previously recorded with the Register of Deeds, the variation shall also be recorded.

Rationale: The intent of this section is to avoid the expensive and time-consuming process of a public hearing and public notice whenever a minor change is needed on a site plan or a conditional use. During construction, problems often arise which require minor changes to

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site plans or conditional uses. It is expensive, time-consuming, unnecessary and wasteful for the Applicant and the Plan Commission to go through the whole Conditional Use process just to approve a minor change.

(18) FEES:

- (a)** All applicants shall pay a non-refundable conditional use application fee which shall be established by resolution of the Town Board. See, §22.937.
- (b)** Conditional use application fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
- (c)** A double fee shall be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (d)** All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
- (e)** The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.905 ZONING PERMITS FOR TEMPORARY USES**(1) PURPOSE:**

- (a)** The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses.
- (b)** Temporary uses are those uses that have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties that potentially cannot be determined except on a case by case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located.
- (c)** Land uses which fail to meet one of the requirements for temporary uses of §22.413 may be reviewed as a conditional use.

- (2) PERMIT REQUIRED:** After the effective date of this Ordinance, a Temporary Use permit shall be obtain from the Town before any temporary use is located, relocated, built, erected, enlarged, moved, reconstructed, altered, or commenced. No public hearing is required to develop a temporary use, however, a demonstration that the applicant proposes to meet all temporary use requirements of this Subchapter must be made at the time of application. Furthermore, no Certificate of Occupancy shall be issued for any development that does not comply with all requirements of this Chapter (See, §22.908). Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Code and shall be subject to all applicable procedures and penalties.

- (3) APPLICATION REQUIREMENTS:** All applications for proposed temporary uses shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:

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- (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
 - (b) **Site Map:** A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (c) **Overview Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.
 - (d) **Description:** A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations.
 - (e) **Site Plan:** The Zoning Administrator may require a full or partial site plan of the subject property. If required, said site plan shall conform to any and all the requirements of §22.907 as determined by the Zoning Administrator.
- (4) **REVIEW BY ZONING ADMINISTRATOR:** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, or if he determines that additional information is needed to determine compliance with this Chapter, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a written decision.
- (5) **DECISION:** A temporary use permit shall be granted or denied, in writing, by the Zoning Administrator within thirty (30) days of either (i) the filing of a complete application or (ii) the filing of additional information requested by the Zoning Administrator, whichever is later. In making a decision, the Zoning Administrator may seek input from other Staff, consultants, and/or the Plan Commission before rendering a decision. If a decision is not rendered by the Zoning Administrator within said 30-day period, the application shall be deemed to have been denied, and the Applicant may either re-apply or appeal the denial to the Board of Appeals. (See, Section 22.911).
- (6) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.
- (7) **EXPIRATION:** The temporary use permit shall expire within four (4) months after issuance unless work equal to 10% of the dollar amount of the project has been completed, and the permit shall expire within six (6) months after issuance if the use for which a permit issued is not 75% completed as measured by the dollar amount of the project. Before expiration of the permit, the applicant may apply for and receive one (1) extension for a period not to exceed six (6) months. Any temporary use lasting more than six (6) months (twelve (12) months if extended) must immediately cease, and seek a permanent zoning permit.
- (8) **TERMINATION OF AN APPROVED PERMIT:** Any temporary use permit found not to be in compliance with the terms of this Ordinance shall be considered in violation of this Ordinance and shall be subject to all applicable procedures and penalties. A zoning permit may be revoked for such a violation by the Zoning Administrator, following notice to the land owner.

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Furthermore, at any time after approval of a temporary use permit, upon request by the Zoning Administrator or the Plan Commission, the Applicant must appear before the Zoning Administrator or Plan Commission at a time and date set by the Administrator or Commission, and the Applicant must demonstrate to the satisfaction of the Administrator or Plan Commission that the Applicant has met all general and specific requirements of the permit and this Chapter for the subject property.

- (9) **EFFECT ON OTHER PERMITS:** Once a temporary use permit is granted, no other permit (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which is inconsistent with the granted temporary use permit and this Ordinance.
- (10) **FEE:**
- (a) All applicants shall pay a permit fee which shall be established by resolution of the Town Board.
 - (b) Temporary use permit fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
 - (c) A double fee shall be charged by the Zoning Administrator if the temporary use is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (d) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
 - (e) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered ~~a complete~~ and ready for consideration until all fees have been paid.

22.906 SIGN PERMITS

- (1) **PURPOSE:** The purpose of this Section is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of a permit for the erection, alteration or relocation of signs.
- (2) **PERMIT REQUIRED:** Unless specifically exempted by Subchapter 8, no sign shall be erected, altered, or relocated after the effective date of this Ordinance until a sign permit has been issued therefore by the Town.
- (3) **APPLICATION REQUIREMENTS:** All applications for sign permits shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. The applicant may include all signs on one premise under one application and one permit. A complete application shall contain all of the following:
- (a) The name and address of the applicant, and the owner of the lot upon which the sign will be located, if different from the applicant.
 - (b) The name and address of the proposed sign owner, if different from the applicant.
 - (c) The name and address of the architect(s), professional engineer(s) and contractor(s) being used on the project.

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- (d) A legible, colored, scaled drawing of each proposed sign, listing the height, width, total square footage, method of attachment, and method of illumination of each proposed sign, and also listing the materials to be used in making, erecting and attaching the sign.
 - (e) A legible, scaled drawing of the subject lot showing
 1. the location of each proposed sign's proposed location on the building and lot,
 2. the location of each existing sign=s current location on the building and lot,
 3. the location of all Overlay Zoning District Boundaries (as per Subchapter 3) on the lot,
 4. the location of all rights-of-way, easements, driveways, parking areas and drainage facilities on the lot
 - (f) The subject property=s Standard Zoning District designation (as per Subchapter 2).
 - (g) The A sign purpose@ of each proposed sign (as per §22.804(3)).
 - (h) The A sign type@ of each proposed sign (as per §22.804(4)).
 - (i) The total area of all signs on the subject property, both before and after the installation of the proposed sign. (See, Appendix, Sign Inventory Worksheet).
 - (j) Written proof of consent from the property owner upon which the sign(s) are to be erected and maintained. (Not required if the applicant is the property owner).
 - (k) Proof of payment of the appropriate sign permit fee, when required.
 - (l) Any other item of information that may be reasonably required by the Zoning Administrator or Plan Commission for the purpose of application evaluation, including (but not limited to)a site plan for the subject property (per §22.907).
- (4) **REVIEW BY ZONING ADMINISTRATOR:** The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of § (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, or if he determines that additional information is needed to determine compliance with this Chapter, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall review the application and shall render a written decision.
- (5) **BASIS FOR GRANTING:** In reviewing a sign permit application, the Zoning Administrator shall consider the following factors in deciding whether or not to grant the issuance of a sign permit.
- (a) Whether the sign is compatible with the surroundings, pursuant to the objectives of proper design and zoning criteria.
 - (b) Whether the sign is designed, installed, and maintained to meet the sign users= needs while at the same time promoting the surrounding environment desired by the general public.
 - (c) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.

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- (d) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.
 - (e) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
 - (f) Whether the sign is in compliance with the provisions of this Subchapter.
 - (g) Whether the sign is in compliance with the provisions of the Town=s Ordinances relating to traffic safety, traffic visibility setbacks, and other provisions of this Zoning Ordinance.
- (6) **DECISION:** A Sign permit shall be granted or denied, in writing, by the Zoning Administrator within thirty (30) days of either (i) the filing of a complete application or (ii) the filing of additional information requested by the Zoning Administrator, whichever is later. In making a decision, the Zoning Administrator may seek input from other City Staff, consultants, and/or the Plan Commission before rendering a decision. If a decision is not rendered by the Zoning Administrator within said 30-day period, the application shall be deemed to have been denied, and the Applicant may either re-apply or appeal the denial to the Board of Appeals. (See, §22.911).
- (7) **POSTING:** The applicant shall post such permit in a conspicuous place at the site while performing any work under the permit.
- (8) **ILLEGAL SIGNS AND VOID PERMITS:** Any sign found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
- (9) **REVOCAION OF PERMIT:**
- (a) **Noncompliance:** Upon Class I notice and after a public hearing conducted by the Plan Commission, any permit may be revoked by the Plan Commission in the event that the applicant has failed to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.
 - (b) **Installation Delay:** Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that installation of the sign has not been commenced within 180 days from the date of issuance of the permit, and if the sign has not been completed within 240 from the date of issuance of the permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.
 - (c) **Removal:** Upon revocation of a permit, the sign(s) subject to such revoked permit, whether free-standing, overhanging or projecting, shall be removed by the permittee within 45 days of such revocation.
 - (d) **Fee Refund:** Revocation shall not entitle the licensee to a total or partial reimbursement of license fees paid.
- (10) **EFFECT ON OTHER PERMITS:** Once a sign permit is granted, no other permit (e.g. Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Driveway permit, sewer/water hook-up permit, Building Permit, etc.) shall be issued for any development which

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is inconsistent with the granted sign permit and this Ordinance.

(11) FEE:

- (a)** All applicants shall pay a sign permit fee which shall be established by resolution of the Town Board. Any sign permit fee paid hereunder for any one sign may not be assigned or transferred to any other sign or modified sign face or sign structure.
- (b)** Sign permit fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, water hook-up and sewer hook-up.
- (c)** A double fee shall be charged by the Zoning Administrator if work is started on the sign before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (d)** All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
- (e)** The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.907 SITE PLAN APPROVALS

- (1) PURPOSE:** The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that proposed land use and development activities comply with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity for principal structures of non-residential and multifamily residential developments (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling) require the approval of site, building and operational plans by the City Plan Commission before the building, occupancy, and zoning permits can be issued except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex/twin home dwelling units, and development activity associated with the full and complete implementation of a project approved within the PIP phase of the Planned Unit Development District [PUD] is exempt from this requirement.
- (2) APPLICATION REQUIREMENTS:** All applications for approval of proposed site plans shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete site plan application shall contain the following:
 - (a) Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
 - (b) Written Description** of the intended use describing in reasonable detail the following:
 1. Existing zoning district(s) on the subject property.
 2. Proposed zoning district(s) on the subject property (per Subchapter 2);
 3. Current land uses present on the subject property;
 4. Proposed land uses for the subject property (per Subchapter 4);
 5. Projected number of residents, employees, and/or daily customers;
 6. Proposed amount of dwelling units, floor area, impervious surface area, and

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- landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
7. Intended hours of operation;
 8. Traffic generation and traffic volumes expected;
 9. Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Subchapter 5 including street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Subchapter 5), then the statement "The proposed development shall comply with all requirements of Subchapter 5." shall be provided;
 10. Exterior building and fencing materials (§22.529 and §22.533);
 11. Possible future expansion and related implications for 1-10, above, and;
 12. Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.
- (c) **Location Map** at 11" x 17" showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Town's Land Use Plan Map with the subject property clearly indicated shall suffice to meet this requirement.)
- (d) **Property Site Plan Drawing** (and reduction at 11" x 17") which includes:
1. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
 2. The date of the original plan and the latest date of revision to the plan;
 3. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 4. A legal description of the subject property;
 5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 7. All required building setback lines;
 8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
 10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Ordinance;
 11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
 12. The location of all outdoor storage areas and the design of all screening devices;
 13. The location, type, height, size and lighting of all signage on the subject property;
 14. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property including the clear demonstration of compliance with §22.514;

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15. The location and type of any permanently protected green space areas;
 16. The location of existing and proposed drainage facilities; and
 17. In the legend, data for the subject property:
 - a. Lot Area;
 - b. Floor Area;
 - c. Floor Area Ratio;
 - d. Impervious Surface Area;
 - e. Building Coverage;
 - f. Building Height.
- (e) **Detailed Landscaping Plan** of the subject property, at the same scale as the main plan (and reduction at 11@ x 17@), showing the location of all required buffer yard and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of Subchapter 6. (NOTE: the individual plant locations and species, fencing types and heights, and berm heights need to be provided.)
- (f) **Grading and Erosion Control Plan** at the same scale as the main plan (and reduction at 11@ x 17@) showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the approval of the City Engineer.
- (g) **Elevation Drawings** of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. (Refer to §22.529).
- (h) **Certified Survey** may be required in instances where the Administrator or the Plan Commission determines that compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines and proposed buildings, structures, and paved areas.
- (i) **Detailed Site Analysis Map** is required if the proposed site has any natural resource protection areas (RPA). If so, a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Subchapter. Town Staff shall review the submitted detailed site analysis map for general compliance with the following data sources:
- 1). The Official Zoning Map;
 - 2). Applicable USGS 7.5 minute topographic maps for the Town and its environs;
 - 3). Air photos of the subject property;
 - 4). USGS Quads and other sources of topographic information;
 - 5). Applicable FEMA and related floodplain maps;
 - 6). Applicable Federal and State Wetland Inventory Maps;
 - 7). The Comprehensive Master Plan.
- (3) **REVIEW BY ZONING ADMINISTRATOR:** The application shall be reviewed by the Zoning Administrator, or designee, to determine whether the application fulfills the requirements of section (2) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (2) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (2), he shall so notify Applicant and forward the application to the Plan Commission for further action.

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(4) REVIEW BY THE PLAN COMMISSION:

- (a) Referral to Plan Commission:** Once the application is referred to the Plan Commission, the Commission may request further information and/or additional reports from the Zoning Administrator, the Applicant, expert consultants and/or from any other source. The Plan Commission shall take final action on the application pursuant to the following procedure.
- (b) Formal Decision:** Within 60 days after referral to the Plan Commission (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the form of written minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection (c) below. In making its decision the Plan Commission,
1. may approve the site plan as originally proposed, or
 2. may approve the site plan with such modifications and/or conditions as it deems necessary and appropriate after consideration of the standards of review set forth below and consideration of the recommendations of the Site Plan Review Committee, the Zoning Administrator, outside experts, its own members, and any other source, or
 3. may deny approval of the site plan.

If additional modifications and/or conditions are required, the Plan Commission may withhold approval of the Site Plan until revisions depicting such additional modifications and/or conditions are submitted to the satisfaction of the Plan Commission, or its designee. Such modifications and/or conditions shall be made a part of the official record, and development activity on the subject property may not proceed until the revised site plan has been prepared, submitted and approved by the Plan Commission or its designee. The Plan Commission's approval of the site plan shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed site plan.

- (c) Standard of Review:** In reviewing the site plan the Plan Commission shall make findings on each of the following criteria to determine whether the submitted site plan shall be approved, approved with modifications and/or conditions, or denied:
1. Whether all standards of the Zoning Ordinance and other applicable Town, State and Federal regulations are met.
 2. Whether the public health and safety is endangered.
 3. Whether adequate public facilities and utilities are provided.
 4. Whether adequate control of storm water and erosion are provided, and the disruption of existing drainage patterns and vegetative cover is minimized insofar as is practical.
 5. Whether appropriate traffic controls and parking are provided.
 6. Whether appropriate landscaping and open space areas are provided.
 7. Whether the appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the general architectural guidelines provided in subsections a. through e. below:
 - a. Exterior construction materials shall be consistent with §22.529.
 - b. Exterior building design or appearance shall not be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
 - c. Exterior building design or appearance shall not be so identical with

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- nearby buildings so as to create excessive monotony or drabness.
- d. Exterior building design or appearance shall not be constructed or faced with an exterior material which is aesthetically incompatible with other nearby buildings or which presents an unattractive appearance to the public and surrounding properties.
 - e. Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area.
 - f. The basic intent of the Zoning Ordinance is fulfilled to ensure attractive, efficient, and appropriate development of land in the community.
8. Whether reasonable steps have been taken to avoid depreciating effects on surrounding property and the natural environment.
- (5) **INITIATION OF LAND USE OR DEVELOPMENT ACTIVITY:** Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties. Any permission granted by the Zoning Administrator shall not be interpreted or construed, directly or indirectly, as an approval of the proposed development by the Plan Commission. Moreover, any permission granted by the Zoning Administrator can be revoked or modified by the Zoning Administrator or the Plan Commission at any time prior to final approval by the Plan Commission of the development.
- (6) **MODIFICATION OF AN APPROVED SITE PLAN:** Any and all variations between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures of this Section, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.
- (7) **SUNSET CLAUSE:** All buildings and structures approved on a site plan shall be fully developed within two (2) years of final approval of the site plan, unless a different date is established by the Plan Commission in the writing. After the expiration of such period, no additional site plan development shall be permitted on undeveloped portions of the subject property. The Plan Commission may extend this period, as requested by the Applicant, through the conditional use process following a public hearing.
- (8) **FEE:**
- (a) All applicants shall pay a site plan review fee which shall be established by resolution of the Town Board. This fee shall include the reimbursable costs incurred by the Town. See, §22.937.
 - (b) Site plan review fees do not include, and are in addition to, building permit fees established by the Town Building Code, and other fees which may be imposed for driveways, etc.
 - (c) A double fee shall be charged by the Zoning Administrator if work is started on a project before a site plan review is applied for and approved. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (d) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).

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- (e) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered ~~A complete~~ and ready for consideration until all fees have been paid.

22.908 ZONING CERTIFICATES OF OCCUPANCY

- (1) **PURPOSE:** The purpose of this Section is to provide regulations governing the issuance of Zoning Certificates of Occupancy. This procedure is required to verify that completed development has complied with an issued permit, an approved site plan, a conditional use, and the requirements of this Chapter as a whole.
- (2) **LAND USES AND DEVELOPMENT REQUIRING A CERTIFICATE OF OCCUPANCY:** Zoning Certificates of Occupancy shall be required for any use for which a zoning permit is required by this Ordinance, including (but not limited to) the following:
 - (a) Occupancy and use of a building or structure hereafter erected or structurally altered.
 - (b) New occupancy and/or new use of an existing building when the new use is of a different land use classification.
 - (c) Occupancy and use of vacant land.
 - (d) New use of vacant land when the new use is of a different land use classification.
 - (e) Any change in the use of a nonconforming use.

No such occupancy, use or change of use shall take place until a Zoning Certificate of Occupancy therefore has been issued by the Zoning Administrator, or designee.

- (3) **ISSUANCE OF CERTIFICATE OF OCCUPANCY:**
 - (a) **Application:** All applications for Zoning Certificates of Occupancy shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain the name and address of the applicant and the property owner, and the address and tax parcel number of the site.
 - (b) **Exemptions from Application:** Every application for a Zoning Permit, Conditional use Permit, or Building Permit shall also be deemed to be an application for a Zoning Certificate of Occupancy for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator. A separate application is not needed.
 - (c) **When issued:** If the work has been completed in conformity with the provisions of this Chapter, a written Zoning Certificate of Occupancy shall be issued within ten (10) working days after either (i) the application therefore has been made, or (ii) notice is given to the Town that the work authorized by a Zoning Permit, Conditional Use Permit or Building Permit has been completed and the property is ready for final zoning inspection.
 - (d) **Records:** Every Zoning Certificate of Occupancy shall state that both (i) the building and (ii) the proposed use of a building or land, substantially complies with all provisions of this Ordinance. A record of all Certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.

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- (4) **CERTIFICATE OF OCCUPANCY FOR LEGAL NONCONFORMING USES:** Upon application, a Zoning Certificate of Occupancy shall be issued for all legal nonconforming uses of land or buildings, created by adoption of this Chapter or in existence at the effective date of this Chapter. Any application for a Certificate for a nonconforming use, filed with the Zoning Administrator more than one (1) year after the effective date of this Chapter, shall require the applicant to prove, by clear and convincing evidence, that the use currently being made of the property is the same use of the property that was occurring on the effective date of this Chapter. It shall be the duty of the Zoning Administrator to investigate and issue Certificates of Occupancy for a legal nonconforming use.
- (5) **TERMINATION OF A CERTIFICATE OF OCCUPANCY:** It shall constitute a violation of this Chapter for any person or other entity, to do any of the things mentioned in Subsection (2), above, without having first obtained a Zoning Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Zoning Administrator, he shall forthwith revoke the Certificate, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate of Occupancy shall be deemed guilty of an additional violation of this Chapter.
- (6) **FEE:**
- (a) All applicants required to file a separate application for a Certificate of Occupancy shall pay a fee which shall be established by resolution of the Town Board.
- (b) Zoning Certificate of Occupancy fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
- (c) A fee established by resolution of the Town Board, shall be charged by the Zoning Administrator if occupancy occurs before a Certificate is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (d) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.909 VARIANCES

- (1) **PURPOSE:** The purpose of this Section is to provide regulations which enable the Town to hear and decide requests for variations from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done, as provided by §62.23(7)(e)(7) Wis. Stats.
- (2) **DIFFERENT TYPES OF VARIANCES:** There are two types of variances:
- (a) **Area Variances:** Area variances address regulations regarding density, setbacks, frontage, height, landscaping, lighting, lot size, and other dimensional regulations which are designed to address uniformity of development, lot size, building configuration and size, and other similar features. Area variances do not

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- address how a property may be used.
- (b) **Use Variances:** AUse@ variances address how a property may be used, and primarily seek to vary or circumvent the list of allowable land uses prescribed for the property as contained in Subchapter 2. AUse@ variances do not address the kind of dimensional regulations addressed by area variances. However, care must be taken to not permit an applicant to label a AUse@ variance as an Aarea@ variance in order to circumvent the more difficult standards applicable to AUse@ variances.
- (3) **INITIATION OF REQUEST FOR APPROVAL OF A VARIANCE:** Proceedings for approval of a requested variance shall be initiated by an application of the owner(s) of the subject property, or their legally authorized representative(s).
- (4) **APPLICATION REQUIREMENTS:** All applications for variances shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall contain all of the following:
- (a) **Applicant Info:** Name and address of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project, and the address and tax parcel number for the site.
- (b) **Site Map:** A map of the subject property showing all lands for which the variance is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the tax records. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
- (c) **View Map:** A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole.
- (d) **Description:** A written description of the proposed variance, providing specific reference to those sections of this Chapter from which the Applicant seeks relief, describing the specific terms, conditions and requirements of the variance proposed for the subject property, and identifying whether a AUse@variance or an Aarea@ variance is being requested.
- (e) **Site Plan:** A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of §22.907(3).
- (f) **Written Justification:** Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection (5)(e) below.
- (5) **REVIEW BY ZONING ADMINISTRATOR:**
- (a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall so notify Applicant and forward the application to the Board of Appeals for further action.

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- (b) The Zoning Administrator shall review and evaluate the application and shall comment in writing to the Board of Appeals on the variance requested in the application, taking into consideration the review standards of §22.906(6)(e) below. The Zoning Administrator's written comments shall be submitted to the Board of Appeals on or before the Public Hearing described below. A copy thereof shall also be provided to the Applicant.
- (c) The Zoning Administrator shall not refer the application to the Board of Appeals and no one shall place the application on the Board's agenda until the Zoning Administrator, or designee, has certified that the application is complete.

(6) REVIEW AND DETERMINATION BY ZONING BOARD OF APPEALS:

- (a) **Submission to Zoning Board Of Appeals Required:** Pursuant to §62.23(7)(e) Wis. Stats., no variance shall be granted except by review and action of the Zoning Board of Appeals pursuant to this Chapter.
- (b) **Public Hearing:** The Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application within thirty (30) days after filing of the complete application. The applicant may appear in person, by agent, and/or attorney.
- (c) **Notice:** Notice of the requested variance and the public hearing shall conform to the requirements of §62.23(7)(e) Wis. Stats. Said notice shall contain a description of the subject property and the proposed variance. In addition, at least ten days before said public hearing, the Clerk shall mail an identical notice to the Applicant of the proposed variance; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 200 feet of the boundaries of the subject property as identified in Subsection (3) above. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (d) **Formal Decision:** Within thirty (30) days after the holding of the public hearing, or within an extension of said period approved by the Applicant and granted by the Zoning Board of Appeals, the Zoning Board of Appeals shall make its findings and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from the Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at the time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations concerning the standards of subsection (e) below.
- (e) **Standards of Review:** The following factors must be found to exist by the Board of Appeals in making its decision regarding a request for a variance, and each factor shall be addressed in the Board's official written decision:
 - 1. The requested variance must be in harmony with the recommendations of the Comprehensive Master Plan.
 - 2. The land must present an exceptional or extraordinary circumstance or condition which unreasonably prevents the owner from using the property for a permitted purpose or which makes conformity with the requirements of this Chapter unnecessarily burdensome. The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
 - a. The hardship or difficulty shall be peculiar to the subject property

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- and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and will not accommodate a structure of reasonable design for a permitted use if all area requirements are observed;
- b.** Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
 - c.** Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner=s predecessor in title are considered to be such self-imposed hardships;
 - d.** Violations by, or variances granted to, neighboring properties shall not justify a variance;
 - e.** The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)
- 3.** The variance must be needed so that the subject property can be developed in a manner similar to that of other properties under the same zoning district. The response to this question shall clearly indicate how the requested variance is essential to make the subject property reasonably developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
 - 4.** The granting of the proposed variance must not be a substantial detriment to adjacent properties. The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
 - 5.** The granting of the proposed variance must not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development. The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
 - 6.** The exceptional or extraordinary circumstance or condition which the applicant claims as justification for the proposed variance must not have been created by the acts or omissions of the applicant or the applicant=s predecessor- in-title (e.g. previous development decisions such as building placement, floor plan, building orientation, platting pattern, grading, etc.) after the effective date of this Ordinance. The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant or the applicant=s predecessors-in-title.
 - 7.** If the proposed variance is a Use@ variance, then, in addition to the foregoing standards, the applicant must also establish that the applicant will have no reasonable use of the property if the variance is not granted.

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- (f) **Effect of Inaction:** If the Zoning Board of Appeals fails to make a determination within thirty (30) days after said public hearing, then the request for the variance shall be considered denied.
- (7) **EFFECT OF DENIAL:** No application for a variance which has been denied (in whole or in part) shall be resubmitted for a period of twelve (12) months from the date of said order of denial, unless the Zoning Administrator first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.
- (8) **LIMITED EFFECT OF A VARIANCE:** Where the Zoning Board of Appeals has granted a variance, such approval shall not change the *Ause@* classification of either the building or premises, nor give it any new status as a *Anonconforming use@* other than that status which it held before the granting of the variance. Granting of a variance shall be considered unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- (9) **STAY OF PROCEEDINGS:** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Ordinance from which the Applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a Court of Record. *State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.*
- (10) **NOTICE TO THE DNR:** The Zoning Board of Appeals shall transmit a copy of each application for a variance in the Shoreland-Wetland, Floodway, Floodplain Conservancy, or Floodway Fringe Overlay Zoning Districts, and a copy of all Shoreland floodland appeals, to the Wisconsin Department of Natural Resources (DNR) and Juneau County for review and comment at least ten (10) days prior to any public hearings. Final action on the application shall not be taken for thirty (30) days or until the DNR and Juneau County have made their recommendation, whichever comes first. A copy of all decisions relating to variances to shoreland conservancy regulations or to floodland regulations, and a copy of all decisions to shoreland conservancy and floodland appeals, shall be transmitted to the DNR and Juneau County within ten (10) days of the date of such decision.
- (11) **FEE:**
- (a) All applicants shall pay an application fee for a variance which shall be established by resolution of the Town Board.
- (b) Variance fees do not include, and are in addition to, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
- (c) A double application fee shall be charged by the Town if an application is submitted after the Applicant has committed an act or omission for which the Applicant now seeks a variance. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (d) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
- (e) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An

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application is not considered complete and ready for consideration until all fees have been paid.

22.910 INTERPRETATIONS

- (1) **PURPOSE:** The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- (2) **INITIATION OF REQUEST FOR AN INTERPRETATION:** Proceedings for an interpretation may be initiated by any of the following four methods:
 - (a) By an application of a resident or land owner in the Town;
 - (b) By a request of the Plan Commission;
 - (c) By a request of the Town Board; or
 - (d) By a request of the Zoning Administrator.
- (3) **APPLICATION REQUIREMENTS:** All applications from residents or land owners shall be submitted to the Zoning Administrator, or designee, who shall determine if the application is complete. A complete application shall be comprised of all of the following:
 - (a) **Applicant Info:** Name and address of the applicant.
 - (b) **Text:** All requests for interpretations shall clearly indicate the part of the text of this Chapter for which the interpretation is requested and the specific questions the Applicant has regarding said text. If the Applicant believes that the text is subject to several reasonable interpretations, the Applicant shall set forth all such interpretations.
 - (c) **Specific Property:** If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required:
 1. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 200 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 2. A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole;
 3. A written explanation of the issue which needs interpretation, including the applicant's proposed interpretation, and an explanation of how the proposed interpretation relates to the type of activities, buildings, and structures currently located on, and/or proposed for, the subject property; and,
 4. If requested by the Zoning Administrator, a site plan of the subject property as proposed for development. Said site plan shall conform to all the requirements of §22.907(4) or such requirements as the Administrator may require.
 - (d) **Land Use:** If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written

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responses to the following questions shall be provided:

1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?
2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
3. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

(4) REVIEW BY ZONING ADMINISTRATOR:

- (a) The Zoning Administrator, or designee, shall determine whether the application fulfills the requirements of section (3) above. If the Zoning Administrator determines that the application does not fulfill the requirements of section (3) above, he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Zoning Administrator determines that the application does fulfill the requirements of section (3), he shall commence his review thereof.
- (b) Within thirty (30) days of filing of a complete application, the Zoning Administrator shall review and evaluate the application. This review shall take into consideration the standards for review presented in subsection (5), below. In evaluating the application, the Zoning Administrator may consult with consultants and City Staff, such as the Town Attorney. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Master Plan.
- (c) The Zoning Administrator, or such consultants or staff as the Zoning Administrator may deem appropriate (e.g. Town Attorney), shall prepare and forward a written report to the Applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report. A Copy of all such reports shall be forwarded to the Plan Commission.

(5) STANDARDS FOR REVIEW OF REQUESTED INTERPRETATIONS: This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Town Board as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall address the following to the extent applicable:

- (a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.
Rationale: Before any zoning interpretation is made, there must be a discussion of the purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.

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- (b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.
- (b) Rationale: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged, but a lowering of the standards of this Chapter is to be prohibited.
- (c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person=s land use proposal.
Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements.
- (d) Avoid substituting the judgment of the Administrator for the legislative acts of the Town Board.
Rationale: This Chapter has been carefully designed by the Town Board to combine maximum achievement of public goals, and the protection of adjoining property owners, while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Town Board.
- (e) Address the following standards on land use interpretation matters:
1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Town Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
 2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Subchapter 2).
 3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property=s zoning district.
 4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category.

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5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to §22.904.
- (6) **EFFECT OF A FAVORABLE LAND USE INTERPRETATION:** No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to, required site plans, special use permits, conditional uses, and Certificates of Occupancy.
- (7) **LIMITATIONS ON FAVORABLE LAND USE INTERPRETATION:**
- (a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a Building Permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
 - (b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
 - (c) An interpretation finding a particular land use to be permitted by right or conditionally permitted shall have no precedential value. It is understood that, if the Plan Commission wished such interpretation to have precedential value, it would amend this Chapter to include such interpretation herein. It is also understood that mistakes in interpretation often become apparent only after the interpretation becomes effective and the use is employed and observed.
- (8) **FEE:**
- (a) All applicants shall pay an application fee for an interpretation, which fee shall be established by resolution of the Town Board.
 - (b) Interpretation fees do not include, and are in addition to, zoning permit fees and other fees established by this Chapter, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
 - (c) A fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
 - (d) All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
 - (e) The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered a complete[®] and ready for consideration until all fees have been paid.

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22.911 APPEALS OF ZONING DECISIONS

- (1) **PURPOSE:** The purpose of this Section is to provide regulations which enable the Town to hear and decide requests for appeals from the decisions of the Zoning Administrator, as provided for by 62.23(7)(e) Wis. Stats.
- (2) **INITIATION OF REQUEST FOR REVIEW OF ZONING DECISION:** Proceedings for the review of an appeal may be initiated by any aggrieved person, or by any officer, department, board, committee or commission of the Town affected by any decision of the Zoning Administrator.
- (3) **TIME LIMIT FOR FILING AN APPEAL:** An appeal shall be made within a period not exceeding forty-five (45) days from the date of issuance of the decision from which the appeal is taken. Failure to initiate this appeal procedure within this 45-day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- (4) **APPLICATION REQUIREMENTS:** All applications for review of an interpretation, regardless of the party of their initiation per Subsection (2) above, shall be submitted to the Clerk, or designee, who shall determine if the application is complete. The Clerk shall act as the clerk for the Zoning Board of Appeals in receiving said Applications. A complete application shall contain all of the following:
 - (a) Name and address of the applicant, the owner of the site and the address and tax parcel number for the site.
 - (b) A copy of all documents previously submitted by the Applicant to the Town which relate to the issue of the appeal. (The Town will supply copies of these items, at Applicant=s expense, if the Applicant has lost or misplaced his/her own copies).
 - (c) A written statement from the Applicant specifying the grounds for the appeal. Such statement shall indicate the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator=s decision. This statement shall be dated and signed by the Applicant.
- (5) **REVIEW BY CLERK AND ZONING ADMINISTRATOR:** The submitted application shall be reviewed by the Clerk and the Zoning Administrator in the following steps:
 - (a) The Clerk, or designee, shall determine whether the application fulfills the requirements of section (4) above. If the Clerk determines that the application does not fulfill the requirements of section (4), he shall return the application to the Applicant with a brief statement identifying how the application is inadequate. If the Clerk determines that the application is complete, he shall so notify Applicant and forward the application to both the Zoning Administrator and the Zoning Board of Appeals.
 - (b) The Zoning Administrator shall review and evaluate the application, and shall comment, in writing, on the written justification for the appeal to the Zoning Board of Appeals. The Zoning Administrator shall also evaluate the application to determine whether the request is in harmony with the recommendations of the Comprehensive Master Plan. Before the date set for the Public Hearing, the Zoning Administrator shall forward this written report to the Board of Appeals, and the Applicant, along with copies of all papers constituting the record of the Zoning Administrator on this application. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Master Plan or Zoning Ordinance, the Zoning Administrator shall note this determination in the report.

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(6) REVIEW AND ACTION BY THE ZONING BOARD OF APPEALS:

- (a) Public Hearing:** The Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing, within forty-five (45) days after the Clerk determines that the application is complete.
- (b) Notice:** Notice of the appeal and said public hearing shall conform to §63.23(7)(e) of the Wis. Stats. Said notice shall contain a description of the appealed issue. At least ten (10) days before said public hearing, the Clerk shall mail an identical notice (i) to the Applicant, (ii) to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter, and (iii) to any property owner within 200 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
- (c) Formal Decision:** Within sixty (60) days after the filing of the complete application (or, within an extension of said period requested in writing by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals shall make its findings. The Zoning Board of Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at Applicant=s request. Said final action shall be followed by a written report which shall include formal findings of facts developed and approved by the Zoning Board of Appeals concerning the request.
- (d) Board=s Authority:** Pursuant to §62.23(7)(e)8 Wis. Stats., the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination of the Zoning Administrator.
- (e) Effect of Inaction:** If the Zoning Board of Appeals fails to make a determination within sixty (60) days after the filing of said complete application, then the request for the appeal shall be considered denied.

- (7) EFFECT OF DENIAL:** No application which has been denied (in whole or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, unless the Zoning Administrator, or designee, first determines that either (i) substantial and material new evidence has arisen or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.

(8) LIMITED EFFECT OF A FAVORABLE RULING ON AN APPEAL:

- (a)** No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
- (b)** A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

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(9) FEE:

- (a)** All applicants shall pay an application fee for an appeal, which fee shall be established by resolution of the Town Board.
- (b)** Appeal fees do not include, and are in addition to, zoning permit fees and other fees established by this Chapter, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
- (c)** A fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (d)** All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
- (e)** The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.912 RESERVED FOR FUTURE USE**22.913 PLANNED DEVELOPMENT DISTRICT PROCEDURES****(1) PURPOSE:**

- (a)** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed Planned Developments, and to provide for the possible relaxation of certain development standards pertaining to the underlying standard zoning district.
- (b)** PUDs are intended to provide more incentives for development and redevelopment in areas of the community which are experiencing a lack of significant investment. Furthermore, PUDs are designed to forward both the aesthetic and economic development objectives of the Town by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the PUD shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.
- (c)** PUDs have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent this from occurring, all PUD=s are required to meet certain stringent procedural requirements applicable only to PUD=s, in addition to the general requirements of this Chapter. A public hearing process is required to review a request for a PUD. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

(2) EXTENT OF FLEXIBLE DEVELOPMENT STANDARDS:

- (a) Permitted Location:** PUDs shall be permitted with the approval of a Planned

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Development Zoning District, specific to the approved PUD, within all zoning districts.

- (b) **Flexible Development Standards:** The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a PUD:
1. **Land Use Requirements:** All land uses listed as *Residential*, *Institutional*, or *Commercial* in Subchapter 2 may be permitted within a PUD.
 2. **Density and Intensity Requirements:** All requirements listed in Subchapter 2 for residential density and nonresidential intensity may be waived or modified within a PUD.
 3. **Bulk Requirements:** All bulk requirements listed in Subchapter 2 may be waived or modified within a PUD.
 4. **Landscaping Requirements:** All requirements listed in Subchapter 6 may be waived or modified within a PUD.
 5. **Parking and Loading Requirements:** All requirements listed in Sections 22.509 and 22.511 may be waived or modified within a PUD.
- (c) **Requirements to Depict All Aspects of Development:** Only development which is explicitly depicted on the required site plan approved by the Town Board as part of the approved PUD, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Subchapter 2. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Town Board. If not so requested and approved, such exemptions shall not be permitted.
- (3) **INITIATION OF REQUEST FOR APPROVAL OF A PUD:** Proceedings for approval of a PUD shall be initiated:
- (a) By an application of the owner(s) of the subject property;
 - (b) By a recommendation of the Plan Commission; or
 - (c) By action of the Town Board.
- (4) **APPLICATION REQUIREMENTS:** All applications for proposed PUD=s, regardless of the party of their initiation per (3) above, shall follow each of the process steps in (5) through (8) below.
- (5) **STEP 1: PRE-APPLICATION CONFERENCE:**
- (a) The Applicant shall contact the Zoning Administrator to place an informal discussion item for the PUD on the Plan Commission agenda.
 - (b) To be placed on the agenda, no details are required except the following: the names and addresses of the applicant, the owner of the site, the architect(s), professional engineer(s) and contractor(s) being used on the project (if known), and the address and tax parcel number for the site, and a general description of the proposed PUD.
 - (c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential PD. Appropriate topics for discussion may include the location of the PD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public

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streets, and relationship to the Master Plan.

- (d) Points of discussion and conclusions reached in this stage of the process shall not be binding, directly or indirectly, upon the Applicant or the Town, but shall be considered as merely an informal, non-binding discussion designed to give the Applicant some feedback, positive and/or negative, on the proposal and to give the Plan Commission some general background before proceeding to the next step.

(6) **STEP 2: CONCEPT PLAN:**

- (a) **Submittal packet:** The Applicant shall submit to the Zoning Administrator a draft PD Concept Plan Submittal Packet, which shall contain all of the following items:

1. **Location Map:** A location map of the subject property and its vicinity at 11@ x 17@, as depicted on a copy of the Land Use Plan Map;
2. **General Description:** A general written description of proposed PD including:
 - a. General project themes and images;
 - b. The general mix of dwelling unit types and/or land uses;
 - c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. The general treatment of natural features;
 - e. The general relationship to nearby properties and public highways;
 - f. The general relationship of the project to the Master Plan;
 - g. An initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and
3. **Requested Exemptions:** A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - a. Land Use Exemptions;
 - b. Density and Intensity Exemptions;
 - c. Bulk Exemptions;
 - d. Landscaping Exemptions; and
 - e. Parking and Loading Requirements Exemptions;
4. **Conceptual Plan:** A conceptual plan drawing (at 11@ x 17@) of the general land use layout and the general location of public highways and/or private drives. The Applicant may submit copies of a larger version of the Abubble plan@ in addition to the 11@ x 17@ reduction.

- (b) **Review by Administrator:** The Zoning Administrator, or designee, shall determine whether the PD Concept Submittal Packet fulfills the requirements of section (a) above. If the Zoning Administrator determines that the packet does not fulfill the requirements of section (a) above, he shall return it to the Applicant with a brief statement identifying how it is inadequate. If the Administrator determines that the packet fulfills the requirements of section (a), he shall so notify Applicant and shall

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place the matter on the Plan Commission agenda.

(c) **Review by Plan Commission:** At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PD. Appropriate topics for discussion may include the any of the information provided in the PD Concept Plan Submittal Packet, or other items as determined by the Plan Commission.

(d) **Non-Binding Effect:** Points of discussion and conclusions reached in this stage of the process shall not be binding, directly or indirectly, upon the Applicant or the Town, but shall be considered as merely an informal, non-binding basis for proceeding to the next step.

Rationale: The foregoing procedures are intended to give the Plan Commission several informal reviews of the concept plan before introduction of the formal petition for rezoning which accompanies the next step, the formal GDP application. Although time-consuming, this informal process is designed to give the Plan Commission lots of time to consider the PD, and at the same time, give the applicant lots of feed-back so that the time and expense of the formal petition is minimized (or perhaps eliminated), by incorporation into the GDP of the comments and concerns raised during this preliminary informal process.

(7) **STEP 3: GENERAL DEVELOPMENT PLAN (GDP):**

(a) **Purpose:** The purpose of this step is to evaluate whether the zoning for the proposed site should be changed from its current zoning to PUD zoning which will create zoning unique to the property. Therefore, the focus of this step is on the same types of issues which affect all changes of zoning, i.e. density, intensity, the mix of use and the arrangement of site design. The details of the PUD are generally reserved for Step 4, but in some cases those details may need to be also addressed in Step 3, depending upon the concerns of the Plan Commission. For example, in Step 3 a general discussion of landscaping exemptions is necessary, but in Step 4 a full and complete landscaping plan is required. However, if landscaping for the site is of particular concern, some of the details reserved for Step 4 may be requested in Step 3. Hence, it is important to understand that while Steps 3 and 4 are separate steps in this Chapter, they may become combined in practice on a case-by-case basis.

(b) **Submittal Packet:** The Applicant shall submit to the Zoning Administrator a draft GDP Plan Submittal Packet , which shall contain all of the following items:

1. **Location Map:** A location map of the subject property and its vicinity at 11@ x 17@, as depicted on a copy of the Land Use Plan Map;
2. **Site Map:** A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Juneau County (as provided by the Town). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
3. **General Description:** A general written description of the proposed PD including:

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- a. General project themes and images;
 - b. The general mix of dwelling unit types and/or land uses;
 - c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. The general treatment of natural features;
 - e. The general relationship to nearby properties and public streets;
 - f. The general relationship of the project to the Master Plan;
 - g. A Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning;
 - h. A complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;
 - i. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - 1). Land Use Exemptions;
 - 2). Density and Intensity Exemptions;
 - 3). Bulk Exemptions;
 - 4). Landscaping Exemptions;
 - 5). Parking and Loading Requirements Exemptions.
4. **GDP Drawing:** A General Development Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
- a. A conceptual plan drawing (at 11" x 17") of the general land use layout and the general location of public highways and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 11" x 17" reduction;
 - b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Town Board; and
 - d. Notations relating the written information provided in (7)(b)3., above to specific areas on the GDP Drawing.
5. **Landscaping:** A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Ordinance (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.
6. **Signage:** A general signage plan for the project, including all project

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identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Town standards or common practices.

7. **Written Justification:** Written justification for the proposed Planned Development. (The Applicant is advised to use the requirements of the conditional use procedure to develop said written justification.)
 - (c) **Review by Administrator:** The Zoning Administrator, or designee, shall determine whether the GPD Submittal Packet fulfills the requirements of section (b) above. If the Administrator determines that the packet does not fulfill the requirements of section (b) above, he shall return it to the Applicant with a brief statement identifying how it is inadequate. If the Administrator determines that the packet does fulfill the requirements of section (b) above, he shall so notify Applicant and shall place the matter on the Plan Commission agenda.
 - (d) **Review by Plan Commission:** The process for review and approval of the GDP shall be identical to that for conditional use permits per §22.904 of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Town Code.
- (8) **STEP 4: PRECISE IMPLEMENTATION PLAN (PIP):**
- (a) **Purpose:** The purpose of this step is to obtain all the details necessary to establish specific conditions on the proposed development and operations. It is akin to a conditional use permit application for the whole development.
 - (b) **Submittal Packet:** After the effective date of the rezoning to PUD/GDP, the Applicant may file an application for a proposed Precise Implementation Plan (PIP) with the Zoning Administrator, which shall contain all of the following items:
 1. **Location Map:** A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the Land Use Plan Map. The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.
 2. **Ownership Map:** A map of the subject property showing all lands for which the planned development is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Juneau County (as provided by the Town). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 3. **Written Description:** A general written description of proposed PIP including:
 - a. Specific project themes and images;
 - b. The specific mix of dwelling unit types and/or land uses;
 - c. Specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. The specific treatment of natural features;

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- e. The specific relationship to nearby properties and public streets.
 - f. A Statement of Rationale as to why PUD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PUD zoning.
 - g. A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
4. **Plan Drawing:** A Precise Implementation Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
- a. A PIP site plan conforming to all the requirements of Section 22.908(3). If the proposed Planned Development is a group development (per Section 22.414) a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan.
 - b. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Town Board; and
 - d. Notations relating the written information provided in (8)(b)3., above to specific areas on the GDP Drawing.
5. **Landscaping:** A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
6. **Exteriors:** A series of building elevations for the entire exterior of all buildings in the Planned Development, including detailed notes as to the materials and colors proposed.
7. **Signage:** A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from Town standards or common practices.
8. **Organizational structure:** A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.

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9. **Consistency with GDP:** A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.
 10. **Variations:** All variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development.
 11. **Public Works:** The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
 12. **Design Info:** The Precise Implementation Plan (PIP) submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.
 13. **Other:** The Plan Commission or Town Board may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
- (c) **Review by Zoning Administrator:** The Zoning Administrator, or designee, shall determine whether the PIP fulfills the requirements of section (b) above. If the Administrator determines that the PIP does not fulfill the requirements of section (b) above, he shall return it to the Applicant with a brief statement identifying how it is inadequate. If the Administrator determines that the PIP does fulfill the requirements of section (b) above, he shall so notify Applicant and shall place the matter on the Plan Commission agenda.
- (d) **Process for Review:** The process for review and approval of the PUD shall be identical to that for conditional use permits per §22.904 of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Town Code, except that in addition to approval by the Plan Commission, all PUD=s must also be approved by the Town Board.
Rationale: Creation of a PUD is tantamount to an amendment to the Zoning Map and Zoning Regulations and, therefore, should be reviewed and approved by the Town Board.
- (e) **Development Time Table:** All portions of an approved PUD/PIP not fully developed within five years of final Town Board approval shall expire, and no additional PUD-based development shall be permitted. The Town Board may extend this five years period by up to five additional years via a majority vote following a public hearing.
- (9) **REVIEW AND ACTION BY THE TOWN BOARD:** The Town Board shall consider the Plan Commission=s recommendation regarding the PUD. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may conduct one or more meetings on the Application. The Town Board may approve the PUD as originally proposed, may approve the PUD with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny the PUD. If the Board wishes to make significant changes to the PUD, as recommended by the Plan Commission, then the procedure set forth in Steps (3) and (4) above shall again be followed prior to Board action. The Board=s approval of a PUD shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed PUD.
- (10) **MINOR CHANGES:** During the construction of a PUD, the Zoning Administrator, with the

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consent of the Town Chairman, is authorized to approve minor variations and minor changes to any previously-approved PUD, without compliance with the foregoing procedures, provided the spirit and intent of the original PUD is preserved. All such variations shall be approved in writing and, whenever the variation changes any term or condition of a written resolution previously recorded with the Register of Deeds, the variation shall also be recorded.

Rationale: The intent of this section is to avoid the expensive and time-consuming process of a PUD whenever a minor change is needed. During construction, problems often arise which require minor changes to PUD=s. It is expensive, time-consuming, unnecessary and wasteful for the Applicant, the Plan Commission and the Town to go through the whole PUD process just to approve a minor change.

(11) FEE:

- (a)** All applicants for a PUD shall pay an application fee, which fee shall be established by resolution of the Town Board.
- (b)** Application fees do not include, and are in addition to, zoning permit fees and other fees established by this Chapter, building permit fees established by the Building Code, and other fees which may be imposed for driveways, etc.
- (c)** A fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- (d)** All applicants shall reimburse the Town for the time spent by Staff and consultants in reviewing and processing the application, pursuant to §22.937(4).
- (e)** The Town may delay any and all action and steps required above, including public hearings, until such time as all fees required hereunder have been paid. An application is not considered complete and ready for consideration until all fees have been paid.

22.914 RESERVED FOR FUTURE USE**22.915 FEES**

- (1) FEES FOR PROCEDURES REQUESTED BY A PRIVATE PARTY:** The fees for the procedures and permits established by this Chapter shall be established by resolution of the Town Board.
- (2) FEES FOR PROCEDURES REQUESTED BY THE TOWN:** There shall be no fee in the case of applications filed in the public interest by the Town Board, the Plan Commission, another agency, or any official of the Town.
- (3) PAYMENT OF FEES:** Fees shall be payable at the time applications are filed with the appropriate officer of the Town (per the requirements of this Chapter), and are not refundable.
- (4) REIMBURSABLE COSTS:**
 - (a) Consultants:** The Town Planner, the Town Engineer, the Town Attorney, and other Town staff, may expend substantial amounts of time in the investigation and processing of the various applications required by this Zoning Ordinance. In addition to staff involvement, the Town may retain the services of professional consultants including, but not limited to engineers, architects, attorneys, urban planners, environmental specialists, landscaping specialists, and recreation specialists in the review, analysis, investigation and processing of such matters.

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- (b) **Payment:** Any person, firm or corporation requesting action by the Town on any application required herein, shall reimburse the Town (within the limits established herein) for (i) the cost of staff time expended in the administration, investigation and processing of applications for such applications and (ii) the cost to the Town charged by any professional consultant retained by the Town to work on any such matter. The amount charged by the Town for Staff time shall be established by Resolution of the Town Board, and the amount charged for retained consultants shall be the amount which the consultant charges to the Town. The amount which may be charged by the Town without agreement from the applicant shall not exceed \$1,000. If the reimbursable costs are likely to exceed \$1,000, the Town shall notify the applicant of the same and shall negotiate an agreement with the applicant regarding the payment of any costs exceeding \$1,000. Such agreement shall be negotiated before such costs are incurred, and notwithstanding any provision herein to the contrary, the Town may withhold action on any matter until such agreement has been reached.
- (c) **Collection of Costs:** The Town may require all or part of these costs to be paid in advance by the applicant, or the Town may withhold action on any matter until payment has been received from the applicant. Any costs not paid by the applicant may be assigned by the Town as a special assessment or charge against the subject property, or may be collected from the applicant through any procedure permitted by law.
- (d) **Appeal or Waiver of Costs:** An applicant may appeal to the Town Board the payment of costs or the terms of any agreement regarding the payment of costs. The Town Board, by resolution, may alter any such agreement or may waive all or part of any costs for any specific project, or may authorize other Staff or the Plan Commission to waive such costs.

22.916 RESERVED FOR FUTURE USE**22.917 VIOLATIONS AND PENALTIES**

- (1) **VIOLATION OF THIS CHAPTER:** It shall be unlawful for any owner, occupant, contractor, developer, builder, electrician, plumber, or other person or entity, to build, construct, maintain or repair or use any land or structure, or to engage in any development activity (including disruption of protected vegetation), in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements. Any and all persons (including the owner, occupant, contractor, developer, builder, electrician, plumber, etc.) who violate(s) or fail(s) to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection (2), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney=s and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense. Each person participating in or committing the offense shall be liable.
- (2) **PENALTIES:** Any person, firm, corporation or other legal entity, who fails to comply with the provisions of this Code or any order of the Zoning Administrator, shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 plus the costs of prosecution for each violation.
- (3) **TOWN CORRECTION OF VIOLATION:** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the Town reserves and maintains the continued right to abate violations of this Chapter.
- (4) **HAZARDOUS CONDITION CAUSED BY VIOLATION OF THIS CHAPTER:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety,

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peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said action shall be charged to the owner of the property on which said violation has occurred per Subsection (6), below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.

- (5) **NON-HAZARDOUS CONDITION CAUSED BY VIOLATION OF THIS CHAPTER:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by Certified Mail on the current owner of the property (as indicated by current tax records) on which said violation is occurring, to remove said violation within a period of time established by the Zoning Administrator, but not less than ten(10) working days. If such violation is not removed within such time period, the Zoning Administrator may cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (6), below.
- (6) **COST OF ABATEMENT:** In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Town to abate the violation shall be kept by the Town, and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by Certified Mail, and shall be payable within thirty (30) calendar days from the mailing thereof. If such costs and expenses remain unpaid sixty (60) calendar days from the mailing thereof, the Town shall enter such charges onto the tax roll as a special tax as provided by §66.0909 Wis. Stats.

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CHAPTER 25: ENFORCEMENT AND PENALTIES

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CHAPTER 25: ENFORCEMENT AND PENALTIES

25.100 TITLE

This Subchapter shall be known as the "Town of Lyndon Enforcement Ordinance" or the "Enforcement Ordinance," except as referred to herein, where it shall be known as "this Chapter."

25.101 AUTHORITY

This Chapter is enacted pursuant to Chapters 60 and 66, specifically including (but not limited to) § 60.23(23), and § 66.0107 through § 66.0119, Wis. Stats.

25.102 PURPOSE

The purposes of this Chapter are to establish procedures for the enforcement of this Ordinance, to identify the remedies available to the Town, and to establish penalties for violations.

25.103 RESERVED FOR FUTURE USE

25.104 PENALTY PROVISIONS

- (1) **FORFEITURES:** Except as otherwise provided herein, any person who shall violate any provision of this Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
 - (a) **First Offense:** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25) nor more than One Thousand Dollars (\$1,000) together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
 - (b) **Second Offense:** Any person found guilty of violating any provision of this Code, who has previously been convicted of the same violation within one year, shall, upon conviction thereof, forfeit not less than Fifty Dollars (\$50) nor more than One Thousand Dollars (\$1,000) for such violation, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six (6) months.
- (2) **MONEY JUDGMENT AND EXECUTION:** Whenever any person fails to pay any forfeiture or the costs of prosecution, the Court, in lieu of imprisonment or in addition to imprisonment or after release from imprisonment, may do the following:
 - (a) The Court may render a money judgment against the defendant in favor of the Town for such forfeiture and costs of prosecution, and said judgment may then be docketed and collected by the Town in any manner permitted by law; and/or
 - (b) The Court may issue an execution against the property of the defendant for the payment of such forfeiture and costs, pursuant to the procedures set forth in Chapter 815 of the Wisconsin Statutes.
- (3) **ABATEMENT OF VIOLATIONS:** In addition to any other penalty provided herein, the Town may seek the removal, prevention and/or abatement of any violation of any provision of this Code. Such remedies may be joined with any action seeking a forfeiture, or may be separately commenced and maintained. When any such remedy is sought by the Town, the

Court may order, in addition to any forfeiture authorized herein, the removal, prevention and/or abatement of a violation as follows:

- (a) By the violator at the violator's sole expense, and/or
- (b) If the violator fails to remove, prevent and/or abate the violation within the time limits established by the Court, then by the Town at the sole expense of the violator. If the Town incurs expenses in the removal, prevention and/or abatement of any violation, the Town may collect said expenses by application to the Court for one or more of the following:
 - 1. The Court may impose upon the violator a new or additional forfeiture in the amount not to exceed the expenses incurred, and in default of payment of such forfeiture, the Court may imprison the violator in the county jail until such forfeiture is paid, but not exceeding 90 days; and/or
 - 2. The Court may issue an execution against property of the violator for such expenses pursuant to Chapter 815 Wis. Stats.; and/or
 - 3. The Court may render a money judgment against the violator in favor of the Town for such expenses, and said judgment may then be docketed and collected by the Town in any manner permitted by law.
- (4) **RESTITUTION:** In addition to any other penalty provided herein, the Court may order the payment of restitution for violations of this Code in conformity with § 943.24 and §943.50 Wis. Stats., and shall use the restitution procedures as provided therein.
- (5) **MULTIPLE VIOLATIONS:** Each violation and each day a violation continues or occurs, shall constitute a separate offense. Prosecution of two or more offenses committed by the same violator may be joined into one action, and the prosecution of two or more violators for the same offense may be joined into one action.

25.105 RESERVED FOR FUTURE USE

25.106 CITATION METHOD OF ENFORCEMENT

- (1) **ADOPTION:** The Town hereby adopts and authorizes the use of a citation, more particularly described below, to be used for violations of any and all Town Ordinances, including those violations for which a statutory counterpart exists.
- (2) **CONTENT:** Citations for all other violations shall conform with the requirements of '66.0113(1)(b) Wis. Stats.
- (3) **BOND SCHEDULE:** Except as otherwise provided in this Code, the Town may accept from any person arrested for a violation of this Code, a bond, pursuant to '66.0111 Wis. Stats. The amount of the bond may be set by the Town Board by resolution, and the bond amounts may be different for different violations. The bond schedule shall be on file with the Town Clerk. The bond for any violation not covered by the bond schedule shall be not less than \$50 (plus Court costs applicable to a \$50.00 forfeiture) nor more than \$250 (plus Court costs applicable to a forfeiture of \$250.00) as determined by the Town agent issuing the citation.
- (4) **ISSUANCE:** Citations authorized under this Section may be issued by the following Town personnel for the following violations:
 - (a) Any Town law enforcement officer may issue a citation for any violation of this Code.

- (b) The Town Supervisors may issue citations for any violation of this Code.
 - (c) The Town Attorney may issue citations for any violation of this Code.
 - (d) The Zoning Administrator may issue a citation for any violation of Chapter 22.
 - (e) The Town Building Inspector may issue citations for any violation of Chapter 17.
- (5) **PROCEDURE:** Section 66.0113(3) Wis. Stats., and all future amendments thereto, relating to a violator's options and procedure on default, is hereby adopted and fully incorporated herein by reference.
- (6) **NON-EXCLUSIVITY:** This Section shall not preclude the Town from adopting any other Ordinance which provides for the enforcement of any law or Ordinance in a different manner or through a different procedure. The issuance or non-issuance of a citation hereunder shall not preclude the Town from proceeding under any other Ordinance or law or by any other enforcement method available to the Town, to enforce any Ordinance, regulation or order.
- (7) **SEPARABILITY:** If any Court of competent jurisdiction shall adjudge any provision of this Chapter, or the provision of any other Code Section which imposes penalties, remedies or procedures, to be invalid, said Judgment shall not affect the other provisions of this Chapter or Code not specifically included in said Judgment. Furthermore, no provision of this Code shall be interpreted to violate § 66.0109, Wis. Stats.

25.107 COLLECTION OF FORFEITURES, RESTITUTION AND COSTS

In addition to all other collection methods authorized by law, in the event that forfeitures, restitution and/or costs remain unpaid for more than 90 days past due, the Town Treasurer shall place such delinquent amounts as a special charge on one or more of the real estate tax bills (if any) of the person delinquent in paying said amounts, and the same shall then be collected as authorized by law.

25.108 WITHHOLDING LICENSES AND PERMITS

In the event that a person applying for a license or permit from the Town is delinquent in the payment of real estate taxes, personal property taxes, forfeitures, restitution, costs and/or any other amounts due to the Town, the Town shall neither act on nor issue any such license or permit until all such delinquent amounts are paid in full.

TOWN OF LYNDON, JUNEAU CO., WISCONSIN
ALL-TERRAIN/UTILITY TERRAIN VEHICLES (ATV/UTV) USE & OPERATION

2023-1

- (1) State Laws Adopted. The statutory provisions of Wis. Stat. Sec. 23.33 and Wis. Stat. Chaps. 340 to 348 establishing definitions and regulations with respect to ATVs and UTVs and Wis. Admin Code Chap. NR 64 are adopted by reference. Unless otherwise specifically provided here, any act required to be performed or prohibited by any statute or administrative code provision incorporated herein is required or prohibited by this ordinance. Any future amendments, revisions or modifications of the Wisconsin Statutes or Wisconsin Administrative Code incorporated herein are made a part of this ordinance in order to provide uniform statewide regulation of ATVs and UTVs.

- (2) Designation of ATV and UTV Routes.
 - (a) All Town of Lyndon roads are designated ATV/UTV routes.
 - (b) ATVs/UTVs operators shall not exceed a speed of 35 m.p.h.
 - (c) The Town reserves the right to close or modify ATV and UTV routes at any time.
 - (d) All ATV and UTV routes shall be signed in accordance with Wis. Stat. Sec. 23.33(8) and Wis. Admin. Code Sec. NR 64.12. The Sauk Ridge Runners ATV Club will install and maintain all route signs on Town of Lyndon roads.

- (3) Conditions and Restrictions on Operation. In addition to the provisions contained in Wis. Stat. Sec. 23.33 and Wis. Stat. Chaps. 340 to 348 , and as a condition for the use of ATV and UTV routes designated and authorized herein, the following conditions and restrictions shall apply to all ATV and UTV operators and passengers, as applicable:
 - (a) No person shall operate an ATV or UTV within the Town on approved ATV Routes between the hours of 10:00 pm and 6:00 am, or as otherwise authorized in writing by the Town on a temporary basis.
 - (b) No person shall operate an ATV or UTV on any gravel shoulder, ditch or other area of any road right-of- way other than on the paved roadway
 - (c) No ATV or UTV operator or passenger shall be in possession of an open intoxicant while the ATV or UTV is in operation. No person shall operate an ATV or UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of safely operating the ATV or UTV.

- (4) Licensing, insurance and registration.
 - (a) Driver's license. Every person who operates an ATV/UTV on a segment of Town road which is designated as an ATV/UTV route shall have in his or her immediate possession a valid motor vehicle operator's license and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat. Sec. 23.33(12).
 - (b) Insurance. Every person who operates an ATV/UTV on a segment of a Town road which is designated as an ATV/UTV route, shall carry liability, and/or other insurances consistent with Wisconsin state law for the operation of a motorized vehicle.

- (5) Enforcement. The penalty for any violation shall be as provided in the under Wis. Stat. Sec. 23.33(13) which are adopted by reference.

TOWN OF LYNDON, JUNEAU CO., WISCONSIN
ALL-TERRAIN/UTILITY TERRAIN VEHICLES (ATV/UTV) USE & OPERATION
2023-1

(6) Effective date

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. [60.80](#), Wis. stats.

Adopted this 13th day of April, 2023.

Pat Mitchell, Town Chairman

Gary Giebel, Town Supervisor

Jim Rodwell, Town Supervisor

Attest: _____
Denise J. Giebel, Town Clerk

**Town of Lyndon
Juneau County, Wisconsin
Ordinance 2014-1**

**Ordinance to Opt-In for Category B—IHs to Comply with the Table of Statutory Weight Limits under
Sec. 348.15 (3)(g)**

Whereas, 2013 Wis. Act 377 under Sec. 348.15 (9) (f) 1. provides that there is no weight limitation per wheel, axle, or group of axles for Category B implements of husbandry as defined in Sec. 340.01 (24) (a)1.b., but does apply gross vehicle weight limitations to these vehicles, and

Whereas, Wis. Stat. § 348.15(9) (f) 1. authorizes the municipality or county to require compliance with axle weight limitations established under Sec. 348.15 (3)(g) for Category B implements of husbandry defined in Sec. 340.01(24)(a)1.b. on all highways under its jurisdiction ,

Now, therefore, BE IT HEREBY ORDAINED by the Town Board of Lyndon, of Juneau County, that pursuant to Sec. 348.15 (9) (f) of Wis. Statutes, all implements of husbandry (including Category B implements of husbandry defined in Sec. 340.01 (24) (a) 1.b.) may not exceed the weight limits imposed by Chapter 348.15 (3) (g) of Wis. Statutes.

Further, BE IT HEREBY ORDAINED that to exceed the length and/or weight limitations on highways under this jurisdiction a no-fee permit may be applied for from the municipal jurisdiction.

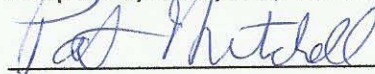
Further, BE IT HEREBY ORDAINED that pursuant to Sec. 348.27 (19)(b) 4m.a. in the event an application for a no-fee permit is made for a Category B implement of husbandry as defined in Sec. 340.01 (24)(a)1.b., the municipal jurisdiction or county is required to provide an approved alternate route, which may include highways that are not under this jurisdiction if prior approval has been given by the jurisdiction over the alternate routes not under this entity's jurisdiction for operation of Category B implements of husbandry as defined in Sec. 340.01 (24) (a) 1.b.

Further, BE IT HEREBY ORDAINED that this ordinance shall be in effect for the calendar year of 2015.

BE IT HEREBY ORDAINED that this ordinance shall remain in effect until rescinded by further action of the board.

Further, BE IT HEREBY ORDAINED that a copy of this ordinance shall be provided to the Wisconsin Department of Transportation to be posted on the state DOT website.

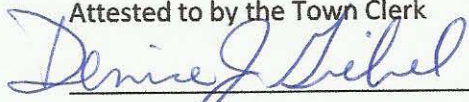
Adopted by the Lyndon Town Board this 11th day of December, 2014



Pat Mitchell

Town Chairperson

Attested to by the Town Clerk



Denise J. Giebel
Town Clerk