

**CODE OF ORDINANCES
OF THE
TOWN OF LUXEMBURG
KEWAUNEE COUNTY, WISCONSIN**

**CHAPTER 10:
ZONING ORDINANCE**

*DATCP Certification
September 8, 2017*

*Town Board Adoption
September 27, 2017*

Official zoning map is on file with the Town of Luxemburg Zoning Administrator

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TOWN OF LUXEMBURG

Ordinance No. _____

**REPEALING AND RECREATING CHAPTER 10, ZONING ORDINANCE TO
THE CODE OF ORDINANCES OF THE TOWN OF LUXEMBURG, KEWAUNEE
COUNTY, WISCONSIN.**

WHEREAS, the Town Board of the Town of Luxemburg, Wisconsin does ordain as follows:

WHEREAS, Wis. Stat. § 60.61, 60.62, 61.35, and 62.23 allow the Town Board, by ordinance, to establish districts of such number, shape, and area, and adopt such regulations for each such district as the Town Board considers best suited to carry out the purposes of this section, including the purposes of promoting the public health, safety, and general welfare; and,

WHEREAS, the ordinance now in effect was originally passed in 2004, and subsequently amended numerous times; however, numerous new statutes have passed requiring an update of the ordinance to be consistent with state statutes; and,

WHEREAS, the Town Board formally adopted a comprehensive plan pursuant to Wis. Stat. § 66.100; the Town of Luxemburg Comprehensive Plan provides an integrated approach to the town's physical development and environmental sustainability; and,

WHEREAS, this ordinance implements the Town of Luxemburg Comprehensive Plan through zoning and is required in order for the Town of Luxemburg zoning ordinance to be consistent with the Town of Luxemburg Comprehensive Plan; and,

WHEREAS, in order for a town and its residents to participate in the farmland preservation program, a town must have a zoning ordinance certified by the Department of Agriculture, Trade and Consumer Protection (DATCP), pursuant to Wis. Stat. § 91.36, that meets criteria for farmland preservation pursuant to Wis. Stat. § 91.38; and,

WHEREAS, the Town of Luxemburg Plan Commission has considered the amendments to the town zoning ordinance and believes that adoption of these amendments is in the best interest of the people of the Town of Luxemburg, Wisconsin.

NOW, THEREFORE, BE IT ORDAINED by the Town Board of the Town of Luxemburg, met in regular session, that Chapter 10, Zoning Ordinance, is hereby repealed and recreated to read as attached hereto as Appendix A (*CHAPTER 10, ZONING ORDINANCE TO THE CODE OF ORDINANCES OF THE TOWN OF LUXEMBURG, KEWAUNEE COUNTY, WISCONSIN*), and shall be effective upon passage and publication as required by law,.

Adopted at a regular meeting of the Town Board on the 27 day of Sept, 2017.

David W. Barrett

David Barrett, Town Chairperson

ATTEST:

Marilyn Barrett

Marilyn Barrett, Town Clerk

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APPENDIX

Farmland Preservation Zoning DATCP Certification Materials

10.0100 INTRODUCTION

10.0101 Title

This Ordinance shall be known, cited and referred to as: ZONING ORDINANCE, THE TOWN OF LUXEMBURG, KEWAUNEE COUNTY, WISCONSIN.

10.0102 Authority

This ordinance is adopted pursuant to authority granted by Wis. Stat. § 60.62, 61.35, 62.23 and all other applicable provisions of the Wisconsin Statutes.

10.0103 Purpose and Intent

The purpose of this ordinance is to implement the town's policies by classifying and regulating the use of land and structures in accordance with the town's comprehensive plan in order to promote the best and highest use of property; protect property values; encourage conservation and protection of the town's agricultural land and natural resources; protect the character and qualities of scenic areas; preserve and improve the quality of life in the town; and promote and protect the public health, safety, and general welfare.

10.0104 Jurisdiction

This Ordinance applies to all development, structures, and land uses within the unincorporated limits of the Town of Luxemburg, Kewaunee County, Wisconsin.

10.0105 Abrogation and Greater Restrictions

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

10.0106 Interpretation

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

10.0107 Construction of Language

In interpreting the various contents of the Ordinance, the following rules of construction shall apply:

- A. Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:
 - 1. “And” indicates that all connected words or provisions shall apply.
 - 2. “And/or” indicates that the connected words or provisions may apply singly or in any combination.
 - 3. “Or” indicates that the connected words or provisions may apply singly or in any combination.
 - 4. “Either . . . or” indicates that the connected words or provisions shall apply singly but not in combination.
- B. In case of conflict between the text and a diagram or graphic, the text controls.
- C. The term “building” includes the word “structure.” A “building” or “structure” includes any part thereof.
- D. The term “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- E. The term “dwelling” includes the word “residence” and the word “lot” includes the words “plat” or “parcel.”
- F. All references to “Chapter,” “Article,” or “Section” shall refer to this Zoning Ordinance unless another meaning is clear from the context of the reference.
- G. The words “shall,” “will,” and “must” are always mandatory and not discretionary. The word “should” indicates that which is recommended but not required; and the word “may” is permissive.
- H. The present tense includes the past and future tenses, and the future tense includes the past.
- I. The singular number includes the plural, and the plural number includes the singular.
- J. Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section.
- K. Terms not herein defined shall have the meaning customarily assigned to them.

10.0200 DEFINITIONS

10.0201 Words Defined

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accessory structure - a building, or any portion of a building, that is subordinate to the main building and that is used for a purpose incidental to the permitted principal use of the main building or the premises.

Accessory use – any use that is subordinate to the permitted principal use and that is incidental to the permitted principal use.

Agricultural accessory use - means any of the following land uses on a farm:

A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:

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

Agricultural uses - means any of the following activities conducted for the purpose of producing an income or livelihood:

- 1. Aquaculture.
- 2. Beekeeping.
- 3. Crop or forage production.
- 4. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- 5. Floriculture.

6. Forest management.
7. Fur farming.
8. Keeping livestock.
9. Nursery, sod, or Christmas tree production.

Agriculture-related uses - means a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:

1. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services (e.g., seed, fertilizer, and farm chemical sales) directly to farms.
2. Storing, processing or handling raw agricultural commodities obtained directly from farms. Examples include feed mills and grain elevators.
3. Slaughtering livestock.
4. Marketing livestock to or from farms.
5. Processing agricultural by-products or wastes received directly from farms.

Animal unit - the value used to establish the maximum number of animals permitted on a tract of land in the A-1 zoning district. Animal units are calculated by multiplying the number of animals of a particular type by the appropriate Animal Unit Factor for that type of animal. The Animal Unit Factor for each type of livestock is set by the Wisconsin Department of Agriculture, Trade and Consumer Protection and published at Wis. Admin. Code ch. NR 243.05.

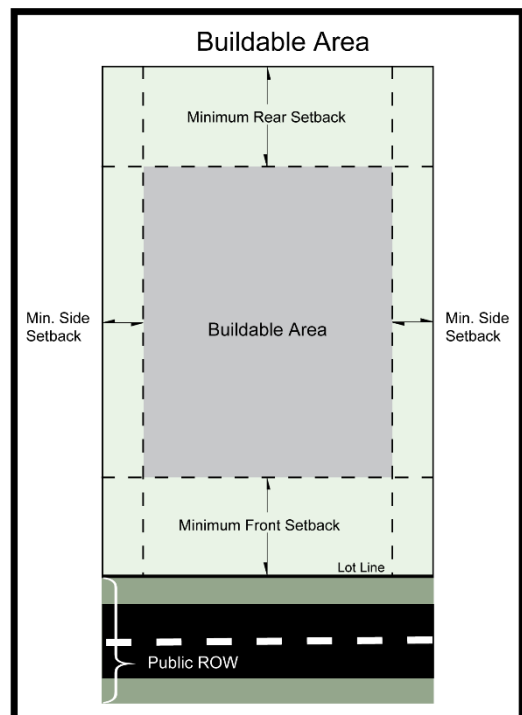
Automobile Wrecking Yard - Any premises on which more than three (3) automotive vehicles, not in operating condition, are stored in the open.

Basement - that portion of any structure located partly underground and having more than one-half (1/2) of its height below the finished lot grade.

Bed and breakfast - any place of lodging that provides four or fewer rooms for rent, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.

Buildable area - the ground area of a lot which is defined by the minimum setback and spacing requirements within which construction of a permitted building and any attached accessory structures is permitted by this ordinance.

Building - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, or property of any kind, and which is permanently affixed to the land.



Building line - a line measured across the width of the lot at that point where the main structure, including any overhang, is in accordance with setback provisions.

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

Community living arrangement - a facility licensed and operated under the authority of the State of Wisconsin including group homes for children, foster homes, treatment foster homes, adult family homes, and community based residential facilities, but not including nursing homes or day care facilities.

Adult family home - a place where 3 or 4 adults who are not related to the operator reside and receive care, treatment or services that are above the level of room and board and that may include up to 7 hours per week of nursing care per resident.

Community based residential facility - a place where 5 or more unrelated people live together in a community setting. Services provided include room and board, supervision, support services, and may include up to 3 hours of nursing care per week.

Residential care apartment complex - a place where 5 or more adults reside that consists of independent apartments, each of which has: an individual lockable entrance and exit, a kitchen, including a stove, individual bathroom, sleeping and living areas, and that provides, to a person who resides in the place, not more than 28 hours per week of services that are supportive, personal and nursing services. Residential care apartment complex does not include a nursing home or a community-based residential facility.

Conditional use – means a use that is not permitted by right. Rather, its allowance is subject to the discretionary judgment of the Zoning Board of Appeals, as described in Section 10.0805, Conditional Use Permits.

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

District, zoning - divisions of the town, each area being accurately defined to boundaries and locations on the official zoning map and in the zoning ordinance, for which the regulations and requirements governing use, lot, and bulk of buildings and premises are uniform.

Duplex – a building used exclusively for residential purposes and containing two dwelling units. Also see *Two family dwelling unit*.

Dwelling – a building, or portion thereof, including a mobile home, designed or used exclusively for residential occupancy, including single-family, two-family dwellings, and multiple-family dwellings, but not including hotels and motels.

Dwelling unit – one (1) or more rooms which are arranged, designed for use as living quarters.

Dwelling unit, single family – a detached building designed for or occupied exclusively by one (1) family.

Dwelling unit, two family – a building designed for or occupied exclusively by two (2) families living independently of each other, also called duplexes.

Dwelling unit, multi-family – a building used and designed as a residence for three (3) or more families, including apartment houses, and town houses.

Essential services - electric, telephone, gas, or water service, including the overhead, surface, or underground distribution or transmission systems necessary to supply the service. It includes the conduits, pipes, poles, towers, wires, and similar devices necessary to supply these services, but does not include any buildings necessary to supply these services. It does not include wind energy systems, communications facilities, or any structure or use listed as a permitted, accessory, or conditional structure or use in any other district.

Farm - means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

1. The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
2. A majority of the land area is in agricultural use.

Farm Consolidation - means the joining together of all or part of 2 or more farm operations, which were in existence before the adoption or amendment of this ordinance, into a single farm operation.

Farm operation - means an activity conducted primarily for the production of one or more agricultural products or commodities, for home use or for sale, in a quantity sufficient to contribute to the operator's support.

Farm residence - meaning any of the following structures that is located on a farm:

1. A single-family residence that is occupied by any of the following:
 - (a) An owner or operator of the farm.
 - (b) A parent or child of an owner or operator of the farm.
 - (c) An individual who earns more than 50 percent of his or her gross income from the farm.

Feedlot - An animal confinement facility or dairy farm used or designed for the feeding or holding animals. (Also refer to *Chapter 11: Livestock Facility Siting and Licensing Ordinance* of the Town of Luxemburg Code of Ordinances)

Fish hatcheries – Establishments devoted to hatching, raising or rearing fish.

Forestation - Planting trees or shrubs on burned over land, cut over land or land that was never covered by forest, consisting of 5 (five) or more acres.

Garage, private – An accessory structure to the main building which provides for the storage.

Garage, Public - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold, or stored.

Garage – Storage - any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold. No commercial motor vehicle exceeding 2 tons capacity shall be stored in any storage garage.

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

Home occupation – A gainful occupation conducted by members of the family within his or her place of residence, where the space used is incidental to residential use. A household occupation includes such things as babysitting, dressmaking, canning, laundering and crafts, offices for commercial loggers, offices for building tradesmen, accountants, home beauty shops, lawyers, real estate agents and insurance agents. Includes home based, off-site sales (e.g., candles, cosmetics, cookware, etc.)

Hotel – A building in which lodging, with or without a meal, is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.

Household livestock - means an animal that weighs less than 25 pounds.

Junk yard or Salvage yard – An area where junk, waste, or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, bottles, used automobiles, used machinery, used building material and similar materials. A salvage dealer license is required under Wis. Stat. § 218.205.

Kennel - Any lot or premises on which more than two (2) adult animals are boarded, bred, groomed, sold, or trained on a regular basis for commercial purposes, or a place where more than five (5) adult animals are kept for any purpose, indoor or outdoor.

Land fill operation – A solid waste disposal operation where solid waste is deposited on land by utilizing the principles of engineering to confine the waste to the smallest practical area, to reduce it to the smallest practical volume, per Wis. Stat. Ch. 289.

Limited forestation - Planting trees or shrubs on burned over or cut over land or land that was never covered by forest, consisting of 5 (five) or less acres.

Livestock - means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids (e.g., llamas, alpacas), ratites (e.g., ostrich, emu), and farm-raised fish.

Livestock facility - a feedlot, dairy farm, or other operation where livestock are, or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A livestock facility includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area.

Lot – a parcel of land abutting on a public road or other officially approved means of access, having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory buildings together with the open spaces required by this ordinance.

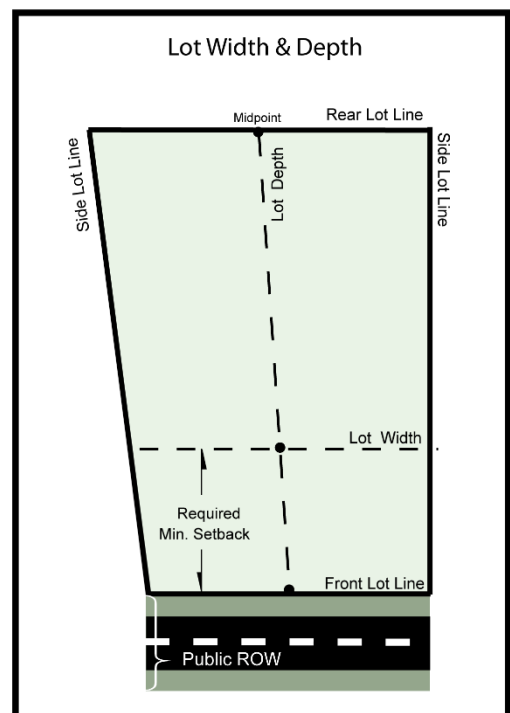
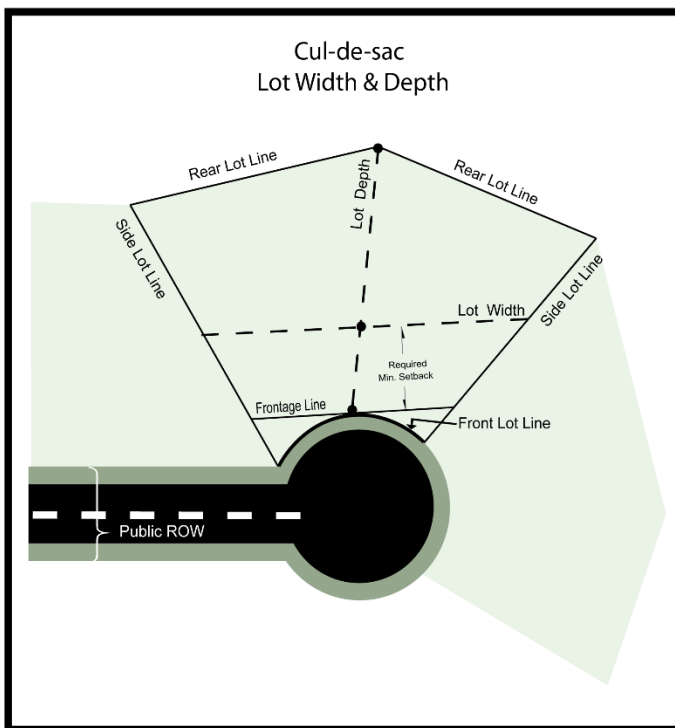
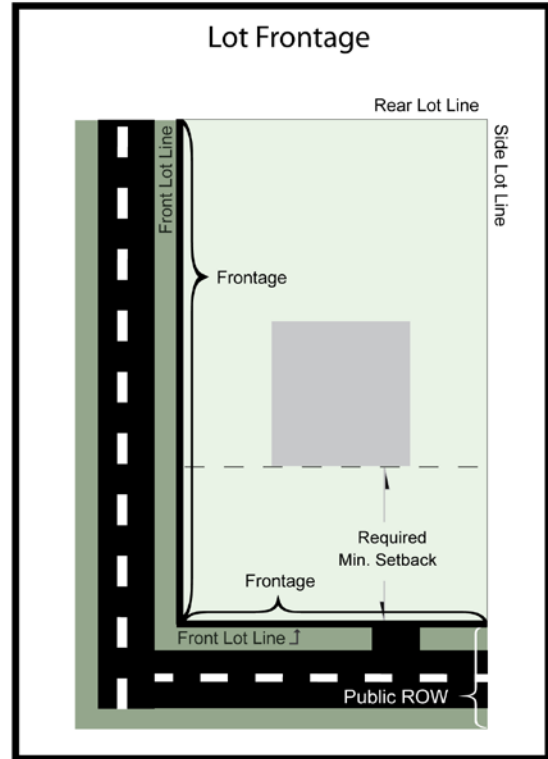
Lot, frontage – The side of a lot abutting on a road or way, and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

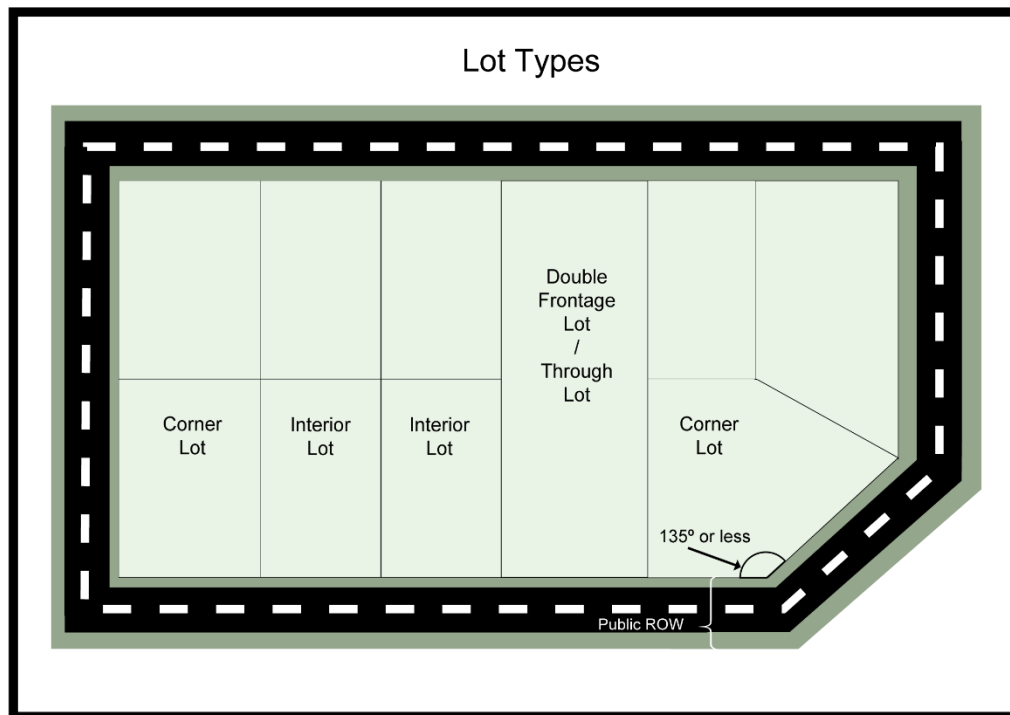
Lot, corner – a lot abutting on two or more roads at their intersection.

Lot, depth of – the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

Lot lines and area – the peripheral boundaries of a parcel of land including the road right-of-way lines and the total area lying within such boundaries.

Lot, width of – the horizontal distance between the side lot lines.





Lot of record – a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Kewaunee County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this Ordinance, and certified survey maps approved and recorded in the Register of Deeds Office of Kewaunee County.

Manmade pond - a pond created or constructed by human activity, such as excavating gravel, sand, stone, or topsoil from a property, but does not include a family swimming pool and manure storage pit.

Manufactured home - means a structure, transportable in one or more sections built on a permanent chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and is certified and labeled as a manufactured home under 42 U.S.C. §§ 5401-5426.

Manufactured home park - means -any park, court, camp, site, lot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more manufactured homes, and shall include all facilities used or intended for use as part of the equipment thereof. Mobile Home Park shall not include automobile or manufactured home sales lots on which unoccupied manufactured homes are parked for purposes of inspection and sale.

Mobile home – means a structure, transportable in one or more sections built on a chassis and designed to be used as a dwelling unit, with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in it, and built prior to the enactment of the Federal Manufactured Construction and Safety Standards Act of 1974, which became effective July 15, 1976.

Motel - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.

Motor home – a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Nursing home – a place which provides 24-hour services including board and room to three (3) or more unrelated residents who because of their mental or physical condition require nursing care or personal care in excess of seven (7) hours a week, unless the facility has been designated as a community based residential facility. Nursing homes shall be licensed under Chapter 50 of the Wisconsin State Statutes.

Open space parcel - means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

Parking space, off-street - for the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriated to the circumstances of the case, and in accordance with all the ordinances and regulations of the Town.

Permitted use – means a use permitted by right, provided all requirements of this Ordinance are met.

Prime farmland - means all of the following:

1. An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
2. Land, other than land described in sub. (1), which is identified as prime farmland in Kewaunee County's certified farmland preservation plan.

Principal building – the building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. On agricultural zoned property the principal building may include barns and structures essential to the operation of a farm.

Prior nonconforming use - means a land use that does not comply with this zoning ordinance, but which lawfully existed prior to the application of this ordinance.

Professional office – means the office of an architect, author, dentist, doctor, lawyer, minister, musician, professional engineer, or other recognized professional practitioner.

Protected farmland - means land that is any of the following:

1. Located in the A-1 or A-2 zoning districts certified under ch. 91, Wis. Stats.
2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
3. Covered by an agricultural conservation easement under Wis. Stat. § 93.73.
4. Otherwise legally protected from nonagricultural development.

Public airport - means any airport which complies with the definition contained in Wis. Stat. § 114.002(3), or any airport which serves or offers to serve common carriers engaged in air transport.

Public hunting & fishing grounds - land purchased or held in compliance with applicable state and federal government statutes and regulations for preservation or development of wildlife and/or wildlife habitat, and open to the public for hunting and fishing pursuant to such statutes and regulations.

Reasonable accommodation - a deviation from the strict requirements of this ordinance which is necessary to provide equal housing opportunity for a disabled person or persons. An accommodation is reasonable if it does not cause an administrative burden, fiscal burden, or undue hardship on the town and does not undermine the basic purpose of this ordinance.

Recreation camps – means an area, premises, or parcel of land on which is provided facilities for overnight or short term camping in tents, bedrolls, travel trailers, pick up coaches, motor homes, or camping trailers, as defined in Chapter DHS 178 of the Wisconsin Administrative Code. Recreational camps include accessory buildings and service facilities required by the State Board of Health together with a residence or living quarters for the owner or caretaker on the premises. Recreational camps shall mean and be synonymous with camps and campgrounds for the purposes of this Ordinance.

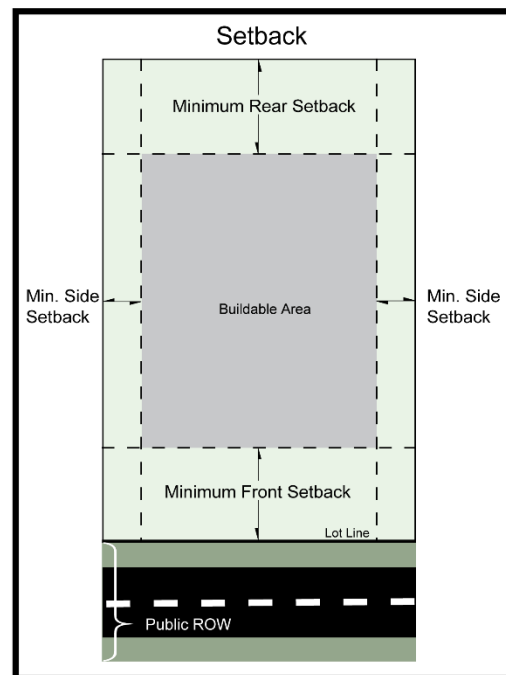
Road - means all property dedicated or intended for public or private road purposes or subject to public easements therefore and 21 feet or more in width.

Roadside stand – means a structure not permanently fixed to the ground area and that is readily removable in its entirety, covered or uncovered, and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 300 square feet in ground area and there shall not be more than one roadside stand on any one premise.

Salvage yard - see *Junkyard*

Setback – the distance from a lot line or other specified line to a structure or other specified point on a lot as measured perpendicularly to the lot line or other specified line.

Shooting preserve - Land developed for wildlife and stocked with game with the intention of charging a fee for hunting and complying with state or other governmental regulations.



Shoreland zoning - under an ordinance enacted by Kewaunee County under Wis. Stat. § 59.692, shoreland zoning limits or prohibits the construction or placement of buildings or structures.

Sign – means any structure or part thereof attached thereto or painted or represented thereon, which shall display or include any letter, word, and model, banner, flag, pennant, insignia, device, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word “sign” includes the word “billboard,” but does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of any political, educational, charitable, philanthropic, civic, professional, religious, or like campaign, drive, movement, or event.

Sign, directional - means signs containing directional information about public places owned or operated by federal, state, or local governments, or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation deemed to be in the interest of the traveling public.

Stable - An accessory building in which horses or domestic livestock are kept.

Story – means that portion of a building included between the surface of a floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having ½ or more of its height above grade shall be deemed a story for purposes of height regulations.

Structural alteration - means any change in the supporting members of a building or any substantial change in the roof structure or in the exterior walls.

Structure - means anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having permanent location on the ground.

Sub-standard lot - means a lot which is recorded with the Register of Deeds prior to the adoption of this Ordinance, and is located in a zone requiring greater area, width, or other characteristics.

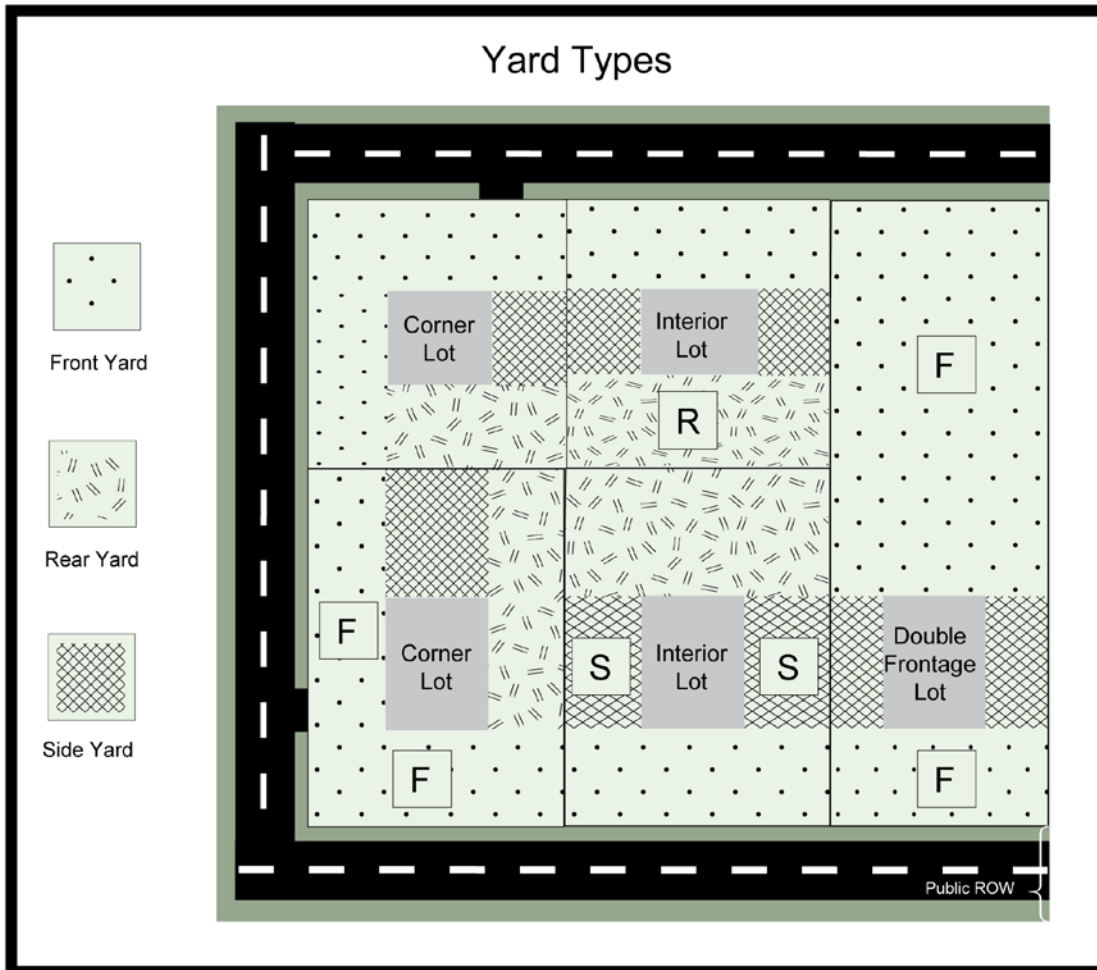
Surveys and plans - means surveys and plans as referred to in this ordinance and as relating to the construction of highways, shall be considered as accepted by the County or Town Board if County or Town funds have been used in the improvement carried out according to such plans.

Temporary Use - A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

Traffic lane - means a strip of roadway intended to accommodate a single lane of moving vehicles.

Variance – means a relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to condition peculiar to the property, and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

Wind generating equipment - is the conversion of wind energy into a useful form of energy, such as using wind turbines to make electricity, windmills for mechanical power, windpumps for water pumping or drainage.



Yard-related definitions:

1. ***Yard*** - an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation.
2. ***Yard, front*** - a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed road or highway right-of-way and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards.
3. ***Yard, rear*** - a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the front yard or one of the front yards on a corner lot.
4. ***Yard, side*** - a yard extending from the front yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

10.0300 ZONING DISTRICTS

10.0301 Establishment of Districts

The unincorporated area of the Town of Luxemburg, Kewaunee County, Wisconsin is hereby divided into the following districts for purposes of zoning.

A-1 Exclusive Agriculture District

A-2 Exclusive Agriculture District

R-1 Residential District

B-1 Business District

M-1 Manufacturing District

10.0302 Zoning Map

Boundaries of the aforementioned zoning districts are hereby established as shown on the official zoning map entitled “Farmland Preservation Zoning Map, Town of Luxemburg, Kewaunee County, Wisconsin” which accompanies and is incorporated as a part of this Ordinance. All legends, symbols, notations, references, zoning district boundaries, map symbols, and other information on the zoning map, are as much a part of this ordinance as though they were specifically described herein.

10.0303 Interpretation of District Boundaries

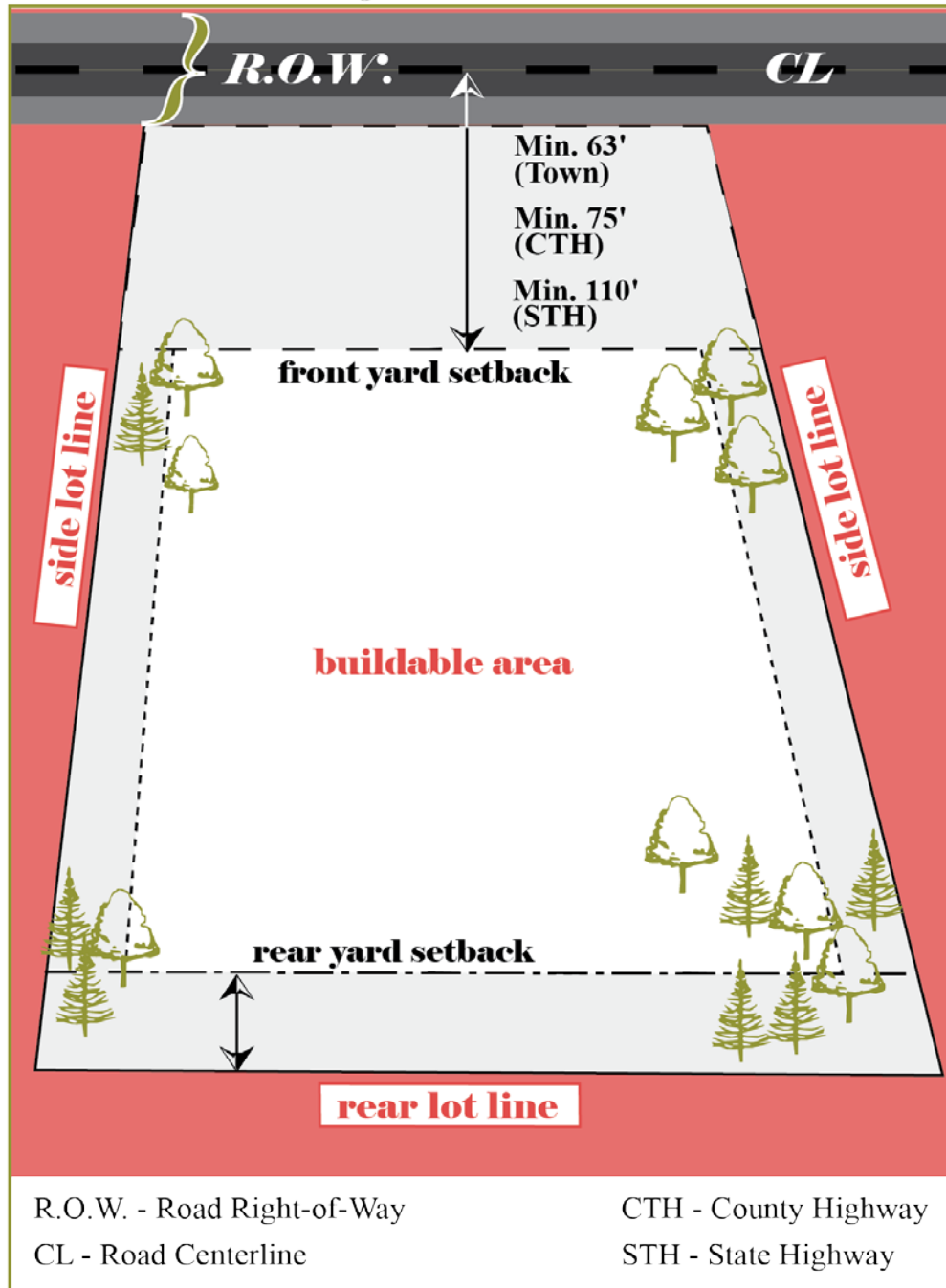
- A. Where a district boundary is shown as approximately following the centerline of a highway or road, a highway right-of-way line, or a road line; the centerline, highway right-of-way line, or road line will be construed to be the boundary.
- B. Where a district boundary is shown as approximately following a lot line, the lot line will be construed to be the boundary.
- C. Where a district boundary is shown as a line approximately parallel to and offset a specific distance from the centerline of a road or highway, a road line, or highway right-of-way line, the offset line will be construed to be the boundary.
- D. Where a district boundary follows a railroad line, the middle of the main track of the railroad line will be construed to be the boundary.

10.0304 Yard Setbacks for all Districts

Figure 10.1: Yard Requirements Applying to All Zoning Districts in the Town of Luxemburg.

Front Yard setback requirements for all zoning districts.

Diagram is not to scale



10.0305 A-1 Exclusive Agriculture District

A. Purpose and Intent of the A-1 Exclusive Agriculture District

The A-1 district is intended to protect the agricultural industry from scattered nonagricultural development that may displace agricultural uses and is, therefore, not intended to accommodate future nonagricultural growth. It is intended that this district apply to lands included in productive farm operations and which have historically exhibited good crop yields, or are capable of such yields; have demonstrated productivity for dairying, livestock raising, and grazing; have been used for production of specialty crops such as tree and plant materials, fruits, and vegetables; or have been integral parts of such farm operations.

** This district serves as a Farmland Preservation Zoning District for the Town of Luxemburg.

B. Permitted Principal Uses

The following principal uses are permitted uses in the A-1 district:

1. Agricultural uses (see Section 10.0201).
2. Essential services consistent with Wis. Stat. § 91.44.
3. Livestock facility, less than 500 animal units.
4. Maple syrup processing.
5. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
6. Undeveloped natural resource and open space areas.

C. Permitted Accessory Uses

The following accessory uses are permitted in the A-1 district only when there is a permitted principal use present:

1. Agricultural accessory uses (see Section 10.0201), except:
 - (a) Aircraft facilities, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, require a Conditional Use permit under Section 10.0305(D)(2).
 - (b) Farm structures consistent with 91.01(1)(a), that are used as hunting shacks or warming shacks providing no water or sewage facilities are included, require a Conditional Use permit under Section 10.0305(D)(6).
 - (c) Livestock facilities with 500 or more animal units require a conditional use permit under Section 10.0305(D)(8).
2. Farm residence, one single family.
3. Roadside stand, one per farm, consistent with Wis. Stat. § 91.01(1).

4. Home occupations, conducted within the primary farm residence, and that are incidental to the farm operation.

D. Conditional Uses.

The following uses may be allowed in the A-1 district subject to the issuance of a conditional use permit:

1. Agriculture-related uses (see Section 10.0201).
2. Airfields, airports, and heliports, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, however are not open to the public.
3. One additional farm residence, single family dwelling.
4. Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with Wis. Stat. § 91.46(4).
5. Kennel consistent with Wis. Stat. § 91.01(1).
6. Farm structures consistent with 91.01(1)(a), that are used as hunting shacks or warming shacks providing no water or sewage facilities are included.
7. Institutional, governmental uses, and religious uses consistent with Wis. Stat. § 91.46(5) such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, churches and other religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.
8. Livestock Facility, 500 or more animal units (See *Chapter 11: Livestock Facility Siting and Licensing Ordinance* of the *Town of Luxemburg Code of Ordinances*).
9. Quarries, sand, and gravel pits and non-metallic mining consistent with Wis. Stat. § 91.46(6).
10. Tree farms and related wood processing activities.
11. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (a) It is conducted on a farm by an owner or operator of that farm.
 - (b) It requires no buildings, structures, or improvements other than a building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use; or a farm residence.
 - (c) It employs no more than 4 full-time employees annually.
 - (d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the A-1 district:

Exclusive Agriculture (A-1)	
Lot Size:	
Minimum lot area	35 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0304</i>
Rear Yard Minimum:	100 ft.
Side Yard Minimum:	20 ft.
Side Yard Minimum - Livestock Structures	100 ft.
Height:	
Maximum Farm Residence:	35 ft.
Maximum Agricultural Structures:	60 feet, unless a different maximum height is permitted by sec. 10.0407

- F. Rezoning Land Out of the A-1 Exclusive Agriculture District.
1. Town of Luxemburg may not rezone land out of the A-1 zoning district unless the town does all of the following prior to the rezoning:
 - (a) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - (1) The rezoned land is better suited for a use not allowed in the A-1 zoning district.
 - (2) The rezoning is consistent with any comprehensive plan, adopted by the local community which is in effect at the time of the rezoning.
 - (3) The rezoning is substantially consistent with the Kewaunee County farmland preservation plan, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
 - (4) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 2. By March 1 of each year, the Zoning Administrator shall provide a report to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) identifying the number of acres that the Town has rezoned out of the A-1 zoning district during the previous calendar year and a parcel map that clearly shows the location of those acres.
 3. By March 1 of each year, the Zoning Administrator shall submit a copy of the information that it reports to DATCP under Section 10.0305(F)(2) to Kewaunee County.

10.0306 A-2 Exclusive Agriculture District

A. Purpose and Intent of the Exclusive Agriculture District (A-2)

The purpose of the A-2 district is to encourage the continuation of agriculture and to maintain, preserve, and enhance rural open space lands. The A-2 district accommodates those parcels that are remnants of larger exclusive agriculture zoned parcels that are still best suited for agricultural uses including growing of crops, pasture, hobby farming, orchards, and similar agriculture-related farming activities.

Parcels located within the A-2 Exclusive Agriculture district include parcels five (5) acres and greater, previously existing substandard A-1 parcels; parcels created as part of a previous farm consolidation; and parcels created exclusively for agricultural use.

No additional A-2 parcels may be created out of an existing A-2 parcel.

**The A-2 district, along with the A-1 district, serves as a Farmland Preservation Zoning District for the Town of Luxemburg.

B. Permitted Principal Uses

The following principal uses are permitted uses in the A-2 district:

1. Agricultural uses (see Section 10.0201), except:
 - (a) Aircraft facilities, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, require a Conditional Use permit under Section 10.0306(D)(2).
 - (b) Livestock facilities with 500 or more animal units require a conditional use permit under Section 10.0306(D)(6).
2. Essential services consistent with Wis. Stat. § 91.44.
3. Livestock facility, less than 500 animal units.
4. Maple syrup processing.
5. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place, or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
6. Undeveloped natural resource and open space areas.

C. Accessory Uses

The following accessory uses are permitted in the A-2 district only when there is a permitted principal use present:

1. Roadside stand, one per farm, consistent with Wis. Stat. § 91.01(1).

D. Conditional Uses (Also see Section 10.0805)

The following uses may be allowed in the A-2 district subject to the issuance of a conditional use permit.

1. Agriculture-related uses (see Section 10. 10.0201).
2. Airfields, airports, and heliports, consistent with Wis. Stat. § 91.01(1), that are incidental to the farm operation and located on a farm, however are not open to the public.
3. Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with Wis. Stat. § 91.46(4).
4. Institutional, governmental uses, and religious uses consistent with Wis. Stat. § 91.46(5) such as: colleges, universities, schools (elementary, junior high and senior high), hospitals, churches and other religious institutions, cemeteries, public parks, public recreation sites, and public golf courses.
5. Kennel consistent with Wis. Stat. § 91.01(1).
6. Livestock Facility, 500 or more animal units (See *Chapter 11: Livestock Facility Siting and Licensing Ordinance* of the *Town of Luxemburg Code of Ordinances*).
7. Quarries, sand, and gravel pits and non-metallic mining consistent with Wis. Stat. § 91.46(6).
8. Tree farms and related wood processing activities.
9. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - (1) It is conducted on a farm by an owner or operator of that farm.
 - (2) It requires no buildings, structures, or improvements other than a building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use; or a farm residence.
 - (3) It employs no more than 4 full-time employees annually.
 - (4) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.

- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the A-2 district:

Exclusive Agriculture (A-2)	
Lot Size:	
Lot area	5.0 acres to 34.99 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0304</i>
Rear Yard Minimum:	100 ft.
Side Yard Minimum:	20 ft.
Side Yard Minimum - Livestock Structures	100 ft.
Height:	
Maximum Farm Residence:	35 ft.
Maximum Agricultural Structures:	60 feet, unless a different maximum height is permitted by sec. 10.0407

- F. Rezoning Land Out of the A-2 Exclusive Agriculture District. (see Section 10.0305(F)).
- G. A-2 District Nonconformities.
1. Prior nonconforming uses on A-2 zoned parcels (e.g., individual houses, churches, or business) that existed prior to the effective date of this ordinance are allowed to continue in the A-2 district, subject to Wis. Stat. s. 60.61(5). This ordinance prohibits any alteration of, or addition to, any existing building, premises, structure, or fixture used to carry on an otherwise prohibited trade or industry within the A-2 district. If a use that does not conform to the A-2 district is discontinued for a period of 12 months, any future use of the land, building, premises, structure, or fixture shall conform to the ordinance.
 2. New farm residences constructed after the adoption of this Ordinance are prohibited within A-2 and would be required to rezone from the A-2 Exclusive Agriculture district.
 3. No structure or improvement may be built on an A-2 parcel unless it is agriculture-related.
 4. Any A-2 parcels under five (5) acres that existed prior to the adoption of this Ordinance are allowed to continue as A-2 nonconforming substandard parcels subject to the provisions contained in Section 10.0401.

10.0307 R-1 Residential District

A. Purpose and Intent of the R-1 Residential District

The R-1 Residential District is intended to provide for mixed residential development and low-impact non-residential development. The R-1 district applies to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration, and/or topography; with the intent to preserve viable agricultural lands to the greatest extent possible for farm operations. Residential development should be at modest densities consistent with a typical rural environment.

B. Permitted Principal Uses

The following principal uses are permitted uses in the R-1 district:

1. Single-family dwellings.
2. Community living arrangements with a capacity for 8 or fewer and foster homes subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
3. Essential Services

C. Permitted Accessory Uses

The following accessory uses are permitted in the R-1 district only when there is a permitted principal use present:

1. Private garages.
2. Home occupations
3. Roadside stand, one. The roadside stand shall not exceed 300 square feet in ground area and is limited to a maximum height of ten (10) feet.
4. Other accessory structures and uses that are incidental to the principal use, provided that the structure or use does not include any activity commonly conducted as a business.

D. Conditional Uses (Also see Section 10.0805)

The following uses may be allowed in the R-1 district subject to the issuance of a conditional use permit:

1. Bed and Breakfast.
2. Cemeteries.
3. Churches, chapels, temples, synagogues, rectories, parsonages and parish houses.
4. Day Care
5. Keeping of livestock and poultry (see section 10.0307 (F))
6. Small wind energy systems.
7. Solar energy systems.

8. Community living arrangements with a capacity of 9 or more persons subject to the limitations set forth in Section 60.63 of the Wisconsin Statutes.
 9. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
 10. Public, parochial and private, elementary, junior high and senior high schools
 11. Two-family dwellings
 12. Multi-family dwellings
 13. Manufactured home park subject to Section 10.0506.
 14. Utilities
- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the R-1 district:

Residential (R-1)	
Lot Size:	
Lot area	1.5 acres to 4.99 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0304</i>
Rear Yard Minimum:	
Principal Use:	50 ft.
Accessory Use:	20 ft.
Side Yard Minimum:	
Principal Use:	20 ft.
Accessory Use:	15 ft.
Height:	
Maximum Height:	35 ft.
Lot Coverage:	
Single Family/Two Family Dwelling Maximum	30%
Multi-family Dwelling Maximum	50%

F. Keeping of Livestock and Poultry Limitations in R-1.

Lots on which such livestock or poultry are maintained shall contain a minimum 1.5 acres up to no more than 4.99 acres.

1. Structures housing such livestock or poultry shall be located a minimum of 25 feet from the property line.
2. Appropriate confinement must be provided.
3. The storage or use of manure or any odor or dust-producing substance is prohibited within 25 feet of any adjoining lot line.
4. The number of livestock or poultry permitted shall be limited as follows:
 - (a) No more than one horse, cow, hog, sheep, or similar animal, over 6 months of age, shall be kept for each acre. Bulls and boars are prohibited in R-1.
 - (b) No more than 5 chickens, ducks, or similar poultry, over 2 months of age, shall be kept for each acre. Roosters are prohibited in R-1.
 - (c) The keeping and raising of fur-bearing animals is prohibited.
 - (d) Combinations of the above shall be apportioned to the total acreage and the Zoning Administrator shall determine the total number of animals allowed.

10.0308 B-1 Business District

A. Purpose and Intent of B-1 Business District:

The purpose and intent of the B-1 District is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the town and be compatible with residential uses, and to accommodate commercial development by providing areas adjacent to major highways for the location of commercial establishments which require extensive land area for open storage and display of merchandise and equipment, require year-round roads, or which serve the traveling public.

B. Permitted Principal Uses

The following principal uses are permitted uses in the B-1 district:

1. Barbershops and beauty salons.
2. Laundromats.
3. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
4. Bowling alleys.
5. Building, electrical, heating, lumber, and plumbing supply yards.
6. Business and professional offices and services.
7. Cabinet making and woodworking.
8. Contractor or trade storage.
9. Essential services.
10. Fruit and vegetable stands.
11. Funeral homes and crematoriums.
12. Furniture repair, sales, and upholstery.
13. Gas stations and convenience stores.
14. Hotels.
15. Kennels.
16. Motels.
17. Parking and loading areas.
18. Printing and duplicating shops.
19. Private clubs and lodges, except adult entertainment establishments.
20. Restaurants.
21. Stores for conducting retail, service, or wholesale business.
22. Taverns.

C. Accessory Uses

The following accessory uses are permitted in the B-1 district only when there is a permitted principal use present:

1. Accessory garages for storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.

D. Conditional Uses (Also see Section 10.0805)

The following uses may be allowed in the B-1 district subject to the issuance of a conditional use permit:

1. Adult entertainment establishments, subject to any applicable provisions contained in Section 10.0502.
2. Animal hospital and clinics, excluding open kennels and exercise yards.
3. Auto, truck, trailer, and other equipment sales and rentals.
4. Bulk storage of agricultural products, cooperatives, feed mills, and fertilizer plants.
5. Car washes.
6. Dairies and dairy-processing businesses, such as cheese factories.
7. Farm equipment and implement sales.
8. Fireworks sales
9. Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
10. Manufactured home sales and service.
11. Mini-warehouses.
12. Shopping Center.
13. Signs and billboards.
14. Single-family residence, but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
15. Small wind energy systems.
16. Solar energy systems.
17. Theaters, except outdoor theaters.
18. Trailer and truck rentals.
19. Utilities.
20. Vehicle and equipment sales, service, and showrooms.

- E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the B-1 district:

Business (B-1)	
Lot Size:	
Minimum Lot area	1.5 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0304</i>
Rear Yard Minimum:	
Principal Use:	25 ft.
Accessory Use:	20 ft.
Side Yard Minimum:	
Principal and Accessory Uses:	10 ft.
Height:	
Maximum Height:	35 ft.
Lot Coverage:	
Maximum Coverage:	60%

- F. Plans and Specifications to be submitted to Plan Commission

1. To encourage a business environment that is compatible with the rural character of the Town, building permits for permitted uses in the B-2 District shall require the review and approval of the Town of Luxemburg Plan Commission and the review and approval of a site plan in accordance with Section 10.0806 of this ordinance. In addition to the requirements of 10.0806 the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading, and unloading, landscaping, signs, lighting, and open space utilization.

10.0309 M-1 Manufacturing District

A. Purpose and Intent of M-1 Manufacturing District:

The M-1 District is intended to provide for the orderly development of light manufacturing or light industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the town as a whole because of dust, groundwater degradation, noise, odor, physical appearance, smoke, traffic, or other nuisance factors.

B. Permitted Principal Uses

The following principal uses are permitted uses in the M-1 district:

1. Agricultural implement and equipment manufacture, sales, and service
2. Analyzing, controlling, measuring, and recording instruments, including clocks; medical, optical, and photographic equipment; and watches
3. Apparel and other finished products made from fabrics and similar materials.
4. Appliance repair.
5. Automotive services, except repair.
6. Computer and office equipment manufacture.
7. Contractor or construction shops, including air conditioning, building, cement, electrical, heating, refrigeration, masonry, painting, plumbing, roofing, and ventilation.
8. Electrical and electronic equipment and machinery.
9. Essential services.
10. Food manufacturing facilities, except slaughtering.
11. Furniture and fixtures.
12. Kennels.
13. Laundry, cleaning, and garment services.
14. Leather and leather products.
15. Locksmith shops.
16. Lumber and wood products.
17. Pest control services.
18. Photography services.
19. Printing and publishing.
20. Retail nurseries, lawn and garden supply stores.
21. Rubber and plastic products.

22. Taxidermists.
23. Textile mill products.
24. Warehousing and storage.
25. Wood kitchen cabinets manufacture.

C. Accessory Uses

The following accessory uses are permitted in the M-1 district only when there is a permitted principal use present:

1. Accessory structures and uses incidental to the principal use or to a permitted conditional use.

D. Conditional Uses (Also see Section 10.0805)

The following uses may be allowed in the M-1 district subject to the issuance of a conditional use permit:

1. Asphalt paving and roofing.
2. Automotive repair.
3. Chemical and allied products.
4. Clay, concrete, glass, and stone products.
5. Dwelling units for caretakers or guards.
6. Electric power generation facilities.
7. Fabricated metal products manufacture.
8. Junk yards, salvage yards, or other facilities for the baling, handling, processing, reclamation, recycling, re-manufacture, sale, salvage, storage of junk or other second-hand or used materials.
9. Machinery manufacturing.
10. Petroleum and other inflammable liquid bulk production, refining, or storage facilities.
11. Propane bulk storage, sales and service
12. Quarries and gravel, sand, or stone crushing, grading, milling, mining, and washing operations.
13. Small wind energy systems.
14. Solar energy systems.
15. Solid waste facilities and transfer stations.
16. Transportation equipment and parts.
17. Truck distribution, dispatching, loading, and transfer depots.
18. Utilities.
19. Welding shops.

- 20. Well drilling.
- 21. Other uses not specifically listed, but which are deemed by the Plan Commission to be similar to the uses listed above.

E. Yard Requirements for Permitted Principal, Permitted Accessory, and Conditional Uses within the M-1 district:

Manufacturing (M-1)	
Lot Size:	
Minimum Lot area	1.5 acres
Minimum lot width at building line	200 ft.
Yard Setbacks:	
Front yard:	<i>See Section 10.0304</i>
Rear Yard Minimum:	
Principal Use:	50 ft.
Accessory Use:	20 ft.
Side Yard Minimum:	
Principal and Accessory Uses:	25 ft.
Height:	
Maximum Height:	45 ft.
Lot Coverage:	
Maximum Coverage:	75%

F. Plans and Specifications to be submitted to Plan Commission

A site plan must be reviewed and approved by the Town Plan Commission in accordance with Section 10.0806 of this ordinance. In addition to the requirements of 10.0806 the Plan Commission said review and approval shall be concerned with general layout, building plans, ingress and egress, parking, loading and unloading, outdoor storage, landscaping, screening signs, lighting, and open space utilization.

10.0400 STANDARDS

10.0401 Nonconforming Lots of Record

Any nonconforming lot of record in the Kewaunee County Register of Deeds Office prior to the effective date of this Ordinance may be developed even though it does not meet the minimum lot size and lot width requirements of this ordinance if the proposed use is a principal or accessory use in the district in which it is located.

Permits approved under this section on nonconforming lots of record shall be required to meet the setback and other yard requirements of this ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a Variance is issued by the Town Board of Appeals.

10.0402 Nonconforming Structures

Any nonconforming building or structure which existed lawfully at the time of the adoption of this Ordinance is subject to the regulations which follow.

- A. An uncompleted structure for which a building permit was issued and construction commenced may be completed if the completed structure complies with the ordinance in effect at the time the permit was issued, even if the structure does not conform to the requirements of this ordinance at the time construction is completed, and the completed structure will be deemed a nonconforming structure.
- B. Repairs and improvements of a maintenance nature are allowed.
- C. No alterations, additions or expansions may occur which will increase the dimensional nonconformity.
- D. Alterations, additions and expansion which change the exterior dimensions of the structure or building and which conform to the dimensional rules of this Ordinance are allowed.
- E. Alterations, additions and expansions which change the exterior dimensions of the structure or building, and which do not conform to this Ordinance, but which do not increase the dimensional nonconformity beyond that which existed before the work commenced are allowed provided that they do not exceed 50 percent of full market value of the structure or building.

10.0403 Nonconforming Uses

Land uses or uses of structures which were established prior to the effective date of this Ordinance which are nonconforming as to use may be continued provided that:

- A. If a nonconforming use is discontinued or terminated for a period of 12 months, any future use of that use or structure shall conform to this Ordinance.
- B. A nonconforming use may be changed to another nonconforming use by the Zoning Board of Appeals. A nonconforming use which is changed to a conforming use shall not revert back to a nonconforming use or structure.

- C. Restoration of Certain Nonconforming Structures. In accordance with Wis. Stat. § 60.61(5m), a nonconforming structure that is damaged or destroyed by fire, flood, ice, infestation, mold, snow, vandalism, or violent wind may be restored to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the nonconforming structure may be enlarged, but only to the extent necessary for the structure to comply with applicable state and federal requirements.

10.0404 Site Requirements

- A. A lot must have a **minimum of 66 feet of road frontage** abutting upon a public road.
- B. No building permit shall be issued unless the main body of the lot upon which the building or structure is to be erected fronts on a public road
- C. No structure may be constructed, erected, or moved onto land that is unsuitable by reason of adverse soil or rock formations, concentrated runoff, flooding, inadequate drainage, low percolation rate or bearing strength, susceptibility to erosion, unfavorable topography, or any other reason deemed likely to be harmful to the aesthetics, general welfare, health, prosperity, and safety of the community.
- D. In any district where public sanitary sewer is not available, the width and area of all lots shall be sufficient to permit the use of a private onsite waste treatment system designed in accordance with Chapters SPS 383 and SPS 385 of the Wisconsin Administrative Code.
- E. Setback Averaging. A front yard setback less than the front yard setback required by this Ordinance may be permitted provided that:
1. There are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback.
 2. In such case, the setback shall be the average of the nearest main building on each side of the proposed site, or if there is no building on one side, the average of the setback for the main building on one side and the required setback.
 3. Such setback shall be granted by a permit from the Plan Commission and shall not require a Variance.

10.0405 Use Restrictions

- A. No land or structure, and no part of any land or structure, may be used or occupied for any purpose unless the use or occupancy complies with the requirements of this ordinance.
- B. No building or other structure shall hereafter be erected or altered:
- To exceed the height or bulk;
 - To accommodate or house a greater number of families;

- to occupy a greater percentage of lot area;
 - To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than herein required, or in any other manner contrary to the provisions of this Ordinance.
- C. All principal structures shall be located on a lot; and **only one principal structure shall be located, erected, or moved onto a lot.**
- D. Permitted Principal Uses, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zoning districts.
- E. Accessory uses and structures are permitted in any district but **not until their principal structure is present or under construction.**
- F. Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Plan Commission and issuance of a Conditional Use permit.
- G. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- H. Where the Zoning Administrator has issued a building permit application pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit.
- I. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation.

10.0406 Compliance with the Americans with Disabilities Act

Modifications to requirements of this Ordinance may be granted by the Plan Commission for the purpose of complying with the requirements of Title II, “Public Services,” and Title III, “Public Accommodations and Commercial Facilities,” of the Americans with Disabilities Act. Such compliance may require waiving or modifications to yard/setback requirements, parking requirements, sign requirements and site design and landscaping requirements. Modifications granted by the Plan Commission shall be limited to the minimum extent necessary to make structures and uses accessible and barrier free.

10.0407 Height Exception

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

- A. accessory farm structures, such as gas tanks, grain elevators, scenery lofts, and silos are exempt from the height limitations of this ordinance;
- B. architectural projections such as belfries, chimneys, cupolas, domes, flues,
- C. parapet walls, and spires; communication structures, such as aerials, antenna, and towers are exempt from the height limitations of this ordinance;
- D. electric power lines and substations are exempt from the height limitations of this ordinance;
- E. essential services and water towers are exempt from the height limitations of this ordinance;
- F. manufacturing equipment and necessary mechanical appurtenances are exempt from the height limitations of this ordinance;
- G. smoke stacks are exempt from the height limitations of this ordinance;
- H. towers, such as fire towers, radio, microwave, and television towers shall not exceed exceed in height their distance from the nearest lot line; and
- I. public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 85 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

10.0408 Kewaunee County Shoreland Zoning Ordinance

The Town recognizes that Kewaunee County has adopted a Shoreland Zoning Ordinance in compliance with Wisconsin Statutes. Accordingly, the Zoning Administrator for the Town of Luxemburg shall refer to Kewaunee County all applicants seeking building permits for structures or uses which are proposed to be located or conducted within the shoreland area subject to county regulations. If the Zoning Administrator determines that any Town building permit is required for such project, a permit will not be issued within Shoreland Zoning until approval from Kewaunee County has been granted.

10.0500 SUPPLEMENTAL REGULATIONS

This section contains standards that apply to principal, accessory, and conditional structures and uses that are in addition to the applicable requirements contained in section 10.0300 or in any other applicable section of the town code.

10.0501 Accessory Structures

- A. An accessory structure is not permitted unless a principal structure exists on the same zoning lot or unless a building permit for a principal structure is issued at the same time that the accessory structure permit is issued.
- B. An accessory structure may not exceed the maximum permitted height for the zoning district in which it is located.
- C. An accessory structure may not be erected within any required front setback.

10.0502 Adult Entertainment Businesses

In recognition of the protection afforded to the citizens under the 1st and 14th Amendments of the Constitution of the United States, the purpose of this section is to regulate the location of specifically defined activities and materials consistent with the town's interest in the present and future character of its development, and this section is not intended to inhibit any person's freedom of speech or the freedom of the press. For that reason, commercial establishments dealing in adult entertainment activities and materials are permitted as a conditional uses in designated districts (Section 10.0300).

- A. The conditional uses allowed by this section are subject to the following provisions:
 - 1. No permit may be granted where the proposed establishment is within 2,000 feet of any church, funeral parlor, historic district or site listed in the State or National Register of Historic Places, hospital, library, museum, park, playground, restaurant, school, or any other private or public building or premises likely to be utilized by persons under the age of 18 years.
 - 2. No permit may be granted if the proposed establishment is within 2,000 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
 - 3. No permit may be granted where the proposed establishment is within 2,000 feet of any area zoned residential in the same or a contiguous town or municipality.
 - 4. The applicant must provide the name and address of the owners and occupants of all property within 1,000 feet of the proposed establishment.
 - 5. Billboards, portable signs, and towers are prohibited on the premises. No flashing or traveling lights may be located on or visible from the exterior of the structure in which the establishment is located. No sign may depict specified anatomical areas or specified sexual activity.

6. All access points to the establishment and all windows or other openings must be constructed, covered, located, or screened in a manner that prevents viewing the interior of the establishment from any public or semipublic area.
7. Adequate parking must be provided in a lighted area.
8. The hours of operation for such establishments are limited to the same hours of operations for bars and taverns within the community in which the district is located.
9. If a protest signed by 51 percent or more of the adult residents and property owners within 500 feet of the proposed establishment is filed with the Zoning Administrator, a unanimous vote of the Plan Commission is required to issue a conditional use permit.

10.0503 Automobile Wrecking Yards, Dumping Grounds, Junk Yards, Sanitary Land Fills, and Salvage Yards

- A. Any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard must be located so that it does not prevent or interfere with the proper development of the surrounding area.
- B. Any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard must be adequately fenced or otherwise screened year round with a dense shrub growth to prevent unsightliness and the blowing of materials off of the premises.
- C. The minimum side and rear setback for any automobile wrecking yard, dumping ground, junk yard, sanitary land fill, or salvage yard is 50 feet.
- D. The Plan Commission shall take into consideration the temporary nature of dumping and sanitary land fill operations and the public necessity for waste disposal in considering the application for a conditional use permit for a dumping ground or sanitary landfill operation.

10.0504 Regulation of Offensive Material and Conditions

- A. General Regulations
 1. No person or entity shall cause or permit or otherwise encourage the dumping, accumulation or escape of any material which is offensive to the public or constitutes a public nuisance as defined below.
 2. The regulations in the following subsections apply to all districts established under this Ordinance and all lands and waters within the Town of Luxemburg.
- B. Specific Regulations

The following acts, omissions, places, conditions and things are hereby specifically declared to be offensive and to constitute public nuisances, but such enumeration shall not be construed to exclude other nuisances coming within the definition given below or otherwise within the regulatory authority of the town.

1. Carcasses of animals, birds, or fowl not intended for human consumption or food which is not burned or otherwise disposed of in a sanitary manner within 24 hours after death.
2. Accumulations or storage of decayed animal or vegetable matter, offal, dead animals reduction, trash, rubbish, garbage, or any offensive material whatsoever which was not produced on the property on which it is located and which is not incidental to the customary farm operations of the landowner of the property on which it is located.
3. The escape of smoke, soot, cinders, noxious acids, odors, fumes, gases, fly ash, industrial dust or other atmospheric pollutants in such quantities as to endanger the health of or offend persons of ordinary sensibilities or to threaten or cause substantial injury to property in the town.
4. Any use or property, substance or things within the town emitting or causing any foul, offensive, noisome, nauseous, noxious, or disagreeable odors, gases, effluvia or stenches, extremely repulsive to the physical senses of ordinary people which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the town.
5. The pollution of any public well, cistern, stream, lake, canal, or other body of water by sewage, industrial lake or other substances.

C. Public Nuisance.

Defined, a public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

1. Substantially annoy, injure, or endanger the comfort, health, repose or safety of the public;
2. In any way render the public insecure in life or in the use of property;
3. Greatly offend the public morals or decency;
4. 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.

D. Application to Farming Operations

This section is not intended to unduly or unreasonably interfere with normal and customary farm operations including the accumulation and spreading of manure produced on the farm upon which it is accumulated and spread.

10.0505 Manufactured Homes and Mobile Homes

- A. A manufactured home used for human habitation must meet the construction standards contained in Wis. Admin. Code ch. SPS 321.
- B. A manufactured home may not be parked or used as a residence unless it is located in a manufactured home park, except as otherwise permitted in this section.

- C. A manufactured home is considered to be single-family residence and is an allowed use in any zoning district where single family dwellings are an allowed principal use provided that:
1. A site plan is submitted with the zoning permit application to the department for review and approval. The site plan must show the size of the manufactured home, its location on the lot, all yard measurements, and the location of the septic tank, filter bed, and water supply.
 2. The manufactured home must be set on an enclosed foundation in accordance with Wis. Stat. § 70.043(1) and Wis. Admin. Code ch. SPS 321, subchs. III, IV, and V. The department may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.
 3. The manufactured home must be securely anchored to its foundations with tie-downs having a minimum tensile strength of 2,800 lbs. and the anchors must be embedded in concrete that is sufficient to withstand the tie-down strain. The amount of tie-downs must conform to the manufacturer's recommendations, provided that there are at least four tie-downs.
 4. The manufactured home must be installed in accordance with the manufacturer's instructions and is properly connected to utilities.
 5. The hitch and wheels must be removed.
 6. The roof must be double pitched so that there is at least a 3-inch vertical rise for each 12-inches of horizontal run. The roof must have a minimum 8-inch overhang on each perimeter wall and the overhang must be architecturally integrated into the design of the dwelling. The roof must be residential in appearance; must be covered with an approved material, such as wood, asphalt, composition, or fiberglass shingles; and may not be covered with corrugated aluminum or corrugated fiberglass.
 7. The exterior siding material must be residential in appearance; may consist of clapboards, concrete, masonry, simulated clapboards such as conventional vinyl or metal siding, stucco, wood, wood shingle shakes, or a similar material; but may not include smooth, ribbed, or corrugated metal or plastic panels. The exterior siding material must extend to ground level, except that when a solid concrete or masonry perimeter foundation is used, the siding material need not extend below the top of the foundation.
- D. A manufactured home may not be located on a lot outside of an approved and licensed manufactured home park for more than 6 months unless it meets the requirements of a permanent dwelling and is taxed accordingly.
- E. A manufactured home may be used as a single family residence on a farm provided that the manufactured home is occupied by a family member or

employee of the farm's owner. The family member must be related to the father, mother, son, daughter, brother, or sister of the farm owner. The employee must be actively employed and receive 50 percent of his or her income from the farm operation.

- F. Skirting. Skirting specifically designed for manufactured homes, or some other material, must enclose the area between the ground and the bottom of the manufactured home. Skirting must be installed within 2 weeks of the date that the manufactured home is placed on its site.
- G. A mobile home may not be used as a residence within the town unless it is located in a manufactured home park.

10.0506 Manufactured Home Park Regulations

A. Definitions

- 1. **Occupied Area** - That portion of an individual manufactured home space which is covered by a manufactured home and its accessory structures.
- 2. **Pad** - A concrete slab or its equivalent, as determined by the Town Zoning Administrator, constructed on the manufactured home space for the purpose of accommodating water and sanitary connections for a manufactured home.
- 3. **Park management** - The person who owns or has charge, care or control of the manufactured home park.
- 4. **Space** - A plot of ground in a manufactured home park designed for the location of only one (1) manufactured home.
- 5. **Travel trailer** - a vehicle having an overall length of thirty-five (35) feet or less and a body width of eight (8) feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which has its own mode of power or is mounted or drawn by another vehicle.
- 6. **Unit** - One (1) manufactured home.

B. General Requirements

- 1. It shall be unlawful, except as provided in this Ordinance, for any person to park any manufactured home on any street, alley or highway or other public place or on any tract of land owned by any person within the Town of Luxemburg.
- 2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one (1) hour, subject to any other and further prohibitions imposed by the traffic and parking regulations or ordinances for that street, alley or highway.

3. No person shall park or occupy any manufactured home on any premise which is situated outside an approved manufactured home park, except as permitted under Section 10.0505. Parking of only one (1) unoccupied manufactured home, mobile home, or travel trailer is permitted, provided no living quarters shall be maintained or business practiced in said trailer, while such trailer is so parked or stored. Said unit can be parked or stored:
 - (a) Within an accessory private garage building or in a rear yard during the entire year.
 - (b) Within the side yard setback area during the period between the dates of May 1 and the second Tuesday in September. A unit so parked may have the drawbar protrude into the street yard setback area.
 - (c) Within the street yard setback area for a maximum period of two (2) weeks during the period indicated in (b) above to permit preparation and cleaning of the unit.
4. Except as permitted under Section 10.0506 B 3, mobile homes are permitted only in manufactured home parks.
5. All manufactured homes manufactured for or used for human habitation must meet the construction standards established under the National Manufactured Housing and Construction and Safety Standards Act of 1974.

C. License for Manufactured Home Park: Application and Issuance

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by him/her, a manufactured home park within the limits of the Town of Luxemburg without first securing a license for each park from the Town Board, pursuant to this section. Such license shall expire at the close of the calendar year issued, but may be renewed under the provisions of this section for an additional period of one (1) year.
2. The application of such license or renewal thereof shall be approved by the Town Board. Before a license is issued, an applicant shall pay an annual fee of One Hundred (\$100.00) Dollars, and in addition thereto, each applicant for an original or renewal license shall file with the Town Clerk a bond in the sum of one thousand (\$1,000.00) dollars for each fifty (50) manufactured home spaces or fraction thereof, guaranteeing the collection by the licensee of the monthly parking permit fees as provided in this Ordinance and the compliance of the licensee and the park management with the provisions of this Ordinance. Such bond shall also be for the use and benefit and may be prosecuted and recovery had thereon by any person who may be injured or damaged by reason of the licensee violating any provision of this

Ordinance. The annual license shall be subject to renewal by the requirements of this Ordinance or the laws or regulations of the State of Wisconsin relating to manufactured home parks and their operation, and particularly with reference to laws or ordinances relating to health, sanitation, refuse disposal, fire hazard, morals, or nuisances.

3. The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the manufactured home park and make the application) and such legal description of the premises upon which the manufactured home park is or will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by five (5) copies of the park plan at a minimum scale of 1 inch = 50 feet showing the following, either existing or as proposed:
 - (a) The extent and area for park purposes.
 - (b) Roadway and driveways.
 - (c) Location of manufactured home spaces.
 - (d) Location of service building indicating the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of the manufactured home park.
 - (e) Complete layout of storm, sanitary and water systems for service building and spaces.
 - (f) Method and plan of garbage removal.
 - (g) Plan for electrical or gas lighting of spaces.
 - (h) Interest of applicant in proposed manufactured home park or extension thereof. If owner of tract is a person other than applicant, a duly verified statement by the owner that applicant is authorized by him/her to construct and maintain the proposed park, addition, modification, or extension, and make the application.

D. Revocation and suspension

The Town Board may suspend or revoke a license after a hearing held pursuant to Section 66.0435 (2) (d), Wisconsin Statutes.

E. Location of Manufactured Home parks

Manufactured home parks may be permitted as a conditional use in the R-1 district subject to the regulations of this ordinance.

F. Manufactured Home Park Plan

The manufactured home park shall conform to the following requirements:

1. Manufactured home spaces shall be clearly defined and shall consist of a minimum of four thousand two hundred (4,200) square feet and a width of not less than forty (40) feet measured at right angles from the side lot line of each space when served by public sanitary sewer, and a minimum of forty thousand (40,000) square feet and a width of not less than one hundred (100) feet when not served by public sanitary sewer.
2. The park shall be arranged so that all spaces shall face or abut on a roadway of not less than thirty (30) feet in width, giving easy access from all spaces to a public street. Such roadways shall be paved with asphalt or concrete and maintained in good condition, provided for adequate storm water drainage, said drainage to be determined by the Town Engineer. The roadways shall be well lighted and shall not be obstructed.
3. Electrical service to manufactured home spaces shall conform to the regulations set forth in the Wisconsin State Electrical Code, incorporated herein by reference as though in full set forth.
4. All manufactured homes within a manufactured home park shall be parked within the designated spaces.
5. For the protection of abutting property owners as well as mobile homeowners, a twenty-five (25) foot buffer strip shall be provided within all property lines of the site. Said buffer strip to be used for the planting of shrubbery and trees and shall be exclusive of the manufactured home spaces. A decorative fence, in accordance with the off-street parking ordinance may, if so desired, be substituted for the rear and interior twenty-five (25) foot buffer strip.
6. Each manufactured home space shall provide a front and rear yard setback of ten (10) feet and a side yard setback of ten (10) feet. The above setbacks shall be seeded and landscaped and in no case shall they be used for off-street parking or be occupied by a manufactured home and/or its necessary buildings, except for the following:
 - (a) Structures for utility outlets and garages serving more than one (1) space may be located within the side or rear setback of the common lot line.
 - (b) The hitch used for pulling the manufactured home may protrude into the street yard setback.
7. One (1) off-street parking stall shall be provided within each manufactured home space, said stall to be in accordance with Section 10.0506 (F) (4).

8. There shall be constructed on each manufactured home space a concrete pad, or its equivalent, as determined by the Town Zoning Administrator to be used for the accommodation of necessary water and sanitary connections.
9. A minimum of two hundred (200) square feet per manufactured home space, exclusive of the minimum herein provided for individual manufactured home spaces and buffer strip, as indicated in 10.0506 (F)(5 and 6), shall be required for the express purpose of providing open space and recreational area for the residents of the manufactured home park.
10. In no case shall a manufactured home and its accessory buildings occupy more than thirty-six (36) percent of a space.
11. All manufactured homes in manufactured home parks shall be skirted. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards.
12. No person shall construct, alter, add to or alter any structure attachment or building in a manufactured home park or in a manufactured home space without a permit from the Town Zoning Administrator. Construction on or addition or alteration to the exterior of a manufactured home shall be of the same type of construction and materials as the manufactured home affected. This subsection shall not apply to addition or awnings, antennae or skirting to manufactured homes. Accessory structures on manufactured home spaces shall comply with all setback, side yard and rear yard requirements for manufactured home units.
13. The manufactured home park shall comply with the Wisconsin Administration Code Chapter SPS 385, except when this Ordinance is more restrictive.
14. Manufactured homes shall have piers installed in accordance with Wisconsin Administration Code Chapter SPS 320.
15. Tie Downs: Manufactured homes shall have tie downs installed and connected in accordance with the manufacturer's instructions.

G. Sanitarian regulations

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

H. Operation of manufactured home parks: responsibility of park management

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

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

I. Monthly Parking Fee

1. There is hereby imposed on each owner of a nonexempt, occupied mobile home in the Town of Luxemburg a monthly parking fee determined in accordance with Section 66.0435 (3) Wis. Stats., which is hereby adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each manufactured and mobile home owner. Said licensee shall be liable to the town for any default in payment of the monthly parking permit fee by the manufactured home or mobile home owner.

2. Licensees of manufactured home parks and owners of land on which are parked any occupied, nonexempt mobile or manufactured homes shall furnish information to the Town Clerk on such homes added to their park or land within 5 days after arrival of such home on forms furnished by the Town Clerk in accordance with Section 66.0435 (3) (c) and (e) of the Wisconsin Statutes.

10.0507 Home Occupations

- A. Home Occupations may be permitted as a conditional uses in designated districts (Section 10.0300).
- B. A maximum of two home occupations shall be permitted per lot or building site. In no instance shall there be more than two home-based enterprises on a lot or building site, whether those enterprises are home offices/studios and/or home occupations and/or home businesses.
- C. The home occupation shall be conducted by resident(s) of the dwelling unit on the property. Other persons may be employed by the business but no more than one non-resident shall work on the premises.
- D. Home occupations may be conducted in any dwelling unit or accessory building. The total floor area dedicated to home occupations, whether located within the dwelling unit and/or an accessory building, shall be no more than 25% of the floor area of the dwelling unit.
- E. Home occupations shall not include the conduct of any retail or wholesale business on the premises, except for the sale of products or services produced or normally used by the home occupation.
- F. Home occupations shall not include the operation of any machinery, tools, appliances, or other operational activity that would create a nuisance due to noise, dust, odors, or vibration, or be otherwise incompatible with the surrounding area.
- G. Home occupations shall not involve any outdoor storage or display of any articles offered for sale or produced on the premises in conjunction with the home occupation, nor any outdoor storage or display of any products, materials, equipment, or machinery used in conjunction with the home occupation.
- H. A maximum of one on-site vehicle bearing business insignia and one trailer used in conjunction with the home occupation may be stored outdoors, provided that the vehicle and/or trailer are screened from rights-of-way and neighboring properties.
- I. Traffic generated by the home occupation must not be greater in volume than would normally be expected in a residential neighborhood. Sufficient off-street parking must be provided for any traffic generated by the home occupation, but no parking is permitted in the front yard.

- J. Deliveries to, or shipments from, the property of products, materials, equipment, or machinery used in conjunction with the home occupation shall not exceed five per week.
- K. A maximum of one on-premise advertising sign, not to be illuminated and not to exceed 3 square feet in area, shall be permitted for a home occupation. Such signs shall be authorized through issuance of a sign permit in compliance with the requirements of this ordinance. No off-premise advertising signs shall be permitted.
- L. Sanitary facilities shall be provided per county and state sanitary code requirements.
- M. Uses subject to regulations found elsewhere in this ordinance shall also comply with those regulations.

10.0508 Fences and Hedges

- A. Definition - For the purposes of this Ordinance, a fence is herein defined as an enclosing barrier consisting of vegetation, wood, stone, metal, brick, cement, or other material. The term "fence" shall be construed to include planting, such as hedges.
- B. Location - Except as provided herein, fences are permitted up to the side and rear property lines. No fence or other structure consisting in whole or in part of barbed wire, rods or bands or other material dangerous to life and limb, shall be erected along or within four (4) feet of any public streets, sidewalks, or alleys in the Town not to supersede state statutes Chapter 90.
- C. Construction and Maintenance - Fences shall be constructed in a workmanlike manner and of substantial material reasonably suited for its intended purpose. Every fence shall be maintained on both sides in a condition of disrepair or danger, or constitute a nuisance, public or private. Any such fence which is, or has become dangerous to the Town health or welfare, is a public nuisance, and the Town may commence property proceedings for the abatement thereof. Electric fences shall not be permitted except for agricultural purposes. Barbed wire fences shall only be permitted for agricultural uses and by conditional use for industrial or commercial security uses. No fence shall have sharp or pointed pickets dangerous to life or limb. Hedges and other plantings shall be continuously trimmed and all parts thereof confined to the property on which planted, and shall not interfere with or obstruct overhead utilities such as power lines, telephone lines or cable lines.
- D. Residential Fences - No fence or hedges exceeding two and one-half (2-1/2) feet in height shall be allowed within the building setback limits adjacent to a street right-of-way, except in rear yard setback where there is no access to a street right-of-way, the maximum height may be six (6) feet. The maximum height of fences or any other boundary line shall not be more than six (6) feet in height, except the hedges may be permitted to grow to their natural height. Barbed wire fences, electrical fences, and single, double and triple strand

fences are prohibited. The most attractive side of a fence shall face adjoining property.

- E. Commercial, Agricultural, Industrial Fences - Fences used for industrial, commercial, agricultural purposes shall have a maximum height of eight (8) feet, except within the required front or corner setback areas wherein such height shall be limited to two and one-half (2-1/2) feet. Arms or extensions which project from the fence must project into the lot proper.
- F. Fences Required for Certain Swimming Pools - All permanent in-ground or above ground private swimming pools shall be completely enclosed by a fence of not less than four (4) feet in height. Said fence shall have intermediate rails or an ornamental pattern such that an object larger than nine (9) inches in diameter cannot pass through.

10.0509 Quarries and Mines

- A. Applicability - The following regulations shall apply to mining operations on activities for the extraction from the earth of mineral aggregates such as stone, sand and gravel; nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; and other natural material; and to related operations or activities such as excavation, grading or dredging; and related processes such as crushing, screening, scalping, dewatering and blending.
- B. Exempt Activities - These regulations do not apply to the following activities:
 - 1. Excavations or grading by a person solely for domestic use at his or her residence.
 - 2. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
 - 3. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
 - 4. Excavations for building construction purposes.
- C. Permit - The application for a conditional use permit shall be submitted to the Town Zoning Administrator on forms provided by the Town of Luxemburg. The application shall be signed and dated by the applicant and shall be accompanied by information which shall include but not be limited to the following:
 - 1. General Information – The name and address of the operator.
 - 2. Lease(s) – A signed copy of the lease(s) or a letter(s) signed by the owner(s) of record which authorizes the operator to enter upon the lessor's land for the purpose of mining as defined in this Ordinance. The expiration date of the lease of agreement shall clearly be indicated thereon.
 - 3. Legal Description – A legal description and general location map of the tracts of land to be involved and affected by the proposed operation and the approximate total number of acres involved.

4. General Map – Two copies of a general map which shall be drawn at a scale of no less than one inch equals 200 feet and shall include the following:
 - (a) Property boundaries of the operator’s owned or leased land and the location of other owners’ property boundaries at the point where they abut the boundary of the project site.
 - (b) Topography of affected lands at intervals no larger than ten feet.
 - (c) Location and names of all streams and roads, on or within 300 feet of the project site.
 - (d) Location of all structures on or adjacent to the site and the purpose for which each structure and the adjoining land is used.
 - (e) Boundaries of previous excavations on the site.
 - (f) Location and description of mining site boundary stakes and permanent reference point. Boundary stakes may not be required for projects which are to be completed in six months or less.
5. Operation Plan – All horizontal and vertical measurements shall be referenced to a permanent reference point. the operation plan shall include two copies of maps, information about the site, a description of the proposed mining operation, methods and procedures to be used in mining the site and a proposed timetable for completion of various stages of the operation as follows:
 - (a) Observed or estimated depth to groundwater.
 - (b) Type of mining and processing.
 - (c) Estimated total volume of materials to be extracted.
 - (d) A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.
 - (e) Measures to be taken to screen the operation from view of surrounding land uses or a written explanation of why such measures are not needed.
 - (f) Plan view drawing and a description of the sequential stages of mining. The drawing shall show the location of the stage boundary stakes, the location and extent of the mining site to include but not be limited to mining refuse dumps, sediment and/or wash ponds, and sediment.
 - (g) Two copies of a plan showing temporary erosion control measures to be used during excavation.
 - (1) Temporary stabilization measures shall describe how such things as haul roads and stockpiles will be dealt with to

minimize erosion and contamination of surface and groundwater.

- (2) Temporary stabilization measures may be ordered by field directive by the Zoning Administrator or his designee to correct situations which arise out of the operation of a project site.
 - (3) Temporary stabilization may include but need not be limited to the following: Silt fencing, bale check dams, sod strips, rock riprap, hard surfacing through the use of concrete or blacktop slop or highwall reduction, temporary seeding, erosion mat placement, mulching and sediment basin construction.
- (h) Proposed truck and machinery access to the site.
 - (i) Types and location of temporary or permanent buildings and structures to be erected on the site.
 - (j) Approximate number of trucks and other types of machinery to be used at the site.
 - (k) Reclamation Plan – A reclamation plan for the nonmetallic mining site as required and approved under the Kewaunee County Non-Metallic Mining Ordinance.
6. Other Information – The Town Plan Commission and the Town Board may require the submittal of such other information as may be necessary to determine the nature of the mining operation and proposed reclamation.
- D. Conditions – These conditions shall apply to the Permit in addition to those established under Section 10.0805.
1. No fixed machinery shall be erected or maintained within 200 feet of any property or street right-of-way.
 2. No excavation shall take place within 100 feet of any property line or 100 feet of an existing or platted street right-of-way.
 3. Screening, sitting, washing, crushing or other forms of processing shall be conducted upon the premises shall be at least 500 feet from any residential zone.
- E. Standards Applied to all Permits:
1. Right of Access – The filing of an application shall grant the Town the right of access onto the site and contiguous lands owned or leased by the applicant for any purposes relative to this Ordinance.
 2. Boundary Staking – All excavation and phase boundaries shall be staked or otherwise marked and other operators shall notify the department that the site is staked at least two work days prior to

commencing operations on a site. Stakes shall be made of steel, fiberglass or other material acceptable to the Town. Stakes may be removed after reclamation is completed and accepted. Painted wood lath may be used for operations of one year or less. Staking may be waived with department approval if an operation boundary is the same as an existing fence line or other easily identifiable feature.

3. Permit Period – Permits shall be granted for a specified period of time not to exceed two (2) years based on the nature of the operation.
4. Limits of Operation – Projects shall be limited to approved dimensions and depths.
5. Conflicts with other Regulations – It is the responsibility of the obtain any local, state and federal permits or approvals.
6. Compliance with Reclamation – The operator shall comply with progressive and final reclamation plans for the site.
7. Notification of Commencement and Cessation – The operator shall notify the department, in writing, at least fifteen (1) work days prior to initial mining operations and at least thirty (30) work days prior to final completion of project reclamation. All stages within a site shall also comply with the notification requirements above. When a stage is complete, the operator shall notify the Town for approval of the reclamation before entering the next stage.
8. Other Standards – The Town may apply such other requirements as are necessary to ensure progressive and final reclamation in a manner consistent with this Ordinance and to limit environmental pollution.

F. Renewal of Permit

1. Requests for permit renewal must be submitted in writing to the Town Zoning Administrator prior to the 60 days expiration date of the existing permit.
2. Permit renewals may be granted by the Town Board for not more than the duration of the original permit.
3. No permit renewal shall be granted unless the project is in reasonable compliance with the terms of the existing permit.
4. Permit renewals may be conditioned upon correction of any unanticipated environmental pollution occurring during the original permit.

G. Project Site Modification or Enlargement and Transfer of Permit

1. Site Modification – An operator may apply, in writing, to the Town Zoning Administrator, for a modification or cancellation of a permit or for a change in the reclamation plan for a project site. This application shall identify the area to be removed as affected by a change on the operation and reclamation plans.

2. Transfer of Permit – When one operator succeeds to the interest of another in an uncompleted site, the Town Board shall release the first operator of the responsibilities imposed by the permit only if:
 - (a) Both operators are in compliance with the requirements and standards of this Ordinance.
 - (b) The new operator assumes the responsibility of the former operator to complete the reclamation of the entire project site by a written, witnessed document.
3. Site Enlargement – Any proposed enlargement may be approved by the Town Board subject to the Town Board’s evaluation of the revised reclamation plan.

H. Fees

1. The application for a permit shall be accompanied by a permit fee established by the Town Board.
2. The Applicant shall furnish the necessary sureties which will enable the town to perform the planned restoration of the site in event of default by the applicant. The form and type of such sureties shall be approved by the Town Attorney.

10.0510 Mobile Tower Siting Regulations

A. Purpose.

The purpose of this ordinance is to regulate by conditional use permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

B. Authority.

The town board has the specific authority under s. 62.23(7) and 66.0404, Wis. Stats., to adopt and enforce this section.

C. Definitions.

All definitions contained in s. 66.0404(1), Wis. Stats., are hereby incorporated by reference.

D. Siting and Construction of Any New Mobile Service Support Structure and Facilities.

1. Application Process

- (a) A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support

structure and facilities is a conditional use in the town obtainable with this permit.

- (b) A conditional use application must be completed by any applicant and submitted to the Zoning Administrator. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) A conditional use application will be provided by the Zoning Administrator upon request to any applicant.
- (d) If an applicant submits to the town an application for a conditional use permit, per Section 10.0805, to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the

required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (e) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.
 - (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of its final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0510(D)(1)(b)(6).
- (g) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning regulation does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

E. Class 1 Collocation

1. Application Process

- (a) A conditional use permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.
- (b) A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.

- (4) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (6) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (c) A permit application will be provided by the Zoning Administrator upon request to any applicant.
 - (d) If an applicant submits to the town an application for a conditional use permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - (e) Within 90 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 90 day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of the town's building code and, subject to the limitations in this section, zoning ordinances.

- (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of its final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (f) The town may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph 10.0510(E)(1)(b)(6).
 - (g) If an applicant provides the town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.
 - (h) The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

F. Class 2 Collocation.

1. Application Process

- (a) A conditional use permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the conditional use permit.
- (b) A conditional use application must be completed by any applicant and submitted to the town. The application must contain the following information:
 - (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
- (c) A permit application will be provided by the Zoning Administrator upon request to any applicant.
- (d) A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject (see Section 10.0804).
- (e) If an applicant submits to the town an application for a permit to engage in an activity described in this section, which contains all of the information required under this section, the town shall

consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.

- (f) Within 45 days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the 45 day period:
 - (1) Make a final decision whether to approve or disapprove the application.
 - (2) Notify the applicant, in writing, of its final decision.
 - (3) If the application is approved, issue the applicant the relevant permit.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - (5) The fee for the permit is listed in the most recent fee schedule adopted by the Town Board.

G. Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture of not less than \$500 nor more than \$3,000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall constitute a separate offense. In addition to such forfeiture, a violator may also be required to reimburse the Town for the costs of prosecution, including reasonable attorney fees. A person who fails to pay any forfeitures, costs and assessments imposed by the Court, shall, upon being found in contempt of Court, be subject to imprisonment for not to exceed thirty (30) days. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

10.0511 Antennas

The Town of Luxemburg recognizes that the development of various antennas, including satellite dish antennas, and their increased use poses questions of regulation not often addressed in local zoning ordinances. In developing antenna regulations, the interest of the antenna owner in the use of the device must be balanced with the interest of adjoining property owners and the general public. To protect the health and safety of all citizens, as well as the aesthetic values embodied in this Ordinance, the following regulations shall apply to all terrestrial and satellite dish antennas, with the exception of satellite antennas with a diameter of 2 feet or less:

- A. Terrestrial antennas and satellite dish antennas may be located in the side or rear yard or on the roof of the principal structure in all zoning districts.
- B. All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located, except as provided in Section 10.0407 of this Ordinance.
- C. Ground-mounted satellite dish antennas shall not exceed 15 feet in height.
- D. All free standing terrestrial antennas shall be located not less than one foot from a lot line for each one foot of height above the surrounding grade.
- E. Roof mounted antennas may be mounted one foot above the roofline for each one foot from the nearest lot line.
- F. All satellite dish antennas shall be located not less than 5 feet from a side or rear lot line.
- G. All antennas, including satellite dish antennas, shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
- H. All antennas, including satellite dish antennas, shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- I. Not more than one terrestrial and one satellite dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
- J. Satellite dish antennas shall be located and designed to reduce their visual impact on surrounding properties.
- K. Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed 2 days at any one location.
- L. In the event the property owner of a parcel of land located in a residential district determines and documents that the placement of an antenna in a side or rear yard would prevent its use for its intended purpose, the property owner may apply to the Zoning Board of Appeals for a variance to allow for the installation of the antenna in a front yard location. The procedure for issuing the variance shall follow the procedure set forth in Section 10.0803(F) of this Ordinance.

10.0512 Small Wind Energy Systems

A. Purpose

1. Oversee the permitting of small wind energy systems
2. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system (Wis. Stat. §. 66.0401).

B. Definitions

In this section:

1. “Meteorological tower” (Met tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
2. “Owner” shall mean the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance.
3. “Rotor diameter” means the cross sectional dimension of the circle swept by the rotating blades.
4. “Small wind energy system” means a wind energy system that
 - (a) is used to generate electricity;
 - (b) has a nameplate capacity of 100 kilowatts or less; and
 - (c) has a total height of 170 feet or less.
5. “Total height” means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
6. “Tower” means the monopole, freestanding, or guyed structure that supports a wind generator.
7. “Wind energy system” means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. §. 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
8. “Wind generator” means blades and associated mechanical and electrical conversion components mounted on top of the tower.

C. Standards

A small wind energy system shall be permitted as a conditional use in all zoning districts subject to the following requirements:

1. Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:
 - (a) any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
 - (b) any overhead utility lines, unless written permission is granted by the affected utility;
 - (c) all property lines, unless written permission is granted from the affected land owner or neighbor.
2. Access.
 - (a) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
 - (b) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
3. Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
4. Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
5. Appearance, Color, and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the building permit.
6. Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.
7. Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
8. Utility notification and interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
9. Met towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

D. Permit Requirements

1. Building Permit. A building permit shall be required for the installation of a small wind energy system.
2. Documents: The building permit application shall be accompanied by a plot plan which includes the following:
 - (a) Property lines and physical dimensions of the property;
 - (b) Location, dimensions, and types of existing major structures on the property;
 - (c) Location of the proposed wind system tower;
 - (d) The right-of-way of any public road that is contiguous with the property;
 - (e) Any overhead utility lines;
 - (f) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
 - (g) Tower foundation blueprints or drawings;
 - (h) Tower blueprint or drawing
3. Fees. The application for a building permit for a small wind energy system must be accompanied by the fee required for a building permit for a Permitted Accessory Use.
4. Expiration. A permit issued pursuant to this ordinance shall expire if:
 - (a) The small wind energy system is not installed and functioning within 24-months from the date the permit is issued; or
 - (b) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.

E. Abandonment

1. A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Zoning Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.
2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Zoning Administrator may pursue a legal

action to have the wind generator removed at the Owner's expense.

F. Building Permit Procedure

1. An Owner shall submit an application to the Zoning Administrator for a building permit for a small wind energy system. The application must be on a form approved by the Zoning Administrator and must be accompanied by two copies of the plot plan identified in 10.0512 (D)(2) above.
2. The Zoning Administrator shall issue a permit or deny the application within one month of the date on which the application is received.
3. The Zoning Administrator shall issue a building permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this ordinance.
4. If the application is approved, the Zoning Administrator will return one signed copy of the application with the permit and retain the other copy with the application.
5. If the application is rejected, the Zoning Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Zoning Administrator's decision pursuant to Chapter 68 Wis. Statutes. The applicant may reapply if the deficiencies specified by the Zoning Administrator are resolved.
6. The Owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.

G. Violations

It is unlawful for any person to construct, install, or operate a small wind energy system that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt.

H. Penalties

1. Any person who fails to comply with any provision of this ordinance or a building permit issued pursuant to this ordinance shall be subject to enforcement and penalties as stipulated in Section 10.0900 of this ordinance.

10.0513 Solar Energy Systems

- A. Application: Applications for the erection of a solar energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the conversion system and the means by which the energy will be provided to the structure or structures.

- B. Construction: Solar energy conversion systems shall be constructed and installed in conformance with all applicable state and local building and zoning codes.
- C. Location and Height: Solar energy conversion systems shall meet all setback and yard requirements for the district in which they are located. Solar energy conversion systems shall conform to all height requirements of this ordinance unless otherwise provided in the conditional use permit issued pursuant to this ordinance.

10.0514 Artificial Lakes and Ponds

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

A. Location

Artificial lakes shall be allowed as Conditional Uses in all districts.

B. Site Plan materials shall be required as shown in section 10.0806 of this Ordinance and shall include the following:

1. A site plan showing the proposed lake size and depth and the adjoining property within five hundred (500) feet of the site and setbacks from property lines.
2. Layout of proposed residential lots and other buildings, if applicable.
3. The type of sanitary facilities to be installed, if residential development is to take place.
4. Source of water supply for residential dwellings and water level maintenance in the lake.
5. Surface drainage sources and topography.
6. Proposed roadways
7. Proposed amount of and disposal location of excavated materials and amount of
8. A description of all natural and manmade features, including wetlands, watercourse, fish and wild life habitat, floodplains, and structures, and appurtenances thereto, potentially affected by the subject activity.

C. Other Requirements

1. The constructed lake shall meet the applicable requirements of the Kewaunee County Shoreland Zoning Ordinance.
2. Artificial lakes constructed adjacent to a navigable body (within in 500 feet) of water shall comply with the regulations set by the Wisconsin Department of Natural Resources.
3. Any or all requirements of state or federal agencies shall be met.
4. The groundwater table in the surrounding area and adjacent to the lake shall be protected.

5. State permits shall be required if high capacity wells are drilled on the site.
6. The Division of Environmental Health requirements shall be met to ensure proper safety of swimmers
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. The lake shall be setback a minimum of 25 feet from rear and side yard lots lines.
9. The lake shall meet the setback requirements for buildings for the district in which it is located.
10. All buildings shall be setback a minimum of 25 feet from the artificial lake.
11. The Town Board may require a buffer strip to control erosion and sedimentation and to protect water quality.
12. Proposed method of erosion and sedimentation control.
13. A performance bond shall be filed with the Town Board prior to the start of construction. Amount of bond per acre shall be specified by the Town Board of Luxemburg.

10.0600 PARKING, LOADING, DRIVEWAYS, AND ACCESS

10.0601 Parking Standards

- A. Parking areas may be located in any yard space for commercial uses and in any yard but the street yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
- B. Each parking space shall not be less than two hundred (200) square feet, exclusive of the space required for ingress and egress. Minimum width of the parking space shall be (10) feet.
- C. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
- D. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained and shall have the aisles and spaces clearly marked.
- E. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
- F. Where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this ordinance.
- G. When the intensity of use of any building, structure, or premises shall be increased through the addition of dwelling units, floor units, floor areas, seating capacity or other units of measurement specified herein for the required parking or loading facilities as required herein shall be provided for such increase in intensity to use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
- H. None of the off-street facilities as required in this Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this ordinance shall apply only to the enlarged portion of the building or use.

I. Required Number of Parking Stalls

Table 10.1: Land Use and Minimum Parking Stalls Required, Town of Luxemburg.

Use	Minimum Parking Required
Residential use	Two (2) spaces per dwelling unit
Motels, hotels	One (1) space for each lodging unit
Hospitals, clubs, lodges, dormitories, and lodging and boarding houses	One (1) space for each two (2) beds plus one (1) space for each three (3) employees
Sanitariums, institutions, rest and nursing homes	One (1) space for each five (5) beds plus one (1) space for each three (3) employees
Medical and dental clinics	Five (5) spaces for each doctor
Churches, theaters, auditoriums, community center, vocational and night schools, and other places of public assembly	One (1) space for each five (6) seats, based on maximum seating capacity
Commercial use	One (1) space for every 300 square feet of floor area, and 1 space for every 5,000 square feet of storage or warehouse area
Colleges, secondary and elementary schools	One (1) space for each two (2) employees plus one (1) space for each 10 students of 16 years of age or more
Restaurants, bars, places of entertainment, repair shops, and retail and service stores	One (1) space for each 200 square feet of floor area and one (1) space for each two (2) employees
Manufacturing and processing plants, laboratories, and warehouses	One (1) space for each two (2) employees
Financial institutions, and business, government, and professional offices	One (1) space for each 300 square feet of floor area and one (1) space for each two (2) employees
Bowling alleys	Five (5) spaces for each alley
Lodges and clubs	One (1) space for every 100 square feet of floor area
Publicly owned service building	One (1) space for every 400 square feet of floor area

- J. The town may specify the number of spaces for any unlisted use based upon the nature and location of the use.
- K. The Plan Commission may require a greater number of spaces based upon the nature and location of the use when authorizing the issuance of a conditional use permit.

- L. Driveway approaches shall be so constructed so as not to restrict the natural flow of water. Property owners shall be financially responsible for providing the proper size culvert necessary for driveways as determined by the Zoning Administrator.

10.0602 Parking of Farm, Construction, and Building Equipment

Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers shall be restricted as follows:

- A. Parking in residential districts. No truck tractor, semi-trailer, commercial or construction vehicle, machinery, equipment or truck with dual rear axles shall be stored on lots in residential districts. Agricultural vehicles and machinery stored on an operating farm in any of the aforementioned districts are exempt from this restriction.
- B. Parking in agricultural, business, and manufacturing districts. Vehicles and machinery used in conjunction with a business or industry may be stored, inside or outside, on the premises provided that when stored outside, they do not block a public right-of-way or obscure clear vision on roadways.
- C. Storage of junked vehicles. No disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicle shall be stored or allowed to remain in the open upon private property in the Town of Luxemburg within 10 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless:
 - 1. The vehicle is being held as a part of an automotive sales or repair business enterprise located within a district zoned for that purpose; or
 - 2. The vehicle is in use on the premises as a lawful, unlicensed use; or
 - 3. Due to individual hardship, a variance has been granted by the Zoning Board of Appeals to store such vehicle. The Zoning Board of Appeals shall not grant such variances for a period of more than one year.

10.0603 Parking of Recreational Vehicles

No motorhome, travel trailer, recreational vehicle, boat, snowmobile, or other recreational type vehicle shall be stored on any property in a residential district except as provided herein:

- A. One boat and its trailer, snowmobile and its trailer, travel trailer, or other recreational vehicle may be stored in the side or rear yard. If more than one recreational vehicle is stored in the side or rear yard, all vehicles, with the exception of one, shall be shielded from view by an opaque screen. The screen may consist of any combination of opaque fencing, vegetation, natural features, or structures.
- B. Any number of personal recreational vehicles may be stored within the lot within a fully enclosed structure.

10.0604 Traffic Visibility

No obstructions such as structures, parking, or permanent vegetation shall be permitted in any district between the heights of two and one-half (2-1/2) feet and ten (10) feet above the plane through the mean centerline within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 100 feet from their intersection.

In the case of arterial streets intersection with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased in 125 feet.

10.0605 Loading Requirements

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

10.0606 Driveways

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

- A. Islands between driveway openings shall be provided, with a minimum of 12 feet between all driveways and six (6) feet at all lot lines.
- B. Openings for vehicular ingress and egress:
 - 1. Non-agricultural related vehicular ingress and egress shall not be less than 40 feet in width at the road line.
 - 2. Agricultural related vehicular (equipment) ingress and egress shall not be less than 60 feet in width at the road line.
- C. Vehicular entrances and exits to drive-in theaters; banks; and restaurants; motels; funeral homes; vehicular sales, service, washing, and repair stations; garages, or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
- D. A culvert is required when installing or modifying a driveway. Property owners are responsible for providing the proper size culvert necessary for driveways as determined by the Zoning Administrator.
- E. Permits.
 - 1. All driveways installed, altered, changed, or replaced shall require a permit from the town.
 - 2. Applications for a driveway permit shall be made on forms provided by the Zoning Administrator or Town Clerk and shall contain or have attached thereto the following information:

- (a) Name, address, and telephone number of the applicant. Location of proposed driveway and existing or proposed use served by the driveway.
- (b) A scale drawing indicating the location and dimensions of such driveway.
- (c) Additional information as may be required by the Zoning Administrator or Town Board.

10.0607 Street and Highway Access

- A. No direct private access shall be permitted to the existing or proposed right-of-way of expressways, state trunk highways, or any controlled access arterial street without permission from the highway agency having access control jurisdiction. Access barriers, fencing, ditching, landscaping, or other topographic barriers shall be erected to prevent unauthorized vehicular ingress and egress to the above specified streets or highways.
- B. Driveways on arterial streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Town Board shall determine the driveway location. said setback shall be measured from the intersection of the rights-of-way of the two streets.
- C. Driveways on collector or land access streets shall be located a minimum of 100 feet from a street intersection unless the lot width is less than 100 feet, in which case the Town Board shall determine the driveway location. Said setback shall be measured from the intersection from the rights-of-way of the two streets.
- D. Residential driveways on corner lots shall be located on the least heavily traveled street.
- E. Temporary access to the above rights-of-way may be granted by the Town Board after review and recommendation by the highway agency having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required by the reviewing agencies, Plan Commission, or Town Board.

10.0700 SIGNS

10.0701 Purpose and Intent

The intent of this section is to provide for and regulate the location and safe construction of signs in a manner to ensure that signs are compatible with surrounding land uses, are well maintained, and express the identity of individual proprietors and the Town as a whole.

10.0702 Compliance

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Ordinance. No signs, with the exception of official signs, shall be placed within the public right of way. No signs shall be located within the vision clearance triangle of any intersection.

10.0703 Signs Permitted in All Districts Without a Permit

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

- A. Real Estate Signs not to exceed 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. One real estate sign shall be allowed per parcel.
- B. Name and Warning Signs not to exceed 2 square feet located on the premises.
- C. Home Occupation Signs located on premise not to exceed 2 square feet in area.
- D. Election Campaign Signs provided that permission shall be obtained from the property owner, renter, or lessee; and provided that such sign shall not be erected prior to the first day of the “election campaign period” as defined in s. 12.04 Wis. Stats., and shall be removed within 4 days following the election. Election campaign signs may not be placed within the public right-of-way.
- E. Rummage Sale and Garage Sale Signs provided that no such signs shall be erected or placed within a public right-of-way and further provided that such signs are removed within 24 hours following the sale.
- F. Bulletin Boards for public, charitable or religious institutions not to exceed 32 square feet in area located on the premises.
- G. Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- H. Official Signs, such as traffic control, parking restrictions, information, and notices.
- I. Farm Identification Signs placed on premise showing the name of the owner or corporate affiliation or memberships not to exceed 16 square feet in area.

10.0704 Signs Permitted in all Residential Districts with a Permit

The following signs are permitted in any residential district and are subject to the following regulations:

- A. Permanent Real Estate Signs placed at the entrance to a subdivision or development shall contain only the name of the subdivision or development, shall meet all the yard requirements of the district in which it is located, and shall be placed as to not impede visibility. The Town Board shall determine the appropriate size of the sign based on the design of the sign and its compatibility with adjacent land uses.
- B. Temporary Development Signs for the purpose of designating a new building or development, or for the promotion of a subdivision may be permitted for a limited period of time provided that the sign shall not exceed 32 square feet in area and shall meet all the yard requirements of the district in which it is located. The Town Board shall specify the period of time the sign may remain based on the size of the development allowing a reasonable time to market the development.

10.0705 Signs Permitted in all Agricultural Districts with a Permit.

The following signs may be permitted in all Agricultural Districts and are subject to the following regulations:

- A. Wall Signs affixed to or painted on farm buildings advertising farm products produced on and/or sold on the premises, or displaying the owner's name shall not exceed a total of 200 square feet.
- B. Ground Signs advertising farm products produced on and/or sold on the premises shall not exceed 10 feet in height above the ground surface, shall meet all yard requirements for the district in which they are located, and shall not exceed a total of 32 square feet on one side or 64 square feet on all sides for any one premises.
- C. Directional Signs indicating the name of a business or other establishment, and the direction and distance to the establishment. No directional sign shall exceed 12 square feet in area. The location and the number of directional signs permitted shall be determined by the Town Board on a case-by-case basis.

10.0706 Signs Permitted in all Business and Manufacturing Districts with a Permit

Signs are permitted in all business and manufacturing districts subject to the following restrictions:

- A. Wall Signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface and shall not extend above the roofline of the building. Wall signage shall be allocated at a maximum of 1.5 square foot of signage allowed for each linear foot of building length.

- B. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed 20 square feet in area for any one premises; shall not extend more than 6 feet into any required yard; shall not extend into any public right-of-way; shall not be less than 10 feet from all side lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; shall not be less than 10 feet from all side lot lines; and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.
- C. Ground Signs shall not exceed 6 feet in height above the mean centerline street grade, shall meet all yard requirements for the district in which it is located, shall not exceed 32 square feet on one side nor 64 square feet on all sides for any one lot.
- D. Marquee, Awning, or Canopy Signs affixed flat to the surface of the marquee, awning, or canopy are permitted providing that the sign does not extend vertically or horizontally beyond the limits of said marquee, awning, or canopy. A marquee, awning, or canopy may extend to within one foot of the vertical plane formed by the curb. A name sign not exceeding 2 square feet in area located immediately in front of the entrance to an establishment may be suspended from a canopy provided that the name sign shall be at least 10 feet above the sidewalk.
- E. Window Signs, except for painted signs and decals, shall be placed only on the inside of commercial buildings. Window signs shall not be subject to the limitation on number of signs.
- F. Pole Signs shall meet the height requirements for the zoning district in which they are located; shall not be less than 10 feet above a sidewalk and 15 feet above a parking lot, driveway, or other area used by motor vehicles; and shall not exceed 32 square feet on one side or 64 square feet on both sides. Pole signs shall be set back a minimum of 20 feet from the front or rear property boundary line; may not be placed in any right-of-way or easement; and may not be located closer than 500 feet to another pole sign.
- G. Combinations of any of the above signs, excluding window signs, shall meet all the requirements of the individual sign. The total number of signs on any premises shall be limited as follows:

Floor Area	Maximum Number of Signs Permitted
0 - 5,000 sq. ft	2
5,001 - 20,000 sq. ft	3
20,001 - 50,000 sq. ft	4
More than 50,000 sq. ft	5

10.0707 Billboards

Billboards are permitted only in the B-1 District, subject to the following requirements:

- A. No billboard shall be permitted within 600 feet of another billboard on the same side of the roadway.
- B. No billboard shall exceed 30 feet in height or 500 square feet in area.
- C. Billboards shall have a minimum setback of 35 feet from any property line.
- D. No billboard shall be permitted which is within in 600 feet of the nearest lot line of any occupied lot in a residential district.
- E. Billboards shall not be placed in the public right-of-way.
- F. Billboards shall comply with the requirements set for the in Chapter 84 of the Wisconsin Statutes. Where this Ordinance sets forth more restrictive requirements than those specified in the Statutes, the more restrictive requirements shall apply.

10.0708 Portable Signs

The Zoning Administrator may permit the temporary use of a portable sign for advertising purposes in any district provided that the portable sign will not be located in any public right-of-way, will not be located closer than 10 feet to an adjacent property, and will not cause a hazard to traffic or adjoining properties. Portable sign permits shall not be granted for a period of more than 30 days in any 365-day period. The permit required in section 10.0715 shall be required for portable signs.

10.0709 Facing

No sign except those permitted in Sections 10.0703 and 10.0704 shall be permitted to face a residence within 100 feet of such residence.

10.0710 Lighting and Color

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. Signs shall not be placed so as to obstruct or interfere with traffic visibility, nor be lighted in such a way as to cause glare or impair driver visibility. Signs may be illuminated but non-flashing. Signs shall not be revolving or animated, however, copy on time and temperature devices may be cyclical. Signs in residential districts may be illuminated only with Town Board approval.

10.0711 Construction and Maintenance Standards

- A. Wind Pressure and Dead Load Requirements. All signs and other advertising structures shall be designed and constructed to withstand wind pressure of not less than 40 pounds per square foot of area.

- B. Protection of the Public. The temporary occupancy of a side walk or street or other public property during construction, removal, repair, alteration or maintenance of a sign is permitted provided the space occupied is roped off, fenced off, or otherwise isolated.
- C. Maintenance. The owner of any sign shall keep it in good maintenance and repair which includes restoring, repainting, or replacement of a worn or damaged legally existing sign to its original condition; and shall maintain the premises on which the sign is erected in a clean, sanitary, and inoffensive condition, free and clear of all obnoxious substances, rubbish, weeds, and grass.
- D. Supporting Members or Braces of all signs shall be constructed of galvanized iron, properly treated wood, steel, copper, brass, or other non-corrosive incombustible material. Every means or device used for attaching any sign shall extend through the walls of the building should the Zoning Administrator determine that the safe and permanent support of such sign so requires and shall be securely anchored by wall plates and nuts to the inside of the walls in accordance with instructions given by the Zoning Administrator. Small flat signs containing less than 10 square feet of area may be attached to a building by the use of lag bolts or other means to the satisfaction of the Zoning Administrator.
- E. No Signs or any part thereof or sign anchors, braces, or guide rods shall be attached, fastened, or anchored to any fire escape, fire ladder, or standpipe and no such sign or any part of any such sign or any anchor, brace, or guide rod shall be erected, put up, or maintained so as to hinder or prevent ingress or egress through such door, doorway, or window or so as to hinder or prevent the raising or placing of ladders against such building by the Fire Department of the Town, as necessity therefore may require.
- F. All signs shall comply with the provisions of Chapter SPS 316 Electrical of the Wisconsin Administrative Code and the Wisconsin State Electrical Code.

10.0712 Nonconforming Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the size or location does not conform to this Ordinance and shall be subject to the nonconforming use provisions of Section 10.0403 of this Ordinance.

10.0713 Prohibited Signs

The following signs shall be prohibited within the Town of Luxemburg:

- A. Roof signs.
- B. Flashing or Animated Signs or signs with intermittent intensity of illumination, except for a sign indicating the time, date, and temperature.

- C. Signs Which Obstruct any door, fire escape, stairway, or any opening intended to provide ingress and egress to or from any building or structure.
- D. Any Sign Which May Obstruct or impair the view in any direction at the intersection of two streets through its placement or illumination.
- E. Signs Which Advertise Activities that are illegal under Federal or State laws or regulations, or County or Town ordinances or resolutions.

10.0714 Flags

Flags shall be allowed as follows:

- A. Flags of the United States, the state, the town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, shall not be subject to regulation, provided that such a flag shall not exceed 60 square feet in area and shall not be flown from a pole the top of which is more than 35 feet in height. These flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes. Any flag not meeting any one or more of these conditions shall be considered a sign and shall be subject to regulation as such.
- B. Businesses will be allowed one flag, not to exceed 15 square feet, identifying the business with text or a logo.

10.0715 Sign Permit

Applications for a sign permit shall be made on forms provided by the Zoning Administrator and shall contain or have attached thereto the following information:

- A. Name, Address, and telephone number of the applicant. Location of building, structure, or lot to which or upon which the sign is to be attached or erected.
- B. Name of Person, firm, corporation, or association erecting the sign.
- C. Written Consent of the owner or lessee of the building, structure, or land to which or upon which the sign is to be affixed.
- D. A Scale Drawing of such sign indicating the dimensions, the materials to be used, the type of illumination, if any, and the method of construction and attachment.
- E. A Scale Drawing indicating the location and position of such sign in relation to nearby buildings or structures.
- F. Copies of any other permit required and issued for said sign, including the written approval by the Electrical Inspector, in the case of illuminated signs, who shall examine the plans and specifications, re-inspecting all wiring and connections to determine if the sign complies with the Town Electrical Ordinance.
- G. Additional Information as may be required by the Zoning Administrator or Town Board.

- H. Sign Permit Applications shall be filed with the Zoning Administrator, who shall review the application for its completeness and accuracy and approve or deny, in writing, the application within 30 days of receipt from the applicant unless the time is extended by written agreement with the applicant. A sign permit shall become null and void, if work authorized under the permit has not been completed within 6 months of the date of issuance.
- I. Bond. Every applicant for a sign permit shall, before the permit is granted, execute a cash bond or other appropriate surety in a sum fixed by the Town Board upon recommendation of the Zoning Administrator, but not to exceed \$25,000. The form of the cash bond or other surety shall be approved by the Town Attorney, indemnifying the Town against all loss, cost of damages, or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of the sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this section may be permitted by the Town Attorney in lieu of a bond.

10.0716 Measuring Signs

In calculating the area of a sign to determine whether it meets the requirement of this Ordinance, the Zoning Administrator shall include the sign copy and any border or frame surrounding that copy. Supporting members of a sign shall be excluded from the area calculation. Area of irregularly shaped signs or signs containing two or more detached elements shall be determined by the area of the smallest regular polygon that will encompass all elements of the sign. For signs located on slopes, height shall be measured from the average finished grade.

10.0800 ADMINISTRATION AND ENFORCEMENT

10.0801 Town Plan Commission

- A. The Town Plan Commission shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin Statutes and in accordance with the Town Board Ordinance that established the Plan Commission.
- B. In addition to the duties in 10.0801(A), the Plan Commission shall have the powers to carry out the following duties under this ordinance.
 1. To review all applications for conditional use permits and report said findings to the Town Board in accordance with the provisions of this ordinance.
 2. To review all zoning changes and amendment requests to this Ordinance and report said findings and recommendations to the Town Board.
 3. To receive from the Zoning Administrator recommendations as related to the effectiveness of this Ordinance and report his/her conclusions and recommendations to the Luxemburg Town Board.
 4. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
 5. To hold public hearings as directed by the Town Board and as required under this Ordinance.

10.0802 Zoning Administrator

A Zoning Administrator designated by the Town Board shall administer and enforce this Ordinance. They may be provided with the assistance of such other persons as the Town Board may direct. The Zoning Administrator shall be appointed for a two-year term and serves at the pleasure of the Town Board. The Zoning Administrator shall have the following duties:

1. Issue all building permits and make and maintain records thereof.
2. Issue all rezoning certificates and make and maintain records thereof.
3. Conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.
4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.

5. Forward to the Town Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
6. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance.
7. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals, and applications thereof.
8. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and to make reports of his recommendations to the Town Board.

10.0803 Zoning Board of Appeals

A. Establishment

There is hereby established a Zoning Board of Appeals for the Town of Luxemburg for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

B. Board Membership

1. The Zoning Board of Appeals shall consists of five (5) appointed by the Luxemburg Town Chairman and subject to confirmation by the Luxemburg Town Board.
2. The term shall be for three (3) years, except that of those first appointed: one (1) shall serve for one (1) years; and two (2) for two (2) years; and two (2) for three (3) years.
3. Not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals.
4. The members serve at the pleasure of the Town Board.
5. Two Alternate Members shall be appointed by the Town Chairperson for a term of three (3) years. The first alternate shall act, with full power, only when a member of the Zoning Board of Appeals refuses to vote because of conflict or potential conflict of interest or when a member is absent. The second alternate shall act only when the first alternate so refused or is absent or when more than one member of the Zoning Board of Appeals so refuses or is absent.
6. All Board of Appeals members shall reside in the Town.
7. The Chairman shall be designated by the Town Chairman.
8. The Secretary shall be the Town Clerk.
9. The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board of Appeals.

10. Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of their appointment.
11. Vacancies shall be filled for the unexpired term of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Luxemburg.

C. Organization

The Zoning Board of Appeals shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

1. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as the Zoning Board of Appeals may determine.
2. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agency or attorney.
3. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Luxemburg.
4. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses.
5. The Zoning 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 also keep records of its hearings and other official actions.
6. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
7. All decisions and findings of the Zoning Board of Appeals on appeals, or upon application for a variance, shall be by the concurring vote of four members of the Zoning Board of Appeals.

D. Powers

The Zoning Board of Appeals shall have the following powers:

1. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator.
2. Variances. To hear and grant appeals for variances that will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured.

3. Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Town Board has made a review and recommendation.
4. Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Town Board has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
5. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issuance of a permit.
6. Assistance. The Board may request assistance from other Town officers, departments, commissions, and boards.
7. Oaths. The chairman may administer oaths and compel the attendance of witnesses.

E. Appeals

1. Application

An appeal may be taken to the Zoning Board of Appeals by any person, firm or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Zoning Administrator.

Such an appeal shall be made within 30 days after the decision or the action complained of, by filing with the Zoning Administrator a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all of the paper(s) constituting a record upon which the action appealed from was taken. Such appeals shall include the following information:

- (a) Name and address of the appellant or applicant and all abutting and opposite property owners of record, and owners within two hundred (200) feet.
- (b) A plat of survey at a minimum scale of one (1) inch to 100 feet prepared by a registered land surveyor showing all of the information required by this Ordinance for a building permit.
- (c) Additional information required by the Zoning Board of Appeals.
- (d) Fee receipt from the Zoning Administrator per Section 10.0904 of this Ordinance or cost of legal notice publication, whichever is greater.

2. Findings on Appeals

An appeal shall terminate all further proceedings on action unless the Zoning Administrator certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate a stay would, in its opinion,

cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record or notice from the Zoning Administrator on due cause.

3. Hearings on Appeals

The Zoning Board of Appeals shall select a reasonable time and place for the hearing of the appeal, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Zoning Administrator and the Town Board. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

4. Decisions on Appeals

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

(b) The Zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination that, in its opinion, ought to be done and to that end, shall have all powers of the officer to whom the appeal is taken. The Board of Appeals shall maintain records of all actions relative to appeals.

5. Review by Court of Record of Appeals

Any person or persons, or any board, taxpayer, department, or bureau of the Town of Luxemburg aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 (7)(e).

F. Variances

1. Application

An application for a variance shall be filed with the Zoning Administrator and shall include the following information:

(a) Name and address of the applicant and all abutting and opposite property owners of record, and owners within 200 feet.

(b) A plat of survey at a minimum scale of one (1) inch to one hundred (100) feet prepared by a registered land surveyor showing all of the information required by this Ordinance for a building permit.

(c) Additional information required by the Zoning Board of Appeals.

(d) Fee receipt from the Zoning Administrator per Section 10.0900 of this Ordinance or the cost of legal notice publication, whichever is greater.

2. Hearings

The Zoning Board of Appeals shall select a reasonable time and place for hearing of the Variance, give notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Zoning Administrator and the Town Board.

3. Standards for a Variance. No variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- (a) Preservation of Intent. No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated principal use, accessory use, or conditional use in that particular district.
- (b) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties of uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (c) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (d) Preservation of Property Rights. The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (e) Absence of Detriment. No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (f) Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger public health and safety, or substantially diminish or impair property values within the neighborhood.

4. Decisions on Variances

The Zoning Board of Appeals shall decide on application for variances within thirty (30) days after the final hearing and shall transmit a signed

copy of the Board's decision to the appellant, Zoning Administrator and Town Board.

5. Review by Court of Record of Variance

Any person or persons, or any board, taxpayer, department, or bureau of the Town of Luxemburg aggrieved by any decision of the Board of Appeals may seek review by a court of record of such decision, as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 (7)(e).

G. Conditions

Conditions may be placed upon any building permit ordered or authorized by the Board of Appeals.

H. Variances or Substitutions

Variances or Substitutions granted by the Board of Appeals shall expire within 6 months unless substantial work has commenced pursuant to such grant.

10.0804 Building Permit

No building, or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued by the Town Zoning Administrator. No change in a use shall be made until a building permit has been issued by the Town Zoning Administrator. The application for a building permit shall include information as lawfully may be required by the Town Zoning Administrator, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance. Every building permit shall state that the use complies with provisions of this Ordinance.

A. Application for Building Permit

1. Application for said building permit shall be made in writing to the Luxemburg Town Zoning Administrator by the land owner or his/her authorized agent.
2. Each building permit applied for shall be granted or denied within a 10 day period from the date of application. Reason for denial of a building permit will be forwarded in writing by the Town Zoning Administrator to the applicant.
3. All applications for building permits shall be accompanied by the following:
 - (a) A plat in duplicate, drawn at a minimum scale of 1 inch to 100 feet showing the ground area, height and bulk of building or

structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by Board of Appeals and Zoning Administrator for the proper enforcement of this Ordinance.

- (b) For new residential dwellings, the applicant or their agent shall include a copy of the sanitary permit issued by the Kewaunee County Zoning Administrator for the installation of an on-site soil absorption sanitary sewage disposal system or other approved waste disposal system. A building permit for a new home in the Town of Luxemburg will be issued only after a sanitary permit has been issued by Kewaunee County.

- 4. The applicant, upon filing of the Zoning Administrator, shall pay a fee to the Zoning Administrator per Section 10.0904 of this Ordinance.

10.0805 Conditional Use Permits

A. General Provisions

Any use listed as a conditional use in this Ordinance may be permitted only upon application to the Zoning Administrator, review and recommendation by the Plan Commission, and issuance of a Conditional Use Permit by the Town Board. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual.

B. Initiation

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest or an exclusive possessory interest, and which is specifically enforceable; may file an application to use such land for one or more of the conditional uses provided for in this Ordinance in the zoning district in which the land is located.

C. Application

The application for a conditional use permit shall be filed with Zoning Administrator on forms so prescribed by the Town. The application shall be accompanied by such plans and/or data prescribed by the Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective zone districts. Such application shall be reviewed by the Plan Commission and a written recommendation submitted thereon to the Town Board.

D. Hearing on Application

Upon receipt in proper form of the written recommendation referred to above, the Town Board shall hold at least one (1) public hearing on the proposed

conditional use. Notice of such public hearing specifying the time, place and matters to come before the Committee shall be given as a Class I notice as referred to in Chapter 985 of the Wisconsin Statutes. Due notice of the hearing shall be given to parties of interest as well as owners of property within 200 feet of the proposed conditional use.

E. Authorization

For each application for a conditional use, the Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

F. Standards Applicable to All Conditional Uses

In passing upon a Conditional Use Permit application, the Plan Commission and the Town Board shall consider the following factors:

1. The location, nature, and size of the proposed use.
2. The size of the site in relation to it.
3. The location of the site with respect to existing or future roads giving access to it.
4. Its compatibility with existing uses on land adjacent thereto.
5. Its harmony with the future development of the district.
6. Existing topography, drainage, soil types, and vegetative cover.
7. Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

G. Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary. The conditions may include landscaping, architectural design, type of construction, construction commencement and completion date, lighting fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional conditions may be recommended by the Plan Commission and may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

H. Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Zoning Administrator in accordance with Section 10.0904 of this Ordinance.

10.0806 Site Plan Review

A. Purpose and Intent

For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall be issued a permit for new construction or additions without first obtaining the approval of the Plan Commission of a site plan as set forth in this section.

The Town Plan Commission shall insure that such construction is in accord with the official map, subdivision ordinance and comprehensive plan of the town of Luxemburg and other applicable codes and ordinances of the town of Luxemburg.

The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

B. Exceptions

Residential development having four or fewer dwelling units on a lot of record are exempt from the site plan review, except as specifically required elsewhere in this Ordinance.

C. Fee

All site plans submitted to the town of Luxemburg for review and approval shall be accompanied by a review fee as established from time to time by the Town Board.

D. Principles

To implement and define criteria for the purposes set forth in Section 10.0806 (A), the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

1. No building shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
2. No building shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.
3. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

4. No building or sign shall be permitted to be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.
5. No building or use shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the town.
6. Buildings and uses shall provide for safe traffic circulation and safe driveway locations.

E. Site Plan Materials

Four copies of the site plan shall be submitted to the Zoning Administrator who shall transit all applications and their accompanying plan to the Plan Commission for their review. Plan data to be submitted with all review applications shall include the following:

1. Site plan drawn to a recognized engineering scale not less than one (1) inch equals 50 feet.
2. Name of project noted.
3. Owner's and/or developer's name and address noted.
4. Architect and/or engineer's name and address noted.
5. Date of plan submittal.
6. Scale of drawing noted on plan.
7. North arrow shown.
8. Existing and proposed topography shown at a contour interval not less than two (2) feet.
9. The characteristics of soils related to contemplated specific uses.
10. Total number of parking spaces noted including location and dimension.
11. Dimensions of lot.
12. The type, size, and location of all structures with all building dimensions shown including setbacks.
13. Indicate height of building(s).
14. Existing and proposed street names indicated.
15. Indicate existing and proposed rights-of-way and widths.
16. Locate existing and general location of proposed sanitary disposal systems.

17. Locate any proposed storm water management facilities, including detention/retention areas.
18. Locate existing trees and wetlands.
19. Note location, extent, and type of proposed plantings.
20. Note location of pedestrian sidewalks and walkways.
21. A graphic outline of any development staging which is planned is required to be shown on the site plan.
22. Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
23. A certified survey may be required by the Planning and Zoning Committee.

F. Review and Findings

The Plan Commission shall review the referred plans at the first regular Plan Commission meeting following their submittal. The Plan Commission shall render a decision no later than the following regular Plan Commission meeting. The Plan Commission shall not approve any plans unless they find after viewing the application that the structure or use, as planned, will not violate the intent and purpose of this Ordinance. The Plan Commission will approve said plans only after determining the proposed building or buildings will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.

G. Sureties

The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission shall require appropriate sureties to guarantee that requirements will be completed on schedule. Failure to complete required improvements within specified time limits shall constitute a zoning violation, and the Zoning Administrator shall initiate the appropriate action to correct the violation pursuant to section 10.0900 of this ordinance.

10.0807 Amendment Procedures

A. Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by Ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with the purposes and intent of this Ordinance.

B. Initiation

A change or amendment may be initiated by the Town Board, Town Plan Commission, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

C. Application

An application for an amendment shall be filed with the Zoning Administrator. Said application shall be reviewed by the Zoning Board of Appeals with a written recommendation submitted thereon to the Town Board for final action. Applications for any change to the district boundaries or amendments to the regulations shall describe the district boundaries or amendments to the regulations shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

1. Plot Plan drawn to scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and current use of all properties within five hundred (500) feet of the area proposed to be rezoned.
2. Owner's Names and Addresses of all properties lying within five hundred (500) feet of the area proposed to be rezoned.
3. Additional Information required by the Zoning Board of Appeals or Town Board.
4. Fee Receipt from the Zoning Administrator in the minimum amount per Section 10.0904 of this Ordinance or the cost of legal notice publication whichever is greater.

D. Findings and Recommendations

1. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.
2. Where the purpose and effect of the proposed amendment is to change the zoning classification of particular property, the Plan Commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:
 - (a) Existing uses or property within the general area of the property in question.
 - (b) Zoning classification of property within the general area of the property in question.
 - (c) Suitability of the property in question to the uses permitted under the existing zoning classification.

- (d) Trend of development, if any in the general area of the property in question, including changes if any, which have taken place in its present zoning classification.
 - (e) The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification than that requested by the applicant.
 - (f) The .Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.
3. The Town Plan Commission shall recommend changes which remove areas from the A-1 Exclusive Agricultural District only after a consideration of findings with respect to each of the following:
- (a) Adequate public facilities to accommodate the proposed development either exist or will be provided within a reasonable time.
 - (b) Provision of public facilities to accommodate the proposed development will not place an unreasonable burden on the ability of the Town, County, or other local unit of government to provide them.
 - (c) The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.
4. The Town Board shall notify Kewaunee County and the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the A-1 and A-2 Exclusive Agriculture districts.

E. Hearings

The Town Clerk shall notify all property owners within five hundred (500) feet of the land in question and after publishing a Class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, the Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

F. Town Board Action

- 1. The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Plan Commission on the proposed amendment.

2. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of 20 percent or more either in the areas of the land included in such proposed change, or by the owners of 20 percent or more of the land immediately adjacent, extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.
3. If an application for a proposed amendment is not acted upon finally by the Town Board within 90 days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

G. Reversion of Map Amendments

The Town Board may reverse a map amendment if certain actions are not taken by the applicant.

1. The adopted rezoning may be conditioned on an automatic reversion of the zoning to the previous zoning, if in one year from the date of approval of the map amendment by the Town Board substantial work has not commenced on the use for which the rezoning was granted.
2. The adopted rezoning may be conditioned on the proper recording of the lot subject to the rezoning amendment with the Kewaunee County Register of Deeds within 30 days of the date of approval date of the map amendment by the Town Board.

10.0900 VIOLATIONS, PENALTIES, AND FEES

10.0901 Complaints Regarding Violations

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

10.0902 Penalties

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances or conditional uses, shall constitute the basis for a civil forfeiture action on behalf of the Town of Luxemburg. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$50 and not more than \$200 or in lieu of payment thereof be imprisoned for not more than 30 days, and in addition shall pay all attorney fees and any and all other costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the Town of Luxemburg from taking such other lawful action as is necessary to prevent or remedy any violation.

10.0903 Abatement of Violation

Any person, firm, or corporation who violates, disobeys, neglects, omits, or refuses to comply with or who resists the enforcement of any of the provisions of this Ordinance shall, upon conviction, remove the building, structure or part thereof or discontinue the use thereof which violates the terms of this Ordinance. Such removal may be performed by a Town agency or by contract arrangements with private persons and the cost of such removal shall become a lien upon the property, collectible as are other taxes.

10.0904 Schedule of Fees

A. Fee Payment

All persons, firms, or corporations who petition for approval of a zoning text or map amendments, conditional uses, variances, or appeals, and all persons, firms, or corporations performing work in the Town of Luxemburg for which by this Ordinance requires the issuance of a permit shall pay a fee for such permit to the Town Clerk, in accordance with the schedule of fees established by the Town Board and amended from time to time to help defray the cost of

administration, investigation, advertising, and processing of such petitions, licenses, and permit applications.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

B. Additional Fees

If the Town Board, Plan Commission, Zoning Board of Appeals, or Zoning Administrator determine that additional professional assistance is needed, beyond what is normally necessary to review a proposed development, petition, or permit application, the Town Board may employ the services of attorneys, engineers, planners, architects, surveyors, or related professional experts as may be required, the services of which shall be paid for by the petitioner or applicant. A deposit of funds may be required prior to any meeting.

10.1000 SEVERABILITY

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

10.1100 REPEAL

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

10.1200 EFFECTIVE DATE

This Ordinance shall take effect the day following the publication or posting of the adopting ordinance, as provided in ss. 60.80(3) and 66.0103 Wis. Stats.

APPENDIX:

**FARMLAND PRESERVATION ZONING
DATCP CERTIFICATION MATERIALS**

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**STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION**

TOWN OF LUXEMBURG, KEWAUNEE COUNTY FARMLAND PRESERVATION ZONING ORDINANCE (TEXT AND MAP).	DARM Docket No. 061-46425-O-17 F-0917 ORDER CERTIFYING ORDINANCE THROUGH DECEMBER 31, 2027
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INTRODUCTION

The Town of Luxemburg in Kewaunee County has asked the Department of Agriculture, Trade and Consumer Protection (“DATCP”) to certify a proposed revision of the town’s formerly certified farmland preservation ordinance text, pursuant to s. 91.36, Wis. Stats. DATCP has considered the request and adopts the following decision:

FINDINGS OF FACT

(1) DATCP is an agency of the State of Wisconsin, and is responsible for administering Wisconsin’s farmland preservation law under ch. 91, Wis. Stats., as repealed and recreated by 2009 Wis. Act 28.

(2) The Town of Luxemburg is a town in the State of Wisconsin. The Town of Luxemburg is a political subdivision that is authorized to adopt a farmland preservation zoning ordinance under s. 91.30, Wis. Stats.

(3) Under s. 91.36, Wis. Stats., DATCP may certify a farmland preservation zoning ordinance or ordinance amendment for compliance with statutory standards. Certification allows farmers covered by the ordinance to claim farmland preservation tax credits under subch. IX of ch. 71, Wis. Stats.

(4) A political subdivision may ask DATCP to certify a farmland preservation zoning ordinance or ordinance amendment. The political subdivision must submit an application under s. 91.40, Wis. Stats. As part of the application, the political subdivision must certify that the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. Among other things, the ordinance or amendment must be consistent with the *county’s* certified farmland preservation *plan*.

(5) DATCP may certify a farmland preservation zoning ordinance or amendment if the ordinance or amendment meets applicable statutory standards under s. 91.38, Wis. Stats. DATCP may certify based on the representations contained in the political subdivision’s application, but DATCP may conduct its own review and verification as it deems appropriate.

(6) DATCP may make its certification contingent upon the political subdivision’s adoption of the certified ordinance or amendment, in the form certified. DATCP may also withdraw its certification at any time if, as a result of subsequent changes to the ordinance or the county’s certified farmland preservation plan, the ordinance no longer meets minimum certification standards under s. 91.38, Wis. Stats.

(7) The Town of Luxemburg previously had a certified farmland preservation zoning ordinance. The ordinance expired December 31, 2016.

(8) Kewaunee County has a certified farmland preservation plan. This plan is currently certified through December 31, 2026.

(9) On July 27, 2017, DATCP received an application from the Town of Luxemburg, in which the county asked DATCP to certify the Town's farmland preservation ordinance. The Town of Luxemburg submitted the application in the form required under s. 91.40, Wis. Stats. The application included the representations required under ss. 91.40(3) and (4), Wis. Stats.

(10) The farmland preservation zoning ordinance is part of the general Town of Luxemburg General Zoning Ordinance, and is intertwined with other provisions of that zoning code. The ordinance includes an ordinance text, together with an ordinance map.

(11) On July 31, 2017, DATCP confirmed by letter that the Town of Luxemburg certification application was complete, and that DATCP would proceed to review the complete application.

(12) DATCP may certify a farmland preservation ordinance for a period of time specified in the certification order. Certification of an ordinance may not exceed 10 years. See s. 91.36(2)(b), Wis. Stats.

CONCLUSIONS OF LAW

(1) Based on the representations made by the Town of Luxemburg in its application for certification of a farmland preservation ordinance, DATCP concludes as follows:

(a) The proposed Town of Luxemburg farmland preservation ordinance, consisting of a proposed ordinance text dated August 18, 2017, and map dated August 18, 2017, meet certification requirements under s. 91.38, Wis. Stats.

(b) DATCP may certify the proposed ordinance pursuant to s. 91.36, Wis. Stats.

(2) Pursuant to s. 91.36(2)(b), Wis. Stats., DATCP should certify the proposed ordinance through December 31, 2027.

(3) Pursuant to s. 91.36(6), Wis. Stats., DATCP should certify the proposed ordinance contingent upon the Town of Luxemburg adopting the ordinance, in the form certified, before December 31, 2017.

(4) Pursuant to s. 91.36(7), Wis. Stats., the effective date of the certification should be the date on which the certified and adopted ordinance takes effect.

ORDER

NOW, THEREFORE, IT IS ORDERED THAT:

(1) The proposed Town of Luxemburg farmland preservation ordinance, consisting of the proposed ordinance text dated August 18, 2017, and map dated August 18, 2017 are hereby certified under s. 91.36, Wis. Stats.

(2) The certified farmland preservation zoning districts for the Town of Luxemburg are the A-1 Exclusive Agriculture district and the A-2 Exclusive Agriculture district.

(3) This certification is contingent upon the Town of Luxemburg adopting the ordinance, in the form certified, before December 31, 2017.

(4) This certification takes effect on the date on which the certified and adopted ordinance takes effect.

(5) This certification expires at the end of the day on December 31, 2027.

Dated this 8th day of September, 2017

STATE OF WISCONSIN,
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By  _____
Jeff Lyon, Interim Secretary

Parties for purposes of review under s. 227.53, Wis. Stats.:

Town of Luxemburg

Copies to:

Jerry Bertrand
Luxemburg Town Zoning Administrator
E521 Church Road
Luxemburg, WI 54217

Prepared by:



Bay-Lake Regional Planning Commission

425 South Adams Street, Suite 201

Green Bay, WI 54301

920 448 2820

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