

Town of Montpelier, Kewaunee County
Chapter 10: Zoning Regulations

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10.01 INTRODUCTION

- A. **Authority.** The Town of Montpelier pursuant to the authority granted by Chapters 60.22(3), 60.62, 61.35, 62.23(7), subchapter V, ch.91, Wis. Stats., and other relevant provisions of the Wisconsin Statutes and amendments thereto, do ordain as follows:
- B. **Title.** This Chapter shall be known and cited as the “Zoning Regulations, Town of Montpelier, Kewaunee County, Wisconsin” and is hereafter referred to as the “Chapter”.
- C. **Purpose.** The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Montpelier, Kewaunee County, Wisconsin.
- D. **Intent.** It is the general intent of this Chapter to regulate and restrict the use of all structures, lands and waters; and to:
- (1) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
 - (2) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities.
 - (3) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways.
 - (4) Secure safety from fire, pollution, contamination and other dangers.
 - (5) Stabilize and protect existing and potential property values.
 - (6) Preserve and protect the beauty of the Town of Montpelier.
 - (7) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters.
 - (8) Further the maintenance of safe and healthful water conditions.
 - (9) Provide for and protect a variety of suitable commercial and industrial sites.
 - (10) Protect the traffic-carrying capacity of existing and proposed arterial roads and highways.
 - (11) Implement those town, county, watershed, and regional comprehensive plans or components of such plans adopted by the Town of Montpelier, Kewaunee County.
 - (12) Provide for the administration and enforcement of this Chapter and provide penalties for the violation of this Chapter.
- E. **Abrogation and Greater Restriction.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, Chapters, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- F. **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town of Montpelier, Kewaunee County.
- G. **Severability.**
- (1) If any section, clause, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
 - (2) If any application of this Chapter to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

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- H. **Repeal.** All other ordinances or parts of ordinances of the Town of Montpelier, Kewaunee County, inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

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10.02 GENERAL PROVISIONS

- A. **Jurisdiction.** The jurisdiction of this Chapter shall apply to all structures, lands, water, and air within the unincorporated limits of the Town of Montpelier, Kewaunee County, Wisconsin.
- B. **Compliance.**
- (1) No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.
 - (2) The duty of the Zoning Administrator shall be to interpret and administer this Chapter. The Zoning Administrator shall issue, after review, all permits required by this Chapter and shall maintain records of all permits issued. The Zoning Administrator shall investigate all complaints, give notice of violations, issue orders to comply with the zoning ordinance, issue citations for the violation of this Chapter and assist the town attorney in the prosecution of ordinance violators. The Zoning Administrator and his duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.
- C. **Zoning Permit Required.** No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a Zoning Permit from the Zoning Administrator. Applications for Zoning Permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:
- (1) Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
 - (2) Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of Survey or parcel of record, drawn to scale, showing the location, boundaries, dimensions, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off street parking, loading areas and drive-ways; existing highway access restrictions; and existing and proposed street, side, and rear yards.
 - (4) Proposed Sewage Disposal Plan. In any district where public sewerage service 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 Kewaunee County ordinances, Chapter SPS 383 and SPS 385 of the Wisconsin Administrative Code, and other applicable laws and regulations.
 - (5) Proposed Water Supply Plan. In any district where municipal water treatment system is not available, the width and area of all lots shall be sufficient to permit the use of a private water system designed in accordance with all County and Town ordinances, Chapter NR 812 of the Wisconsin Administrative Code, and other applicable laws and regulations.
 - (6) Condominium Declaration. Any developer of land in the Town of Montpelier who elects to create a condominium pursuant to Chapter 703 of the Wisconsin Statutes shall submit a copy of the Condominium Declaration, and any amendment thereto, to the Zoning Administrator, to be attached to the file copy of the Zoning Permit application.
 - (7) Additional Information as may be required by the Plan Commission, or Zoning Administrator.
 - (8) A Zoning Permit shall be granted or denied in writing by the Zoning Administrator within 30 days after application. All conditional use permits shall be granted or denied within 60 days after application, unless the time is extended by mutual consent of the applicant and the Town. The permit shall expire within twelve (12) months unless substantial work has commenced, and within 18 months

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if the structure for which the permit was issued is not substantially completed. Any permit issued in conflict with the provisions of this Chapter shall be null and void.

- (9) The Zoning Permit shall be recorded by the appropriate town official and placed on file with a new fire number recorded on the official town fire map.

D. **Other Permits.** It is the responsibility of the permit applicant to secure all other necessary permits required by any county, state, or federal agency and with the Town of Montpelier Site Plan Review Process when applicable. The Zoning Administrator shall not issue the final Zoning Permit until such permits have been secured.

E. **Use Restrictions.** The following use restrictions and regulations shall apply:

- (1) **Principal Uses.** Only those principal uses specified for a district, their essential services, and the following uses listed in this Section shall be permitted in that district.
- (2) **Accessory Uses and structures** are permitted in any district, subject to the requirements of Section 10.07.C of this Chapter. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations, home industries and professional home offices as defined in this Chapter.
- (3) **Conditional Uses and their accessory uses** are considered as special uses requiring review, public hearing, and approval by the Plan Commission in accordance with Section 10.05 of this Chapter.
- (4) **Unclassified or Unspecified Uses** may be permitted by the Plan Commission after review and public hearing provided that such uses are similar in character to the principal uses permitted in the district.
- (5) **Temporary Uses** such as real estate sales or rental field offices or shelters for materials and equipment used in the construction of a permanent structure, may be permitted for a period of up to one year by the Plan Commission. Temporary uses may be renewed if the Plan Commission deems such renewal appropriate. Additional temporary conditional uses are set forth in Section 10.05.J of this Chapter and may be permitted as set forth in that Section.
- (6) **The Accumulation, Storage or Parking of farm, construction, or building equipment, trucks, tractors, semi-trailers, more than two (2) disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicles, refrigerators, furnaces, washing machines, stoves, machinery or parts thereof, wood, brick, concrete block, or other unsightly debris** which may tend to depreciate property values in the area or create a nuisance or hazard shall not be permitted on any lot or parcel of land within the Town of Montpelier, except within a permitted salvage yard operated under a Conditional Use Permit, or elsewhere if completely housed and out of public view, or in accordance with Section 10.06.C of this Chapter.
- (7) **Temporary Placement of a Mobile Home** may be permitted in any district by the Zoning Administrator as temporary or emergency shelter. Emergencies justifying the placement of a mobile home shall include destruction of the permanent home on a lot by wind, fire, or other disaster. A temporary or emergency mobile home permit may be issued for a period of one year and may be renewed for one six-month period. In authorizing the temporary use permit, the Zoning Administrator shall require that the mobile home be oriented in a manner that is compatible with adjacent land uses. Appropriate landscape screening may also be required.

F. **Reduction or Joint Use.** No lot, yard, parking area, building area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this Chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

G. **Permit Fees.** All persons, firms, or corporations performing work which by this Chapter requires the issuance of a permit shall pay a fee for such permit to the Zoning Administrator to help defray the cost of

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administration, investigation, advertising, and processing of permits and variances. A fee shall also be required for a zoning text or map amendment, and a zoning appeal or variance. All fees shall be established by separate resolution by the Town Board, which may be amended and revised from time to time as deemed appropriate.

- H. **Double Fee.** A Double Fee shall be charged by the Town Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this Chapter nor from prosecution for violation of this Chapter.
- I. **Violations.** It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Chapter. Failure to secure the necessary permits prior to commencing construction shall also constitute a violation. In the case of any violation, the Town Board of Supervisors, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter. Violations may be enforced in Kewaunee County Circuit Court by a citation issued by the Zoning Administrator, law enforcement officer empowered to act in the Town of Montpelier, the Town Constable, or any other designated Town of Montpelier official authorized by the Town Board.
- J. **Remedial Action.** Whenever an order of the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent, or occupant of the premises, the Town Board, the Zoning Administrator, or the Town Attorney may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.
- K. **Penalties.** Any person, firm, or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$10 nor more than \$1,000 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Violations may be enforced in Kewaunee County Circuit Court or in a Municipal Court established and created by the Town of Montpelier, by a citation issued by the Zoning Administrator, law enforcement officer empowered to act in the Town of Montpelier, the Town Constable, or any other designated Town of Montpelier official authorized by the Town Board.

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10.03 ZONING DISTRICTS

A. Establishment.

- (1) For the Purpose of this Chapter, the Town of Montpelier is hereby divided into the following Zoning Districts:
 - (a) A-1 Exclusive Agricultural District
 - (b) A-2 Agricultural/Rural Residential District
 - (c) R-1 Residential District
 - (d) B-1 Business District
 - (e) Q-1 Nonmetallic Mining District
 - (f) I-1 Institutional District
 - (g) RPO Rural Preservation Overlay District
 - (h) MRC Mixed Residential/Commercial
- (2) Boundaries of these districts are hereby established as shown on the Map entitled “Zoning Map - Town of Montpelier, Kewaunee County, Wisconsin”. Such boundaries shall be construed to follow: corporate limits; U. S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way or such lines extended; unless otherwise noted on the Zoning Map.
- (3) Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.

B. Zoning Map. A Zoning Map shall be adopted and approved with the text as part of this Chapter. Amendments to the Zoning Map shall take effect upon adoption by the Town Board, and the filing of proof of posting or publication thereof in the office of the Town Clerk.

C. A-1 Exclusive Agricultural District.

- (1) Purpose. The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.
- (2) Land Use in the Farmland Preservation District; General. Only the following land uses are allowed in the A-1 Exclusive Agricultural District:
 - (a) Uses allowed under Chapter 10.03.C.(3) as a permitted use.
 - (b) Uses allowed under Chapter 10.03.C.(4) with a conditional use permit.
 - (c) Prior nonconforming uses, subject to [choose s. 59.69(10), 60.61(5), or 62.23(7)(h), Wis. Stats., as applicable].
- (3) Permitted Uses.
 - (a) Agricultural Uses.
 - (b) Accessory Uses.
 - (c) Agriculture-related Uses.
 - (d) Undeveloped natural resource and open space areas.
 - (e) A 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 special use permit for that use.
 - (f) Other uses identified by DATCP rule.
- (4) Conditional Uses.
 - (a) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:

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1. The use and its location in the A-1 Exclusive Agricultural District are consistent with the purposes of the A-1 Exclusive Agricultural District.
 2. The use and its location in the A-1 Exclusive Agricultural District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (b) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
1. The use and its location in the A-1 Exclusive Agricultural District are consistent with the purposes of the A-1 Exclusive Agricultural District.
 2. The use and its location in the A-1 Exclusive Agricultural District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 5. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- (c) Nonmetallic mineral extraction, if all of the following apply:
1. The operation complies with Subchapter I of Chapter 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under Chapters 295.13 or 295.14, Wis. Stats., (including all applicable provisions of this Chapter 10), and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
 2. The operation and its location in the A-1 Exclusive Agricultural District are consistent with the purposes of the A-1 Exclusive Agricultural District.
 3. The operation and its location in the A-1 Exclusive Agricultural District are reasonable and appropriate, considering alternative locations outside the A-1 Exclusive Agricultural District, or are specifically approved under state or federal law.
 4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 5. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 6. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.
- (d) Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (5) Rezoning Land out of A-1 District.
- (a) The Town of Montpelier may rezone land out of the A-1 Exclusive Agricultural District without having the rezoning certified under Chapter 91.36, Wis. Stats., if the Town finds all of the following, after public hearing:
1. The land is better suited for a use not allowed in the A-1 Exclusive Agricultural District.
 2. The rezoning is consistent with the Town of Montpelier comprehensive plan.

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3. The rezoning is substantially consistent with the Kewaunee County certified farmland preservation plan.
 4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (b) The Town of Montpelier shall by March 1 of each year provide to DATCP a report of the number of acres that the political subdivision has rezoned out of the A-1 Exclusive Agricultural District under Section 10.03C.(4)(a) of this Chapter during the previous year and a map that clearly shows the location of those acres.
 - (c) The Town of Montpelier shall by March 1 of each year submit a copy of the information that it reports to DATCP under Section 10.03C.(4)(b) of this Chapter to Kewaunee County.
 - (d) If the Town of Montpelier fails to comply with Section 10.03C.(4)(b) of this Chapter, DATCP may withdraw the certification granted under Chapter 91.06, 2007 Wis. Stats., or under Chapter 91.36 Wis. Stats for the Town of Montpelier farmland preservation zoning ordinance.
- (6) Lot, Height, and Setbacks.
- (a) Lot or farm size.
 1. Area – Minimum 1.5 acres
 2. Width – Minimum 200 feet.
 - (b) Setbacks.
 1. Rear yard – Minimum 25 feet; minimum 10 feet for accessory and buildings which are not dwellings.
 2. Side yard – Minimum 25 feet; minimum 10 feet for accessory and buildings which are not dwellings.
 3. Town road – Minimum 65 feet from center of road.
 4. County road – Minimum 65 feet from center of road.
 5. State and federal highway – Minimum 85 feet from center of road; 110 feet from center of road in subdivisions.

D. A-2 Agricultural/Rural Residential District.

- (1) Purpose and Intent of the A-2 Agricultural-Rural Residential District (A-2 District). The purpose of the A-2 District is to provide a mixture of low density residential and agricultural land uses. This district is designed to permit utilization of smaller land parcels in predominantly agricultural areas for small-scale agricultural and rural residential uses.
- (2) Permitted Uses. The following uses are permitted in the A-2 District:
 - (a) Single family dwellings or manufactured homes.
 - (b) General farming, orchards, vegetable raising, plant nurseries and greenhouses.
 - (c) Religious institutions.
 - (d) Home Occupations.
 - (e) Home occupations and industries, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
 - (f) Home Office.
 - (g) Essential services.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the A-2 District:
 - (a) Accessory buildings.
 - (b) Antennas.
 - (c) Day Care Home-Family.
 - (d) Roadside stands not exceeding one per farm or residence.
- (4) Conditional Uses. The following uses require a conditional use permit in the A-2 District:

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- (a) Accessory dwelling units, consistent with Section 10.04.H.
 - (b) Airports and landing strips.
 - (c) Cemeteries.
 - (d) Day-Care Center, Group.
 - (e) Two-family dwellings.
 - (f) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
 - (g) Home industries.
 - (h) Park and recreational uses
 - (i) Solar and wind energy conversion systems.
 - (j) Utilities
 - (k) Wireless Communication facilities, including commercial radio and commercial television towers.
 - (l) Wind Energy Systems-Farmed-Sized (see Section 10.0510)
 - (m) Wind Energy Systems-Small-Sized (see Section 10.0510)
 - (n) 24. Wind Energy Systems-Wind Farms (see Section 10.0510 of this Chapter).
- (5) Lot, Height, and Setbacks.
- (a) Lot or farm size.
 - 1. Area – Minimum 1.5 acres
 - 2. Width – Minimum 200 feet.
 - (b) Setbacks.
 - 1. Rear yard – Minimum 25 feet; minimum 10 feet for accessory and buildings which are not dwellings.
 - 2. Side yard – Minimum 25 feet; minimum 10 feet for accessory and buildings which are not dwellings.
 - 3. Town road – Minimum 65 feet from center of road.
 - 4. County road – Minimum 65 feet from center of road.
 - 5. State and federal highway – Minimum 85 feet from center of road; 110 feet from center of road in subdivisions.
 - (c) Corner lots - Corner lots (a lot abutting two or more streets at their intersection) shall provide a minimum lot width of not less than 200 feet along each street.
 - (d) Lots on cul-de-sac – Lots located on a cul-de-sac or curve may be reduced to not less than 66 feet in width at the street right-of-way line provided there is at least 200 feet of width at the required building setback line.

E. R-1 Residential District.

- (1) Purpose and Intent of the R-1 Residential District (R-1 District). The R-1 District is intended to provide for single-family and two-family development served by private onsite or private clustered waste treatment systems and private wells.
- (2) Permitted Uses. The following uses are permitted in the R-1 District:
 - (a) Community living arrangements, community-based residential facilities (CBRF) which have a capacity for 8 or fewer persons, and foster family homes, subject to the limitations set forth in Chapter 60.63, Wis. Stats.
 - (b) Essential services.
 - (c) Family day care homes.
 - (d) Home occupations
 - (e) Religious institutions.
 - (f) Single-family dwellings.
 - (g) Two-family dwellings.

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- (3) Permitted Accessory Uses. The following accessory uses are permitted in the R-1 District:
 - (a) Other accessory structures and uses as specified in Section 10.08.C.
- (4) Conditional Uses. The following uses require a conditional use permit in the R-1 District:
 - (a) Accessory dwelling units, consistent with Section 10.04.H.
 - (b) Circular driveways.
 - (c) Elderly housing.
 - (d) Energy conservation uses.
 - (e) Family day care homes
 - (f) Manufactures homes.
 - (g) Multi-family dwellings of three to twelve units.
 - (h) Nursing homes.
 - (i) Public, parochial, and private schools, colleges, and universities.
 - (j) Utilities.
- (5) Lot, Height, and Setbacks.
 - (a) Lot size.
 - 1. Area – Minimum 1 acre.
 - 2. Width – Minimum 200 feet.
 - (b) Building height.
 - 1. Dwellings and accessory structures – Maximum 35 feet.
 - (c) Setbacks.
 - 1. Rear yard – Minimum 25 feet; minimum 10 feet for accessory and buildings which are not dwellings.
 - 2. Side yard – Minimum 25 feet; minimum 10 feet for accessory and buildings which are not dwellings.
 - 3. Town road – Minimum 65 feet from center of road.
 - 4. County road – Minimum 65 feet from center of road.
 - 5. State and federal highway – Minimum 85 feet from center of road; 110 feet from center of road in subdivisions.
 - (d) Corner lots – Corner lots (a lot abutting two or more streets at their intersection) shall provide a minimum lot width of not less than 200 feet along each street.
 - (e) Lots on cul-de-sac – Lots located on a cul-de-sac or curve may be reduced to not less than 66 feet in width at the street right-of-way line provided there is at least 200 feet of width at the required building setback line.

F. B-1 Business District.

- (1) Purpose and Intent. The B-1 Business District (B-1 District) is intended to provide for the orderly and attractive grouping at appropriate locations of businesses offering a wide range of retail products and services. The character, appearance, and operation of such businesses should be compatible with surrounding uses.
- (2) Permitted Uses. The following uses are permitted in the B-1 District:
 - (a) Stores and shops for conducting retail, service, or wholesale business.
 - (b) Business and professional offices and services.
 - (c) Taverns and restaurants, excepting drive-ins.
 - (d) Motels, hotels, and similar lodging.
 - (e) Printing and duplicating.

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- (f) Radio and television broadcasting studio, tower and mast or microwave relay structure, excepting mobile communications towers as regulated under Chapter 10.05.H.
- (g) Animal hospitals and veterinary services.
- (h) Theaters, excepting outdoor theaters.
- (i) Public buildings and institutions.
- (j) Public utilities.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the B-1 District:
 - (a) Accessory structures and uses as specified in Section 10.08.C.
 - (b) Garages used for storage of vehicles used in conjunction with the operation of a business.
 - (c) Off-street parking and loading areas.
 - (d) Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
 - (e) Rental apartments on a non-ground floor.
- (4) Conditional Uses. The following uses require a conditional use permit in the B-1 District:
 - (a) Adult-oriented uses.
 - (b) Gasoline stations, convenience stores, and similar uses.
 - (c) Bowling alleys.
 - (d) Dance halls.
 - (e) Outdoor theaters.
 - (f) Shopping center.
 - (g) Drive-in eating and drinking establishments.
 - (h) Sign and sign shops.
 - (i) Any other use deemed by the Plan Commission to be substantially similar to a listed permitted or conditional use in the B-1 District.
- (5) Lot, Height, and Setbacks.
 - (a) Lot size.
 - 1. Area – Minimum 1.5 acres.
 - 2. Width – Minimum 200 feet of road frontage.
 - (b) Building height.
 - 1. Principal structure and accessory structures – Maximum 35 feet permitted; up to 50 feet with conditional use permit.
 - (c) Setbacks.
 - 1. Rear yard – Minimum 25 feet for principal use; 10 feet for accessory use.
 - 2. Side yard – Minimum 25 feet for principal use; 10 feet for accessory use.
 - 3. Town road – Minimum 65 feet from center of road.
 - 4. County road – Minimum 65 feet from center of road.
 - 5. State and federal highway – Minimum 85 feet from center of road; 110 feet from center of road in subdivisions.
 - 6. Maximum setback for buildings – 400 feet from center of road.
 - (d) Site standards. Individual business sites in the B-1 District shall provide sufficient area for the principal building and its accessory buildings, off-street parking and loading areas, and required yards.
 - (e) Shopping centers shall contain a minimum area of 5 acres and shall be not less than 300 feet in width.

G. Q-1 Nonmetallic Mining District

- (1) Purpose and Intent. The Q-1 Non-Metallic Mining District is intended to provide for the conduct of quarries limited to extraction of onsite materials, to provide for related operations, and for the proper

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restoration of the quarried areas. These regulations provide for the restoration of quarries and extractive areas in a manner that will not deteriorate the natural environment, and are intended to be utilized in existing and planned quarry and extractive use areas.

- (2) Permitted Uses. The following uses are permitted in the Q-1 District:
 - (a) Nonmetallic mining operations.
 - (b) Essential services.
- (3) Conditional Uses. The following uses require a conditional use permit in the Q-1 District:
 - (a) Aggregate, ready-mix, and asphalt plants, when accessory to active quarrying operations.
 - (b) Energy conservation uses.
 - (c) Manufacture of concrete building blocks or other similar concrete products, when accessory to quarrying operations.
 - (d) Peat and soil removal.
 - (e) Processing, crushing, refining, or washing of gravel, mineral ore, sand, or stone, when accessory to quarrying operations.
 - (f) Quarrying of gravel, mineral ore, sand, or stone.
 - (g) Radio and television transmission towers.
 - (h) Recreational uses (See Section 10.05.I).
 - (i) Stockpiling of gravel, mineral ore, sand, or stone, when accessory to quarrying operations.
 - (j) Utilities.
 - (k) Wireless communication facilities.
 - (l) The following uses where accessory to a conditional use:
 - 1. Garages for the storage of vehicles.
 - 2. Ground-mounted and building-mounted satellite dish and terrestrial antennas.
 - 3. Maintenance buildings and weighing scales.
 - 4. Off street parking and loading areas, provided they are properly screened, offices, storage, and power supply uses and structures.
 - 5. Processing of mineral ore when accessory to quarrying operations.
- (4) Lot Area and Width.
 - (a) Lots shall be a minimum of 3 acres in area.
 - (b) Lots shall not be less than 250 feet in width.
- (5) Yards.
 - (a) No quarrying activities, crushing or washing operation or material stockpile shall be located closer than 200 feet to any property line.
 - (b) No building or parking area shall be located closer than 100 feet to a road centerline or 50 feet to any other property.
 - (c) No quarrying activity, crushing or washing operation, material stockpile, building, or parking area shall be located closer than 75 feet from the ordinary high water mark of any navigable body of water.
- (6) Building Height. No building or structure, or parts of a building or structure shall exceed 70 feet in height.
- (7) Operation Plan Required. Each applicant for a conditional use in the Q-1 District shall submit an operation plan for approval by the Town Plan Commission. The operation plan shall specify:
 - (a) A timetable for operation of the quarry, including the date on which the quarrying, extractive, or other operation will begin and the planned date of the completion of the operation.
 - (b) A phasing plan showing the location and timing of all proposed phases.
 - (c) Hours of operation and days of operation for the quarrying, extractive, or other operation.
 - (d) The means by which noise, dust, and other potential nuisances will be controlled.
 - (e) The means by which the applicant will control stormwater runoff and erosion to protect watersheds and groundwater aquifers.

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- (f) The location, height, and type of all proposed fences.
 - (g) All machinery and equipment to be used and/or stored during the quarrying, extractive, or other operation, and the location thereof.
 - (h) A transportation plan identifying the mode of transportation to be used, the size and types of vehicles to be used, the number and frequency of trips to and from the site, and the routes to be used by trucks.
 - (i) Conduct pump tests to determine aquifer withdrawals and impacts to water table.
 - (j) The location and type of landscaping to be used to screen the quarrying operation from adjacent land uses and public rights-of-way.
 - (k) Other information as required by the Plan Commission.
- (8) Restoration Requirements. In order to ensure that the area of a quarrying or related operation shall be restored to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall submit to the Town Plan Commission the approved plan for such restoration in accordance with the requirements of Kewaunee County Non-Metallic Mining Reclamation Ordinance.

H. I-1 Institutional District.

- (1) Purpose and Intent. The I-1 Institutional District (I-1 District) is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.
- (2) Permitted uses. The following uses are permitted in the I-1 District:
 - (a) Cemeteries.
 - (b) Essential services.
 - (c) Funeral homes and crematoriums.
 - (d) Hospitals and clinics.
 - (e) Libraries, community centers, museums, and public art galleries.
 - (f) Nursing homes and assisted living facilities.
 - (g) Public or private schools, colleges, and universities.
 - (h) Public administrative offices and public service buildings, including fire and police stations.
 - (i) Public utility offices.
 - (j) Religious institutions.
 - (k) Sanatoriums.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the I-1 District:
 - (a) Accessory structures and uses as specified in Section 10.08.C.
 - (b) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
 - (c) Residential quarters for caretakers or clergy.
 - (d) Service buildings and facilities normally accessory to a principal use.
- (4) Conditional Uses. The following uses require a conditional use permit in the I-1 District:
 - (a) Conservatories.
 - (b) Energy conservation uses.
 - (c) Gymnasiums.
 - (d) Music hall.
 - (e) Park and recreational uses
 - (f) Playfields or athletic fields.
 - (g) Public swimming pools.
 - (h) Tennis courts.
 - (i) Sewage treatment plants.
 - (j) Utilities.
- (5) Lot, Height, and Setbacks.

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- (a) Lot size.
 - 1. Area – Minimum 1.5 acres.
 - 2. Width – Minimum 200 feet of road frontage.
- (b) Building height.
 - 1. Maximum 50 feet.
- (c) Rear yard – Minimum 25 feet for principal use; 10 feet for accessory use.
- (d) Side yard – Minimum 25 feet for principal use; 10 feet for accessory use.
- (e) Town road – Minimum 65 feet from center of road.
- (f) County road – Minimum 65 feet from center of road.
- (g) State and federal highway – Minimum 85 feet from center of road; 110 feet from center of road in subdivisions.
- (h) Maximum setback for buildings – 400 feet from center of road (see also Section 10.03L).
- (i) Corner lots – Corner lots shall provide a lot width of not less than 200 feet for each side fronting on a street.

I. RPO Rural Preservation Overlay District.

- (1) Purpose and Intent. The RPO Rural Preservation Overlay District (RPO District) is established as a zone which overlays the entire Town of Montpelier. The intent of the RPO Rural Preservation Overlay district is to conserve, sustain, protect and enhance the agricultural land uses, natural resources, prime soils, and aesthetic appeal of the rural landscape from fragmentation, while allowing development of properties. Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. The uses of the underlying standard zoning district shall remain in force. The following standards for the RPO Rural Preservation Overlay district are provided to discourage any uses from negatively impacting agriculture and/or working lands as the primary land use.
- (2) Permitted uses. Permitted uses shall be those permitted in the underlying zoning district.
- (3) Conditional Uses. Conditional Uses shall be those identified as conditional uses in the underlying zoning district.
- (4) Site Plan Required. All uses proposed in the RPO District shall be subject to site plan review procedures in Section 10.10 of this Chapter. The Plan Commission, prior to the issuance of a Zoning Permit, must approve all building locations and design.
- (5) Special Requirements.
 - (a) Setbacks. There shall be minimum 100-foot building setback from the nearest farm operation.
 - (b) The maximum allowable density shall be two (2) dwelling units per face-40 acres (see Definitions, Section 10.16).
 - 1. Dwellings existing at the time of adoption of this Chapter are included in the maximum allowable density of the RPO district.
 - (c) Drainage. Storm water drainage should be directed into natural drainage channels and detention / retention ponds, pond edges and drainage channels shall be protected from erosion by natural aquatic vegetation whenever possible. When storm water volumes and/or velocities indicate more substantial measures than planting are required to control erosion, limestone rip-rap may be used.
- (6) On-Site Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or road right-of-way to structures and to utilities supplying service between structures.

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J. MRC Mixed Residential / Commercial District.

- (1) Purpose and Intent. The purpose of the MRC Mixed Residential / Commercial District (MRC District) is to provide standards of development that relate to the special character and desired future for the areas identified as Mixed Residential / Commercial on the Future Land Use Map of the 2016 Addendum to the 2006 Comprehensive Plan. The MRC District is intended to provide an area of mixed residential and commercial uses within the same structure, on the same site, consistent with the principals of Traditional Neighborhood Design. Such Principals include:
 - (a) Compact development.
 - (b) Development designed for the human scale.
 - (c) A mix of uses, including residential, commercial, civic, and open space in close proximity to one another within the neighborhood.
 - (d) A mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.
 - (e) A mixture of compatible uses within the same structure, on the same parcel, or on adjoining parcels.
 - (f) Interconnected buildings.
 - (g) Multi-modal transportation options.
 - (h) Significant environmental features integral to the design.
 - (i) Consistency with the Town's adopted comprehensive plan.
- (2) Permitted Uses. Principal uses shall be those identified as permitted in the R-1 Residential District.
- (3) Permitted Accessory Uses. Those identified as permitted accessory uses in the R-1 Residential District.
- (4) Conditional Uses. Conditional uses shall be those identified as conditional in the R-1 residential District and permitted or conditional in the B-1 Business District.
- (5) Conditional Accessory Uses. Those identified as permitted accessory uses in the B-1 Business District.
- (6) Site Plan Required. All nonresidential uses proposed in the MRC Mixed Residential / Commercial District shall be subject to site plan review procedures in Section 10.10 of this Chapter. The Plan Commission, prior to the issuance of a Zoning Permit, must approve all building locations and design.
- (7) Special Requirements for Nonresidential Uses.
 - (a) Building Architecture.
 1. Any exterior building wall (front, side or rear) facing STH 29 or shall avoid long expanses of uniform flat walls by using offsets, recesses and/or projections, changes in plane, changes in height, windows, awnings, arcades, and/or colonnades.
 2. One dominant material should be selected with its own natural integrity and any exterior building wall facing STH 29 shall be constructed using one of the following materials:
 - a. Clay or masonry brick.
 - b. Customized concrete masonry with striated, scored, or broken faced brick type units (sealed) with color consistent with design theme.
 - c. Poured in place, tilt-up or pre-cast concrete. Poured in place and tilt-up walls shall have a finish of stone, a texture or a coating.
 - d. Natural stone.
 3. Non-decorative exposed concrete block buildings are prohibited, as are pre-engineered metal buildings, corrugated metal-sided buildings, and wood sided buildings unless such metal buildings and wood sided buildings are enhanced on all elevations by the application of brick, decorative masonry, or decorative stucco surfaces in combination with decorative fascia overhangs, trim, as detailed above.

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4. Drainage pipes on exterior building walls facing a street must be integral to the design and non-apparent.
 5. In the design of buildings or clusters of buildings, developers should orient projects so that the side(s) facing STH 29 form the front of the project. Where fronting toward STH 29 is not feasible due to the location of access roads and other site constraints, the project should be oriented and designed in such a manner so as to convey a pleasing appearance from STH 29 and treated per a through d above.
 6. Where additions are proposed for buildings constructed prior to the effective date of this Chapter and such buildings do not comply with the standards in this Section, such additions need not comply with the standards in this Section as long as the addition(s) are not in excess of fifty (50) percent of the existing floor area of the existing building. Any additions in excess of fifty (50) percent of the existing floor area of the existing building constructed prior to the effective date of this Chapter, shall comply with the standards in this Section.
 7. Exceptions to the Building Architecture standards set forth in this Section may be granted by the Plan Commission, or designee, for structures of comparable design and building materials.
- (b) Landscaping.
1. A minimum of fifteen (15) percent of the total area of each lot shall be devoted to landscaped open space.
 2. All open areas of any lot not used for parking, driveways or storage shall be landscaped with trees, shrubs, berms and planted ground cover.
 3. Full compliance with the requirements of section 10.10J of this Chapter.
 4. All parking areas shall be landscaped with a buffer strip not less than fifteen (15) feet wide located between the edge of the right-of-way of or any current or future frontage road and the surface of the parking area.
 5. Landscaping shall be adequately maintained for the duration of the approved land use. Failure to adequately maintain landscaping may result in fines of \$100.00 per day with each day of noncompliance constituting a separate offense.
- (c) Onsite Utilities. All on-site utilities, including but not limited to electrical, telephone, and cable, shall be installed as underground facilities. This shall apply to utilities running from the utility easement or street right-of-way to structures and to utilities supplying service between structures.
- (d) Building, Sign and Parking Setback Requirements.
1. No building shall be constructed nearer than fifty (50) feet from the right-of-way of any public street or highway. Signs and parking area shall be setback twenty-five (25) feet from the right-of-way of any public street or highway.
 2. Minimum side yards shall be fifteen (15) feet.
 3. Minimum rear yards shall be twenty-five (25) feet; however, parking shall be allowed with a five (5) foot minimum setback provided a (5) foot landscaped buffer is provided.
- (e) Lot Size Minimum. 30,000 sq. ft. minimum for any lot which fronts onto the right-of-way of STH 29, or frontage road paralleling STH 29.
- (f) Minimum frontage on public street: One hundred fifty (150) feet.
- (g) Off-Street Parking (refer to Section 10.06 of this Chapter).

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10.04 PARTICULAR USE REQUIREMENTS

- A. **Purpose and Intent.** The purpose of these requirements is to minimize potential negative impacts from certain uses and to promote compatibility between particular uses and surrounding uses.
- B. **Applicability.** In addition to complying with other regulations established in this Chapter, these requirements must be met for each specific use. These requirements shall override any requirements which are described elsewhere in this Chapter for the Zoning Districts, but only to the extent that they conflict with such requirements.
- C. **Mobile Homes.** This Section provides for the location and provisions thereof in the placement of Mobile Homes in the Town of Montpelier.
- (1) Definition. ‘Mobile Home’ means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid un-collapsible construction, which has an overall length in excess of 45 feet. Mobile home includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
 - (2) Mobile Homes, as defined above, may be allowed under a conditional use permit provided that:
 - (a) A mobile home shall be equipped with a lavatory, bathtub (or shower), and a water closet.
 - (b) Minimum Height – The above shall not be greater than 80 percent of the average width.
 - (c) All mobile homes shall comply with the minimum regulations set forth in all Districts and any legally existing mobile home shall be treated as single family, prefabricated housing.
 - (d) After placement, a mobile home shall be skirted, and the tongue shall be covered or removed as to take on the appearance of a conventional home.
 - (e) Mobile homes shall be placed on firm foundations.
 - (f) When mobile homes are not connected to a public water supply or public sewage system, they shall conform to the requirements of a single-family residence for the respective District or shore land, whichever applies.
 - (3) All mobile homes shall comply with regulations set forth in the Zoning District that they are located, Town of Montpelier Zoning Ordinance.
 - (4) All mobile homes shall comply with the Kewaunee County Sanitary Ordinance and SPS 383 and SPS 385, Wis. Stats.
 - (5) Mobile homes must be skirted within thirty (30) days and comply as follows:
 - (a) Skirting of the lower area below the floor level shall be required on all mobile home units in manufactured/mobile home parks and those presently parked within the Town of Montpelier.
 - (b) The type of skirting shall be of such material and color that it will blend with the original color, material, fabric and/or design of the original mobile home itself.
 - (c) A permanent foundation, wall or basement may be erected to support any mobile home unit in lieu of the above requirements for skirting.
- D. **Manufactured Home.**
- (1) Definition. "Manufactured Home" means a structure certified and labeled as a manufactured home under 42 U.S.C. 5401 through 5425, which, when placed on a site:
 - (a) Is set on an enclosed foundation in accordance with Sec. 70.043 (1), Stats., and sub-chapters III, IV and V of ch. ILHR 21, Wis. Admin. Code, or is set on a comparable enclosed foundation

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system approved by the Zoning Administrator. The Zoning Administrator may require a plan to be certified by a registered architect or engineer to ensure proper support for the home.

- (b) Is installed in accordance with the manufacturer's instructions.
- (c) Is properly connected to utilities.
- (2) All manufactured homes shall comply with regulations set forth in the District that they are located.
- (3) Parking of manufactured homes outside of a mobile home park for occupancy.
 - (a) No person shall park a manufactured home outside of a mobile home park for occupancy or change its location within the Town without first obtaining a Zoning Permit from the Town. Such permit may be obtained by application from the Zoning Administrator.
 - (b) All manufactured homes moved into the Town of Montpelier after the adoption of this Chapter shall abide by the following requirements:
 - 1. The manufactured date of all manufactured shall be as of June 1976 or newer and must meet HUD requirements. All previously occupied manufactured homes must be inspected by a State Certified Home Inspector using Town of Montpelier supplied forms or forms approved by the Zoning Administrator. The Town Zoning Administrator can approve and issue a permit if all elements on the inspection report were satisfactory. If a problem was found and corrected within six (6) months, and a second inspection verified the correction, a permit shall be issued by the Zoning Administrator.
 - 2. No construction of any additions, windbreaks, carports, permanent garages, utility sheds or any other improvement to a mobile home shall be commenced without first obtaining a Zoning Permit as provided for in the Town of Montpelier zoning ordinance.
 - 3. No converted vehicles such as but not limited to vans, semi-trailers or school buses are to be considered manufactured home units within the scope of this Chapter. The parking of such vehicles within the Town of Montpelier is strictly prohibited. Likewise, no manufactured home is to be utilized as a storage shed, and permits will not be issued for such use.
 - 4. A sanitary permit or privy permit from Kewaunee County shall be required before being granted a Zoning Permit for the placement of a manufactured home in the Town of Montpelier.
 - 5. All existing manufactured homes which do not conform to the standards set forth above at the time of adoption of this Chapter shall not be affected by said conditions except:
 - a. That said non-conforming manufactured home upon removal from the property it was located on at the time of adoption of this Chapter may not be moved to another location within the Town of Montpelier.
 - b. Only one manufactured home unit shall be permitted on a recorded tract of land in the Town of Montpelier. Any owner of a single recorded tract of land on which there are two or more manufactured home units shall be deemed to be operating a mobile home park and shall comply with all of the requirements of the Town of Montpelier mobile homes and manufactured/mobile home parks requirements.
 - c. Individual manufactured home units set up on a parcel of land in the Town of Montpelier are required to be installed in accordance to applicable state statutes and regulations, SPS Comm. 27 guidelines, and the Town of Montpelier zoning ordinance.
 - d. Mobile home dealers must be registered with the Town of Montpelier before transporting any manufactured homes into the Town and must notify the Town Zoning Administrator of any manufactured homes intended to be moved into the Town if no Zoning Permit has been presented prior to the date of delivery.
 - e. Mobile home dealers or others who violate this Chapter by moving either conforming or non-conforming manufactured homes into the town without prior notice and authorization shall, on the first violation be fined one thousand (\$1000.00) dollars and after two violations will no longer be allowed to transport mobile homes into the Town.

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- (4) Parking of recreational vehicles outside of a mobile home park:
 - (a) Within the scope of this Chapter, a recreational vehicle means 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 it's own mode of power or is mounted or drawn by another vehicle. The basic terms for such vehicles are: travel trailer, camping trailer, truck camper and motor home.
 - (b) For the purpose of this Chapter, a recreational vehicle shall be considered to be a temporary structure.
 - (c) The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.
 - (d) Recreational vehicles may not be permanently attached to a private sewage system.
 - (e) Recreational vehicles must be licensed, yearly, for road travel.
 - (f) Penalty for violation of this Chapter shall be fifty (\$50.00) dollars and each day of violation may be considered a separate offense.

E. **Airport Regulations.** Except for field crops and fences under five feet high, the maximum height of any object located within 500 feet of either side of the centerline of a landing strip, and extended to a distance of two miles from the end of the runway shall be no higher than 1/100 of the distance of the object to the landing strip.

F. **Adult Entertainment Facilities.**

- (1) Adult entertainment facilities include, but may not be limited to:
 - (a) Adult bookstores.
 - (b) Adult cabaret.
 - (c) Adult mini-motion picture theatre.
 - (d) Adult motion picture theatre.
 - (e) Adult-oriented establishment.
- (2) No Adult Entertainment Facilities shall be located:
 - (a) Within a Residential Zoning District.
 - (b) Within 1,320 feet of an existing Adult Entertainment Facilities.
 - (c) Within 1,320 feet of any residential area.
 - (d) Within 1,320 feet of any pre-existing school, place of worship, or day care center.
 - (e) Within 1,320 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
 - (f) Within 1,320 feet of a public park
 - (g) Within 1,320 feet of a property or Historic District listed in the State Register of Historic Places or in the National Register of Historic Places.
- (3) For purposes of this Section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult-oriented establishment, to the nearest property line of the above listed uses.
- (4) No portable signs, window displays, or temporary signs shall be permitted on the premises.

G. **Agricultural Uses Requirements.**

- (1) Any agricultural use involving animals shall provide sufficient shelter and open space to meet or exceed any standards set by the United States Department of Agriculture and/or the Wisconsin Department of Natural Resources.

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- (2) Barnyards, feedlots, and farm structures housing animals shall be located at least 100 feet from navigable water and shall be located so that manure will not drain into navigable water.
- (3) Barnyards, feedlots, and farm structures housing animals, shall be located at least 500 feet or a distance to be determined by the Plan Commission from any dwelling unit other than that of the animal keeper's dwelling unit.
- (4) A feedlot with 1,000 or more animal units shall be considered a conditional use and shall require a conditional use permit pursuant to Chapter 9 of the Code of Ordinances of the Town of Montpelier.

H. Accessory Dwelling Units.

- (1) Districts allowed. Accessory dwelling units (ADU) are permissible as a conditional use in the A-2 and R-1 zoning districts.
- (2) Requirements. To be permissible as a compliant development under a conditional use permit, all of the following shall apply:
 - (a) ADU shall be established in conjunction with a principal dwelling.
 - (b) An ADU located within, or attached to, a principal dwelling shall have a separate entrance from the principal dwelling.
 - (c) The principal dwelling must be a single-family detached dwelling.
 - (d) No ADU shall be constructed prior to the construction of a principal dwelling.
 - (e) An ADU shall be located on the same lot of land as the principal dwelling.
 - (f) The principal dwelling or the accessory dwelling unit must be owner-occupied except that a temporary absence of up to six (6) months is allowed.
 - (g) No more than one (1) accessory dwelling unit may be located on a lot.
 - (h) The number of occupants of the accessory dwelling unit shall not exceed one (1) family or two (2) unrelated individuals.
 - (i) The accessory dwelling unit shall not be sold separately from the principal dwelling.
- (3) Standards.
 - (a) The maximum height of a detached building containing an ADU, including one built above a garage, shall be twenty-five (25) feet.
 - (b) The maximum size of an ADU shall be seventy-five percent (75%) of the principal dwelling's floor area, up to a maximum size of seven hundred (700) square feet.
 - (c) The minimum setback requirements shall be those for accessory building or structures of the underlying zoning district.
 - (d) ADU entryways within a rear or side yard shall be connected to a street frontage by a paved walkway or driveway.
 - (e) The appearance or character of the principal building shall not be significantly altered so that its appearance is no longer that of a single-family dwelling.
 - (f) The exterior finish material of an ADU shall be substantially consistent with the type, size, and placement of exterior finish material of the principal dwelling.
 - (g) The roof pitch of an ADU shall match the predominant roof pitch of the principal dwelling.
 - (h) Trim, projecting eaves, and other such architectural accouterment of an ADU shall match those of the principal dwelling.
 - (i) Windows of an ADU shall match those in the principal dwelling in proportion (relationship of width to height) and orientation (horizontal or vertical).
 - (j) ADU shall comply in all respects with the Wisconsin Uniform Development Code and all other applicable building codes and standards.

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10.05 CONDITIONAL USES

- A. **Permits.** The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the Town.
- B. **Application.** Applications for conditional use permits shall be made in duplicate to the Town Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where pertinent and necessary for proper review by the Plan Commission:
- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 - (2) Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of Survey prepared by a registered land surveyor or a location sketch drawn to scale showing all the information required for a Zoning Permit and, in addition, the following: mean and ordinary high water marks on or within 40 feet of the subject premises, and existing and proposed landscaping.
 - (4) Additional Information as may be required by the Plan Commission or the Town Zoning Administrator.
- C. **Review and Approval.** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. In addition:
- (1) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
 - (2) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 10.13F of this Chapter.
 - (3) **Public Hearing.** The Plan Commission shall hold a public hearing on each application giving public notice as specified in Section 10.15 of this Chapter. The Plan Commission may subsequently issue the conditional use permit with appropriate conditions, deny the permit with reasons, or require the submittal of a modified application.
 - (4) **Amendments to Conditional Use Permit.** Changes subsequent to the initial issuance of a conditional use permit which would result in a need to change the initial conditions shall require an amendment to the conditional use permit. Enlargement of a conditional use shall be considered as an amendment. The process for amending a conditional use permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 10.05.
 - (5) **Revocation of a Conditional Use Permit.** Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Plan Commission, or should the use, or characteristics of the use be changed without prior approval by the Plan Commission the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a conditional use permit as set forth in Section 10.05.

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D. **Public, Semipublic, and Institutional Uses.** The following public and semipublic uses shall be conditional uses and may be permitted as specified.

- (1) Airports, Airstrips, and Landing Fields, including private landing fields, provided the site is not less than 20 acres in area.
- (2) Utilities in all districts provided all principal structures and uses are not less than 50 feet from any residential district lot line.
- (3) Public, Parochial, and Private elementary and secondary schools in any district provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet from any lot line.
- (4) Religious Institutions in any district provided the lot area is not less than 2 acres and all principal structures and uses are not less than 50 feet away from any lot line.

E. **Agricultural Uses and Agricultural Related Uses.** The following agricultural and agricultural related uses shall be conditional uses and may be permitted as specified:

- (1) In the A-1 District, uses consistent with Chapter 91.01(1), Wis. Stats.
- (2) In the A-2 District:
 - (a) Agricultural Warehousing.
 - (b) Animal Hospitals and veterinary services provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
 - (c) Boarding Stables provided that confined housing of horses shall be located not closer than 100 feet to a residential district boundary or a navigable body of water.
 - (d) Commercial Boat and Commercial Recreational Storage provided that the storage is in a completely enclosed structure.
 - (e) Commercial Butchering of livestock; the commercial production of eggs; and the hatching, raising, fattening, or butchering of fowl.
 - (f) Commercial Kennels provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
 - (g) Commercial Raising, propagation, or boarding of animals, such as deer, elk, dogs, cats, mink, rabbits.
 - (h) Housing for Farm Laborers, and for seasonal and migratory farm workers.
 - (i) Large animal feeding operations as defined by Chapter NR 243 of the Wisconsin Administrative Code.

F. **Residential Uses.** The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

- (1) Accessory Structures listed in Section 10.08.C may be located in any Agricultural or Residential District provided the accessory structure complies with the minimum street yard (setback) required for a principal structure. Accessory structures in the A-1 District shall be consistent with Chapter 91.01(1), Wis. Stats. The Plan Commission may require a greater setback or may require the accessory use be screened.
- (2) Bed and Breakfast Establishments in the A-2 and the R-1 Districts provided that no more than 4 bedrooms are rented; that dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics; that adequate off-street parking is provided; and that any permit required by Section HFS 197.04 of the Wisconsin Administrative Code has been secured. One exterior advertising sign, not exceeding 24 square feet in area, may be erected on the premises.

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- (3) Circular Driveways on residential lots fronting on land access streets. The two ingress/egress points shall be separated by a minimum distance of 30 feet, and the edge of the driveway at the point where it intersects with the street shall be located no closer than 15 feet from an adjoining property line. Teardrop-shaped driveways with one ingress/egress point do not require a conditional use permit. Circular driveways shall be prohibited on residential lots fronting on arterial streets and highways and collector streets.
- (4) Community Living Arrangements and Community-Based Residential Facilities (CBRF) which have a capacity for 9 or more persons in the R-1 District.
- (5) Community Living Arrangements and Community-Based Residential Facilities (CBRF) which have a capacity for 16 or more persons in the R-M District.
- (6) Home Industries in the A-2 District or any residential district. A home industry is similar to a home occupation and shall generally be limited by the standards for home occupations set forth in Section 10.08.C. The Plan Commission may, however, permit the conduct of a home industry in an accessory building. The Plan Commission may further permit the assembly and manufacturing of small-scale piecework or the use of non-household appliances and tools when it is deemed not to be disruptive to the neighborhood.
- (7) Housing for the Elderly and Community-Based Residential Facilities (CBRF) in the I-1 District and the B-1 District provided that the density of such housing shall not exceed 6 units per net acre; and provided that there shall be a minimum living area of 500 square feet for a one-bedroom dwelling unit and a minimum living area of 750 square feet for a two-bedroom or larger dwelling unit.
- (8) Manufactured/Mobile Home Parks in the R-1 District provided that:
 - (a) Minimum park size shall be 10 acres.
 - (b) Minimum park width shall be 330 feet.
 - (c) Maximum density of mobile home sites shall be 6 per acre.
 - (d) Minimum open space provided shall be 20 percent of the development area, exclusive of streets.
 - (e) Minimum lot area for each single-wide mobile home shall be 5,000 square feet. The mobile home lot shall be a minimum of 50 feet in width.
 - (f) Minimum lot area for a double-wide mobile home shall be 6,000 square feet. The mobile home lot shall be a minimum of 60 feet in width.
 - (g) Minimum setback for a mobile home park shall be 83 feet from the center line of a public street or roadway.
 - (h) Minimum distance between mobile home units and all other exterior park lot lines shall be 50 feet.
 - (i) Minimum distance between mobile home and service road shall be 20 feet.
 - (j) Minimum distance between mobile homes shall be 20 feet.
 - (k) All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be 2 parking spaces for each mobile home.
 - (l) Laundries, washrooms, recreation rooms, maintenance equipment storage, and an office may be permitted by the Town Board as accessory uses.
 - (m) Each mobile home park shall be completely enclosed, except for permitted entrances and exits, by either:
 1. A temporary planting of fast-growing material, consistent with Section 10.10J of this Chapter, capable of reaching a height of 10 feet or more.
 2. A permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 10 feet.
 - (n) All mobile homes shall meet the construction standards of the Mobile Homes Manufacturing Association.
 - (o) All mobile homes shall be skirted to conceal the chassis.

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- (p) All accessory structures must meet the requirements of Section 10.08.C of this Chapter.
- (q) No mobile home site shall be rented for a period of less than 30 days.
- (9) Nursing Homes, Clinics and Commercial Children's Day Care Centers in any business or residential district provided that all principal structures and uses are not less than 50 feet from any lot line.

G. Business Uses. The following business uses shall be conditional uses and may be allowed as specified:

- (1) **Adult-Oriented Uses.** The Town Board finds that Adult-Oriented Uses require special zoning restrictions in order to protect and preserve the health, safety, and welfare of the Town. In recognition of the protection afforded to the citizens under the 1st and 14th Amendments, it is not the intent of this subsection to inhibit freedom of speech or the press, but rather to restrict the location of defined materials and activities consistent with the Town's interest in the present and future character of its community development. Accordingly, adult-oriented uses are permitted in the B-1 Business District, subject to the following:
 - (a) No adult-oriented establishment or use shall be located within 1,320 feet of any public, parochial, or private school, religious institution, funeral parlor or crematorium, day care center, residence, public park, other adult-oriented establishment or use, or an establishment holding an alcoholic beverage license. The above-noted distance shall be measured in a straight line without regard to intervening structures or objects, from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult-oriented establishment or use to the nearest point of the parcel of property or land use district boundary from which the proposed land use is to be separated.
 - (b) Advertisements, displays, pictures, or other promotional materials which are sexual in nature shall not be shown or exhibited on the premises in a manner which makes them visible from pedestrian ways or other public areas. All points of access into such establishments shall be located, constructed, covered, or screened in a manner that will prevent a view into the interior from any public area.
 - (c) All adult-oriented establishments and uses shall comply with all regulations and requirements of this Chapter and must comply with all provisions of the zoning district in which the establishment is located. Said establishment and use shall also comply with all other applicable provisions of the Town of Montpelier Code of Ordinances.
- (2) Funeral Homes and crematoriums in the B-1 District provided all principal structures and uses are not less than 25 feet from any lot line.

H. Mobile Communications Towers.

- (1) **Purpose.** The purpose of this Section is to regulate by zoning permit:
 - (a) The siting and construction of any new mobile service support structure and facilities.
 - (b) With regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities.
 - (c) 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.
- (2) **Authority.** The Town Board has the specific authority under Chapters 60.61 and 66.0404, Wis. Stats., to adopt and enforce this Chapter.
- (3) **Definitions.** All definitions contained in Chapter 66.0404(1), Wis. Stats., are hereby incorporated by reference.

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(4) Siting and Construction of Any New Mobile Service Support Structure and Facilities.

(a) Application Process.

1. A 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.
2. A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. 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.
 - e. 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.
 - f. 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.
3. A permit application will be provided by the Town upon request to any applicant.
4. If an applicant submits to the Town an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, 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.
5. 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:
 - a. 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 ordinance.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
6. 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 Section 10.05H.(4)(a)2.f of this Chapter.

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7. 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, the zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
 8. The fee for the permit is \$3,000.00 payable upon submittal of a complete application.
- (5) Class 1 Collocation.
- (a) Application Process.
1. A Conditional Use Permit is required for a Class 1 collocation.
 2. An application for a Conditional Use Permit must be completed by any applicant and submitted to the Town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
 - d. 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.
 - e. 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.
 - f. 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.
 3. A permit application will be provided by the Town upon request to any applicant.
 4. If an applicant submits to the Town an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, 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.
 5. 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:
 - a. 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 ordinance.
 - b. Make a final decision whether to approve or disapprove the application.
 - c. Notify the applicant, in writing, of its final decision.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

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- e. 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 Section 10.05H.(5)(a)2.f of this Chapter.
- f. 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 the zoning ordinance, the zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
- g. The fee for the permit is \$3,000.00 payable upon submittal of a complete application.

(6) Class 2 Collocation.

(a) Application Process.

- 1. A zoning 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 zoning permit.
- 2. An application must be completed by any applicant and submitted to the Town. The application must contain the following information:
 - a. The name and business address of, and the contact individual for, the applicant.
 - b. The location of the proposed or affected support structure.
 - c. The location of the proposed mobile service facility.
- 3. A permit application will be provided by the Town upon request to any applicant.
- 4. 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 as per the Town Code.
- 5. If an applicant submits to the Town an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, 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.
- 6. 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:
 - a. Make a final decision whether to approve or disapprove the application.
 - b. Notify the applicant, in writing, of its final decision.
 - c. If the application is approved, issue the applicant the relevant permit.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - e. The fee for the permit is \$500.00 payable upon submittal of a complete application.

(7) Penalty Provisions. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Chapter shall, upon conviction, pay a forfeiture of not less than \$250.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this Chapter. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

I. **Recreational Uses.** The following recreational facilities and uses shall be conditional uses and may be allowed in the A-2 and B-1 Districts; provided that the lot area is a minimum of 1.5 acres and that all structures are not less than 25 feet from a lot line.

(1) Athletic fields.

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- (2) Archery ranges.
- (3) Skate board parks.
- (4) Campgrounds.
- (5) Conservatories.
- (6) Driving ranges and miniature golfing.
- (7) Firearm ranges.
- (8) Golf courses with country club facilities.
- (9) All terrain vehicle park.
- (10) Gymnasiums.
- (11) Paint ball parks
- (12) Model airplane flying areas.
- (13) Music halls.
- (14) Public swimming pools.
- (15) Riding academies.
- (16) Skating Rinks.
- (17) Zoological and Botanical Gardens.

J. **Temporary uses.** The temporary uses listed below may be permitted in the A-2 Agricultural/Rural Residential District and B-1 Business District for a period not to exceed 10 days. Special requirements may be imposed by the Plan Commission for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the road right-of-way. Temporary uses permitted under this Section may erect one (1) temporary sign not to exceed 24 square feet in area on one (1) side and 48 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within five (5) days following the temporary activity.

- (1) Flea Markets may be permitted in any business or manufacturing district for a period not to exceed 3 days. Special requirements may be imposed by the Town Board for parking, sanitary facilities, lighting, and hours of operation. No temporary use listed herein shall be conducted within the street right-of-way. Temporary uses permitted under this Section may erect one temporary sign not to exceed 50 square feet in area on one side and 100 square feet in area on all sides. All buildings, tents, equipment, supplies, and debris shall be removed from the site within 10 days following the temporary activity.

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10.06 PARKING, LOADING, DRIVEWAYS, AND ACCESS

A. **Parking and Loading Requirements.** On every lot on which a business, trade, or industrial use is hereafter established, adequate space with access to a public street or alley shall be provided for the loading and unloading of vehicles off the public right-of-way. At no time shall any part of a truck or van be allowed to extend into the right-of-way of a public thoroughfare while the truck or van is being loaded or unloaded.

- (1) Purpose. This subsection establishes the standards for the amount, location, and development of motor vehicle parking, and standards for on-site loading areas. Other Town ordinances may regulate other aspects of parking and loading. The regulations controlling parking have the following specific objectives:
 - (a) Provide safe, efficient circulation and movement of motor vehicles.
 - (b) Direct traffic in parking areas.
 - (c) Shade and cool parking areas.
 - (d) Provide a pedestrian access that is protected from auto traffic.
 - (e) Improve and soften the appearance of parking areas.
 - (f) Reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones.
 - (g) Decrease airborne and waterborne pollution.
- (2) Applicability. The regulations of this Section apply to all parking areas in all zones. Occupancy. All required parking areas must be completed and landscaped prior to occupancy of any structures.
- (3) Use of Required Parking Spaces. Required parking spaces must be available for the use of residents, customers, or employees of the use. Required parking spaces may not be assigned in any way to a use on another site, except for joint parking situations. Required parking spaces may not be used for the storage of goods or inoperable vehicles.
- (4) Proximity of Parking to Use. Required parking spaces for residential uses must be located on the site of the use. Required parking spaces for nonresidential uses must be located on the site of the use or in parking areas whose closest point is within 300 feet of the site.
- (5) Required Parking Spaces. The minimum or maximum number of parking spaces for all use categories is stated in Exhibit 1. The standards in Exhibit 1 apply unless specifically superseded by other portions of this Chapter. Alternative standards to those shown in Exhibit 1 may be accepted if the applicant demonstrates that such standards better reflect local conditions. Uses not specifically listed in Exhibit 1 shall be treated as a listed use of a similar nature. Since the purpose of required off-street parking spaces is to provide enough on-site parking to accommodate the majority of traffic generated by the range of uses that might locate at the site over time, the required parking numbers correspond to broad use categories, not specific uses, in response to this long-term emphasis.
 - (a) The number of parking spaces is computed based on the primary use of the site except as stated in Subsections 10.05.B(5)(b and c) 2 below.
 - (b) When there are two or more separate uses on a site (such as a home occupation), the required parking for the site is the sum of the required parking for the individual uses.
 - (c) When a use has more than twenty (20) percent of its floor area in a distinct function (i.e. office, warehouse, or retail), required parking is calculated separately for each function. An example would be a 40,000 square foot use with a 10,000 square foot office area and a 30,000 square foot warehouse. The required parking would be computed separately for the office and warehouse.
- (6) Joint Use Parking. Joint use of required parking spaces may occur where two or more uses on the same or adjacent sites are able to share the same parking spaces because their parking demands occur at different times. Joint use of required nonresidential parking spaces is allowed if the following documentation is submitted in writing to the Permit Issuer as part of a Building Permit application or Occupancy Permit application:

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- (a) The names and addresses of the uses and of the owners or tenants that are sharing the parking.
 - (b) The location and number of parking spaces that are being shared.
 - (c) An analysis showing that the peak parking times of the uses occur at different times and that the parking area will be large enough for the anticipated demands of both uses.
 - (d) A legal instrument such as an easement or deed restriction that guarantees access to the parking for both uses.
- (7) Residential Driveway Parking. Driveway surface areas shall count as off-street parking spaces for the unit served by the driveway if there is an open surface area measuring at least one hundred-eighty (180) square feet and no portion of an automobile parked in the area will extend into public right-of-way.
- (8) Enlargement of Use. Whenever a non-residential structure or use is enlarged by twenty-five (25) percent or more of the unit used to calculate parking spaces (e.g. gross floor area, seats, employees, etc.) such new parking space requirements must be met.
- (9) Parking Development Standards. The following development standards promote vehicle areas that are safe and attractive for motorists and pedestrians. These standards apply to all vehicle areas whether required or excess parking.
- (a) Parking Space Dimensions. The minimum size of a required parking space is nine (9) feet by eighteen (18) feet. Where nonrequired parking is provided on a site, at least one nonrequired parking space must meet the minimum size for required spaces. A portion of a standard parking space may be landscaped instead of paved. The landscaped area may be up to two (2) feet of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Landscaping must be ground cover plants.
 - (b) Disabled Parking. The following disabled person parking standards and access standards are regulated through Uniform Building Code as adopted by the Town.
 - 1. Dimensions of disabled person parking spaces and access aisles.
 - 2. The minimum number of disabled person parking spaces required.
 - 3. Location of disabled person parking spaces and circulation routes.
 - 4. Curb cuts and ramps including slope, width and location.
 - 5. Signage and pavement markings.
 - (c) Parking Aisle Dimensions. Minimum width of aisles providing access to stalls for one-way traffic shall be eleven (11) feet for thirty-degree (30°) angle parking and twenty (20) feet for ninety-degree (90°) parking. Minimum width of aisles providing access to stalls for two-way traffic shall be twenty-four (24) feet.
 - (d) Surfacing. All driveways and parking areas, other than those for residential and agricultural use, must be surfaced with a durable surface consisting of concrete or asphalt or of compacted gravel or crushed stone.
 - (e) Access. All parking areas must be designed to allow vehicles to enter and exit the roadway in a forward motion. However, this does not apply to parking areas with one or two spaces and whose only access is on a local service street.
 - (f) Setbacks and Perimeter Landscaping. Perimeter landscaping of parking areas must meet at least the L2 standard. The landscaping requirements also apply to parking area driveways. Parking areas must meet the setback requirements of the underlying zoning district.
 - (g) Parking Area Interior Landscaping. All hard-surfaced parking areas with more than ten (10) spaces must provide interior landscaping complying with one or a mix of both the Options stated below. Trees and shrubs must be protected from potential damage by vehicles through the use of bollards, curbs, wheel stops, or other physical barriers. Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed. Perimeter landscaping may not substitute for interior landscaping. Parking areas that are thirty (30) feet or less in width, and all non-hard surfaced parking areas may locate their

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interior landscaping around the edges of the parking area. Interior landscaping placed along an edge is in addition to any required perimeter landscaping.

1. Option 1. Interior landscaping must be provided at the rate of ten (10) square feet per stall. At least one tree must be planted for every two hundred (200) square feet of landscaped area. Ground cover must completely cover the remainder of the landscaped area.
2. Option 2. One tree must be provided for every six (6) parking spaces. If surrounded by cement, the tree planting area must have a minimum dimension of four (4) feet. If surrounded by asphalt, the tree planting area must have a minimum dimension of three (3) feet.

B. Restrictions on Parking of Equipment. Parking of farm, construction, or building equipment and parking of trucks, tractors, and semi-trailers and disassembled, dismantled, junked, wrecked, inoperable or unlicensed vehicles shall be restricted as follows:

- (1) Parking in the Institutional District. No automobiles, truck tractor, semi-trailer, commercial or construction vehicle, machinery, equipment or truck with dual rear axles shall be stored on lots in the Institutional district. Agricultural vehicles and machinery stored on an operating farm in any of the aforementioned districts are exempt from this restriction.
- (2) Parking in Agricultural and Business 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.
- (3) Restrictions on the Parking of Wrecked, Inoperable, etc. Vehicles. No more than two (2) disassembled, dismantled, junked, wrecked, inoperable, or unlicensed vehicles shall be stored, viewed from the road or adjoining property, or allowed to remain in the open upon private property in the Town of Montpelier within 10 days after receiving written notice from the Zoning Administrator to remove or enclose such vehicle unless:
 - (a) 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,
 - (b) The vehicle is in use on the premises as a lawful, unlicensed use; or,
 - (c) 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.
 - (d) The vehicles are stored to the rear of the lot and more than 50 feet from the nearest property line and cannot not be seen from any public road or adjoining property.

C. Driveways. Refer to Town of Montpelier Driveway Ordinance.

D. Culverts. Refer to Town of Montpelier Culvert Ordinance.

E. Street and Highway Access.

- (1) Direct Private Access. 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.
- (2) Driveways on Arterial Streets. 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 Zoning Administrator shall determine the driveway location. Said setback shall be measured from the intersection of the rights-of-way of the two streets.

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- (3) 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 Zoning Administrator shall determine the driveway location. Said setback shall be measured from the intersection from the rights-of-way of the two streets.
- (4) Residential Driveways on Corner Lots shall be located on the least heavily traveled street.
- (5) Temporary Access to the above rights-of-way may be granted by the Zoning Administrator after review and recommendation by the highway agency having jurisdiction. Such access permit shall be temporary and revocable.

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10.07 SIGNS

- A. **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.
- B. **Compliance.**
- (1) No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without conforming with the provisions of this Chapter. No signs, with the exception of official signs, shall be placed within the public right of way.
 - (2) No illuminated sign shall be permitted within 100 feet of any residence unless such sign is so designed that all light rays are directed downward onto the property and that it does not shine or reflect light onto such residence. The use of shielded luminaries, or luminaries with cutoff optics are recommended.
 - (3) Signs shall be judged on their merits and permitted only after a thorough evaluation of the effects of such signs in relation to the surrounding environment.
 - (4) Signs shall not exceed 150 square feet in area.

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10.08 MODIFICATIONS

A. **Height.** The height limitations stipulated elsewhere in this Chapter may be modified as follows:

- (1) Architectural Projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this Chapter.
- (2) Special Structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this Chapter.
- (3) Essential Services, utilities, water towers, electric power and communication transmission lines, and wind energy systems are exempt from the height limitations of this Chapter.
- (4) Communication Structures, such as radio and television transmission and relay towers, aerials, radio and television receiving and transmitting antennas shall not exceed in height their distance from the nearest lot line. See Section 10.05 for requirements and modifications for mobile (wireless) communication facilities.
- (5) Public or Semipublic Facilities, such as schools, religious institutions, 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.

B. **Yards.** The yard requirements stipulated elsewhere in this Chapter may be modified as follows:

- (1) Uncovered Stairs, landings, ramps, and fire escapes may project into any yard but shall not exceed 6 feet in width nor be closer than 10 feet to any lot line.
- (2) Architectural Projections, such as chimneys, flues, sills, bays, eaves, and ornaments, may project into any required yard, but such projection shall not exceed 2 feet.
- (3) Off-Street Parking is permitted in all yards of all districts provided that commercial and industrial parking shall not be located closer than 25 feet to a residential district. All areas designated as parking areas must be surfaced with asphalt, concrete, brick, or crushed stone.
- (4) Landscaping and vegetation are exempt from the yard requirements of this Chapter, provided that such landscaping and vegetation shall not interfere with the vision clearance triangle as required under this Chapter.

C. **Accessory Use Regulations.** Accessory uses are permitted as specified herein. A Zoning Permit shall be required where specifically noted in this Section. The use and/or location requirements stipulated elsewhere in this Chapter may be modified for accessory uses as follows:

- (1) Accessory Structures Permitted in the Side or Rear Yard. The following accessory structures may be permitted in the side or rear yard only:
 - (a) Permanent accessory buildings such as garages and pole buildings, upon the issuance of a Zoning Permit. Permanent accessory buildings shall be located not closer than 10 feet to a lot line; and shall not exceed 35 feet in height.
 - (b) Temporary accessory buildings such as gardening, tool, or storage sheds, or gazebos. Temporary accessory buildings shall be located not closer than 10 feet to a lot line; and shall not exceed 35 feet in height.
 - (c) Decks located adjacent to a principal structure, upon the issuance of a Zoning Permit. Decks shall be located not closer to a lot line than the required side yard and rear yard requirements for the district in which they are located.

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- (2) Home Occupations and Professional Home Offices are permitted accessory uses in the A-2 Agricultural District and in any residential district, not requiring a Zoning Permit, provided that:
- (a) The use of the residential dwelling for the home occupation or professional home office shall be clearly incidental and subordinate to its residential use and shall not occupy more than 25 percent of the floor area of one floor.
 - (b) No persons other than residents of the premises shall be employed or engaged in such home occupation or professional home office. Other persons may be employed by the business but no non-resident shall work on the premises.
 - (c) No traffic shall be generated by the home occupation or professional home office in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of the home occupation or use shall be provided off the street and other than in the required street yard.
 - (d) On-site retail sales shall be limited to goods made on the premises and/or goods approved by the Plan Commission that are associated with the normal operations of the home occupation (i.e. beauty supplies, shampoos, personal care products for a beauty shop).
 - (e) Home occupations, which comply with the conditions set forth above, may include, but are not limited to baby sitting, barber or beauty shops, canning, crafts, dance studios, desktop publishing and other computer services, dressmaking, insurance or real estate agencies, laundering, millinery, photographic studios, piano teaching, telephone marketing, and word processing.
 - (f) Home occupations shall not include auto body or engine repair or construction trades.

D. **Accessory Use Restrictions.** Items prohibited as accessory structures. Such items as, but not limited to, boats, truck bodies, manufactured or mobile homes, buses, railroad cars, shipping containers, and trailers shall not be used as accessory structures.

E. **Compliance With The Americans With Disabilities Act.** Modifications to requirements of this Chapter 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 Federal Americans with Disabilities Act. Such compliance may require the waiving or modifications to setback and yard 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.

F. **Additions.** Additions in the front yard of existing structures shall not project beyond the average of the existing setbacks on the abutting lots or parcels.

G. **Corner Lots.** Corner lots shall provide a street yard on each street that the lot abuts. The remaining yards shall be a rear yard behind the main entrance to the structure and one side yard. (See Appendix, Illustration No. 4)

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10.09 NONCONFORMITIES

- A. **Applicability and Intent.** Any use of land or structures, or any lot or structure which lawfully existed at the effective date of adoption or amendment of this Chapter which would not be permitted or permissible by the provisions of this Chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this Chapter to permit such nonconformities to continue, subject to certain restrictions.
- B. **Nonconforming Uses of Land (Or Land with Minor Structures Only).** Where at the effective date of adoption or amendment of this Chapter a use of land exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure or structures with a fair market value of less than \$10,000, such use may be continued subject to the following restrictions:
- (1) Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this Chapter.
 - (2) Such use shall not be moved in whole or part to any other portion of the lot other than the portion occupied by such use at the effective date of adoption or amendment of this Chapter.
 - (3) When such use is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
 - (4) No additional structure in connection with such use shall be erected.
- C. **Nonconforming Uses of Structures.** Where at the effective date of adoption or amendment of this Chapter the use of a structure exists which would not be permitted or permissible in the district in which it is located, and where such use involves a structure with a fair market value exceeding \$10,000, such use may be continued subject to the following restrictions:
- (1) No existing structure devoted to a use not permitted or permissible shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted or permissible in the district in which it is located.
 - (2) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the effective date of adoption or amendment of this Chapter. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any other building not used for such nonconforming use.
 - (3) There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
 - (4) When such use of a structure is discontinued or abandoned for a period of more than twelve consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
 - (5) If a structure occupied by a nonconforming use is removed or destroyed or damaged to an extent of more than 50 percent of its fair market value at the time of destruction, the nonconforming use shall not be resumed.
- D. **Nonconforming Structure.** No such structure shall be altered in any manner, which would increase the degree of nonconformity. No such structure shall be extended or enlarged. Any non-conforming structure which is damaged or destroyed on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be restored to the size, location and use that it had immediately before damage or

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destruction occurred. Any other non-conforming structures which are hereafter destroyed or damaged beyond repair may not be replaced unless the new structure conforms to the existing zoning regulations.

- E. **Nonconforming Characteristics of Use.** If characteristics of use such as lighting, parking, noise or other matters pertaining to the use of land, structures and premises are made nonconforming by the provisions of this Chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.
- F. **Nonconforming Lots of Record.**
- (1) In any district except the A-1 District, any permitted or permissible structure may be erected on a single lot of record at the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet the requirements of lot area, lot width, or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership, and provided all other requirements for the district are met.
 - (2) If two or more lots, or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this Chapter, the lands involved shall be considered to be an individual parcel for the purposes of this Chapter, and no portion of such parcel shall be used, divided, or sold which does not meet the lot area and lot width requirements for the district in which it is located.
- G. **Nonconforming Signs.** No nonconforming sign shall be altered in any manner which would increase the degree of nonconformity. If such sign is destroyed or damaged to an extent of more than 50 percent of its replacement cost at the time of destruction, such sign shall be replaced as a conforming sign. If a nonconforming sign is destroyed or damaged to an extent of less than 50 percent of its replacement cost at the time of destruction, it may be reconstructed provided any reconstruction does not increase the degree of nonconformity which previously existed.
- H. **Casual, Temporary, or Illegal Use.** The casual, temporary, or illegal use of land or structures, or land structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.
- I. **Repairs and Maintenance.** Nothing in this Chapter shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.
- J. **Conditional Uses.** Any use or structure existing on the effective date of adoption or amendment of this Chapter which is classified as a conditional use in the district in which it is located shall be deemed to have been granted approval, subject to maintaining the character and extent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval according to the terms of this Chapter.

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10.10 SITE PLAN REVIEW

- A. **Purpose.** For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure for commercial, industrial, or institutional purposes, with the exception of agricultural, single-family and two-family dwellings, without first obtaining the approval of the Plan Commission of detailed site and architectural plans as set forth in this Section.
- B. **Applicability.** A site plan permit shall be required for proposed development within the B-1 and MRC Districts and for residential structures comprised of three or more dwelling units and shall include any of the following activities:
- (1) New construction of a building or other structure, except as provided below.
 - (2) Expansion of an existing use that involves a floor space increase of twenty (20) percent or more within any 10-year period.
 - (3) Change of business or other activity that requires an increase of ten (10) percent or more in the number of off-street parking spaces.
 - (4) Alteration or expansion of an existing parking lot that affects greater than ten (10) percent of the total number of parking spaces.
 - (5) Remodel or exterior alteration of any building or other structure, the cost of which exceeds five (5) percent of the structure's total fair market value.
- C. **Principles.** To implement and define criteria for the purposes set forth in this Section, 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 or Use regulated by this Section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
 - (2) Buildings and Uses regulated by this Section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.
 - (3) Buildings and Uses regulated by this Section shall provide for adequate construction site erosion control measures. The Plan Commission shall require erosion control plans in accordance with the Kewaunee County Erosion Control Ordinance and may establish time schedules for landscaping and revegetation of construction sites. Erosion control plans shall be in conformance with the requirements of SPS 321.125 of the Wisconsin Administrative Code.
 - (4) Buildings and Uses regulated by this Section shall provide for safe traffic circulation and safe driveway locations.
 - (5) Buildings and Uses regulated by this Section shall provide adequate parking and loading areas.
 - (6) Buildings and Uses regulated by this Section shall be provided with adequate public services as approved by the appropriate utility.
 - (7) Use of Exterior Lighting shall be designed in such a manner that all light rays are directed downward onto the property. No rays shall be directed towards adjacent properties.
- D. **Pre-application Conference.** To assist the Town and the applicant in the site plan review process, an applicant for site plan review may arrange for a preapplication conference with the Plan Commission by submitting forms and sketch plans as prescribed by the Zoning Administrator prior to submission of a formal application. A preapplication conference need not include extensive field inspection or

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correspondence. The purposes of the preapplication conference are to bring about an informal discussion regarding a proposed project, and to assist the applicant by identifying the following:

- (1) Address, and tax parcel number of parcel(s) in question.
- (2) Owner's name and address.
- (3) Developer's name and address (if relevant).
- (4) Architect/engineer's name and address (if relevant).
- (5) General description of proposed action.
- (6) Hand-drawn sketch plan of proposed action including:
 - (a) Existing structures.
 - (b) Existing easement and rights-of-way.
 - (c) Location of well and onsite wastewater treatment system.
 - (d) Location of driveway/access.
- (7) General description of uses of adjoining properties.
- (8) Any additional information that may be requested by the Zoning Administrator and Plan Commission.
- (9) Digital images.

- E. **Initiation of Process: Payment of Fee.** The site plan review process shall be initiated prior to the commencement of any site disturbing activities such as grading, filling, vegetation removal, etc. associated with the proposed activity. Payment of the appropriate fee, as set forth by the Town Board's schedule of fees, shall be made at the time of the preapplication conference.
- F. **Formal Application.** Application for site plan review shall include the documents described under 'Submission Requirements' below as may be required by the Plan Commission at its discretion. A copy of the site plan shall be given by the applicant to the Town Clerk to be kept on file for public inquiry. After the application is determined to be complete for purposes of further processing, the Clerk may transmit copies of the site plan documents to the Zoning Administrator, Plan Commission or other officials and consultant as deemed necessary in order to solicit comments. The reviewing officials shall then submit written comments to the Commission within 21 days concerning the potential impacts of the proposed development on the objectives listed under "Criteria of Review" below, and any recommended conditions or remedial measures to accommodate or mitigate these expected impacts. Failure of any of the aforementioned parties to respond within the allotted time shall be interpreted as approval of the site plan as proposed.
- G. **Submittal Requirements.** A site plan shall be prepared on standard 24" x 36" sheets, with continuation on 8 1/2" x 11" sheets as necessary for written narrative. The Plan Commission may require any of the following items as part of the formal site plan submission:
- (1) Name of the project, boundaries, and location maps showing the site's location in the community, date, north arrow and scale of the plan.
 - (2) Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 - (3) Names and addresses of all owners of record of abutting parcels and those within three hundred feet (300') of the property line.
 - (4) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within three hundred feet (300') of the site.
 - (5) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.

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- (6) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls and fences.
- (7) Location, type, and screening details for all waste disposal containers shall also be shown.
- (8) The location, height, intensity and coverage area of all external lighting fixtures.
- (9) The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
- (10) The location, height, size, materials, and design of all proposed signage.
- (11) The location of all present and proposed utility systems including sewage system; water supply system; telephone, cable and electrical systems; storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
- (12) Soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments.
- (13) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
- (14) Existing and proposed topography at two-foot (2') contour intervals. If any portion of the parcel is within the 100-year floodplain, the area shall be shown and base flood elevations given. Indicate areas within the proposed site and within fifty feet (50') of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
- (15) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. The Town will encourage the use of regionally native plant species. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (16) Zoning district boundaries within five hundred feet (500') of the site's perimeter shall be indicated in the attached narrative.
- (17) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within one hundred feet (100') of the site.
- (18) For new construction or alterations to any existing building, a table containing the following information:
 - (a) Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - (b) Maximum number of employees.
 - (c) Maximum seating capacity, where applicable.
 - (d) Number of parking spaces existing and required for the intended use.
 - (e) Elevation plans for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of signs to be used.

H. **Procedure.** For proposals not requiring a Conditional Use Permit, the Commission shall issue its decision on the application within thirty (30) days after the determination that the application is complete. For proposals also requiring a Conditional Use Permit, the Commission shall issue its decision on the site plan application no later than seven (7) days after the hearing held by the Board of Appeals on the proposed Conditional Use Permit if such Conditional Use Permit is granted.

I. **Criteria for Review.** During the site plan review process, the Commission shall review the site plan and supporting documents to assess the reasonable fulfillment of the following listed objectives:

- (1) Legal. Conformance with the provisions of the ordinances and rules of the State of Wisconsin, Kewaunee County and the Town.

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- (2) Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
- (3) Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
- (4) Services. Reasonable demands placed on community services and infrastructure.
- (5) Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
- (6) Nuisances. Protection of adjacent and neighboring properties and community amenities from any undue disturbance caused by excessive or unreasonable noise, fumes, smoke, dust, odors, glare, stormwater runoff, etc.
- (7) Existing Vegetation. Minimizing the area over which existing vegetation is to be removed, unless vegetation to be removed has been identified as invasive or noxious by the Wisconsin Department of Natural Resources, including those species identified in Section 10.10J below. Where tree removal is required, special attention shall be given to planting of replacement trees.
- (8) Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as consistent and complimentary architectural design, vegetative buffers and/or the retention of open space.
- (9) Character. The building setbacks, area and location of parking, architectural compatibility, signage and landscaping of the development, and how these features harmonize with the surrounding built environment and natural landscape.

J. **Landscaping.** The Plan Commission may require the use of regionally native species. The following species, identified as invasive by the Wisconsin Department of Natural Resources, shall not be utilized for landscaping purposes:

- (1) Autumn olive.
- (2) Bigtooth aspen.
- (3) Birds-foot trefoil.
- (4) Buckthorn - common and glossy.
- (5) Crown vetch.
- (6) Dames rocket.
- (7) Gray dogwood.
- (8) Honeysuckle – Morrow, Katarina, showy pink, and Amur.
- (9) Japanese barberry.
- (10) Maiden grass.
- (11) Norway maple.
- (12) Oriental bittersweet.
- (13) Purple loosestrife.
- (14) Red osier dogwood.
- (15) Reed canary grass.
- (16) Smooth sumac.
- (17) Staghorn sumac.
- (18) Wayfaring tree.
- (19) Yellow iris.
- (20) Any other species determined by the Town of Montpelier, Kewaunee County, or Wisconsin Department of Natural Resources to be invasive and harmful to the economy and environment of the township.

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- K. **Decision of Plan Commission.** The Plan Commission shall review the referred plans within a reasonable period of time following their submittal and render a decision no later than 60 days following their receipt. The Plan Commission shall not approve any plans unless they find after viewing the application that the structures or use, as planned, will not violate the intent and purpose of this Chapter and that said plans 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. The Commission's decision shall consist of either:
- (1) Approval of the site plan.
 - (2) Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Commission.
 - (3) Disapproval of the site plan.
- L. **Sureties.** The Plan Commission may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Plan Commission may require appropriate sureties to guarantee that improvements will be completed on schedule. The Plan Commission may further require a fee equal to the cost of any legal, engineering, administrative, or fiscal work undertaken by the Town in their review of a development project.
- M. **Appeals.** Any person or persons aggrieved by any decisions of the Plan Commission related to plan review may appeal the decision to the Zoning Board of Appeals. Such appeal shall be filed with the Town Clerk within 30 days of the date of the decision by the Plan Commission.

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10.11 PERFORMANCE STANDARDS

- A. **Compliance.** This Chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their lot lines or district. All structures, land, air, and waters shall hereafter, in addition to their use and site regulations, shall comply with the following performance standards.
- B. **Fire and Explosive Hazards.** All activities involving the manufacturing, utilization, processing, or storage of flammable or explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, or stored only within completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing systems. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed 50,000 gallons.
- C. **Glare and Heat.** No activity shall emit glare or heat that is visible or measurable outside its lot lines except activities which may emit sky-reflected glare, which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their lot lines.
- D. **Water Quality Protection.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards set forth in Chapter NR 102 of the Wisconsin Administrative Code.

- E. **Noise and Vibration.** No operation or activity shall transmit any noise or vibration that is above the vibration perception threshold of an individual at or beyond the Industrial or Commercial District boundaries. Vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. Vibrations not directly under the control of the property user and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.

- F. **Odors.** No non-agricultural activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Chapter NR 429 of the Wisconsin Administrative Code and amendments thereto.
- G. **Particulate Emissions.** No operation of activity shall emit any particulate matter into the ambient air which exceeds the limitations as defined in Chapter NR 429, Wisconsin Administrative Code.

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- H. **Visible Emissions.** No person or activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities so as to substantially contribute to exceeding state or federal air pollution standards. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Chapter NR 431, Wisconsin Administrative Code.
- I. **Radioactivity and Electrical Disturbances.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.
- J. **Vibration.** No activity shall emit vibrations which are discernible without instruments outside its premises or the district.
- K. **Lighting.** No exterior lighting used for parking lots, recreational facilities, product display, or security shall be permitted to spill over on operators of motor vehicles, pedestrians, and uses of land in abutting lots or public rights-of-way. These requirements shall not apply to lighting placed in a public right-of-way for public safety. Accent lighting and low voltage lighting (12 volts or less) are exempt from these requirements.
- (1) **Orientation.** No exterior lighting fixture shall be oriented so that the lighting element (or a transparent shield) is visible from a property in a residential district. Light rays shall not be directed into street rights-of-way or upward into the atmosphere. The use of shielded luminaries, or luminaries with cutoff optics, and careful fixture placement is encouraged to facilitate compliance with this requirement.
 - (2) **Minimum Lighting Standards.** All areas designated on approved site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting.
 - (3) **Intensity of Illumination.** The intensity of illumination, measured at the property line, shall not exceed 0.5 foot-candles.
 - (4) **Flashing, Flickering, and other Distracting Lighting** which may distract motorists is prohibited.
 - (5) **Nonconforming Lighting.** All lighting fixtures approved prior to the adoption of this Chapter not meeting the above criteria shall be treated and regulated as legal nonconforming uses.
- L. **Administration.** Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment, to those requiring substantial technical competence and complex equipment. It is the intent of this Chapter that the methods to be used in determining compliance shall be the responsibility of the Zoning Administrator subject to the following procedure:
- (1) **Approval of Zoning Permits.** Prior to approving a Zoning Permit for any industrial use or any change thereof, the Zoning Administrator shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy all the standards of this Chapter.
 - (2) **Violation of Standards.** Whenever the Zoning Administrator has reason to believe the air quality, vibration and exterior lighting standards of this Chapter have been violated, written notice shall be made by certified mail to the person or persons responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within thirty (30) days. Failure to reply or correct the alleged violation within thirty (30) days may cause lawful action to be taken to cause correction as provided in this Chapter or referral of the alleged violation to the appropriate authorities.

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10.12 ADMINISTRATION

A. Town Board.

- (1) Powers and Duties. The Town Board, in general, performs the following functions in relation to matters addressed by this Chapter:
 - (a) Adopt and periodically review a schedule of all fees, payable by applicants, for the review and processing of all permits and applications.
 - (b) Approves, approves with changes, or disapproves, after due consideration of any recommendations made by the Planning Commission, any application for an amendment to this Chapter, including applications for amendment to the officially adopted zoning map.
 - (c) Approves, approves with conditions, or disapproves, after due consideration of the recommendations made by the Planning Commission, any application for a subdivision plat.
 - (d) Takes such other action not delegated to other bodies that may be desirable and necessary to implement the provisions of this Chapter.

B. Plan Commission.

- (1) Membership.
 - (a) The Plan Commission under this Chapter is the Plan Commission that has been duly created by the Town of Montpelier. It is the responsibility of the Plan Commission to implement and enforce this Chapter as set forth hereafter. The Plan Commission shall consist of **five (5) members**, appointed by the Town Board Chairperson and subject to approval by the Town Board, selected for their knowledge of and interest in matters pertaining to this Chapter.
 - (b) The Plan Commission consists of at least four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.
 - (c) Members shall serve three (3) year terms, except that of those first appointed shall be appointed for staggered terms as follows: one (1) person for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. The Commission shall appoint its own Chairman and elect other officers as may, in their judgment, be necessary.
 - (d) Up to two additional members serving as alternates may be appointed by the Town Board Chairperson subject to approval by the Town Board. Alternates shall attend all meetings of the Plan Commission and may engage in all Plan Commission functions but shall not have a vote unless sitting in place of an absent full Plan Commission member.
- (2) Organization.
 - (a) The Plan Commission shall have power to adopt rules and regulations for its own governance consistent with the provisions of this or any other Chapter of the Town.
 - (b) Meetings of the Plan Commission shall be held at the call of the Commission Chairperson, or at such other times as the Town Board may determine necessary.
 - (c) All meetings of the Plan Commission shall be public. The Plan Commission shall keep minutes of its proceedings showing its action and the vote of each member upon questions requiring a vote or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions.
 - (d) The presence of three (3) members of the Plan Commission shall constitute a quorum. A majority vote of the entire Plan Commission shall be required to any matter upon which it is required to pass under this Chapter. The grounds of every such determination shall be based on evidence presented in the record.

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- (e) The Plan Commission may call on the Zoning Administrator, consultants, or any other qualified individuals for assistance in the performance of its duties, and it shall be the duty of such officials to provide such assistance as is reasonably requested.
- (3) Powers and Duties. The Plan Commission shall have the following powers and duties:
 - (a) To initiate, hear, review and offer its recommendations to the Town Board on conditional use applications and applications for amendments to this Chapter, including applications for amendments to the officially adopted zoning map.
 - (b) To hear, review and offer its recommendations to the Town Board on applications for subdivision plats.
 - (c) To review and decide on applications for site plan review.
 - (d) From time to time recommend to the Town Board such amendments to the Town of Montpelier Comprehensive Plan as it deems appropriate.
 - (e) To aid and assist the Town Board in implementing the Towns adopted land use policies and in planning, developing and completing specific projects.
- (4) Public Information. To the fullest extent possible, the Plan Commission and its staff shall make available to the public all reports and documents concerning the Town Comprehensive Plan and any component thereof. In addition:
 - (a) All Available Information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed.
 - (b) The Plan Commission may set fees necessary to recover the costs of providing information to the public.

C. **Zoning Administrator.** The Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this Chapter. The duty of the Zoning Administrator shall be to interpret and administer this Zoning Code and to issue, after on-site inspection if needed, all permits required by this Zoning Code. The Zoning Administrator shall further:

- (1) Maintain Records of all permits issued, inspections made, work approved, and other official actions.
- (2) Inspect all structures, lands, and waters as often as necessary to assure compliance with this Zoning Code.
- (3) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Zoning Code to the owner, resident, agent, or occupant of the premises, and report uncorrected violations to the Town Board, Plan Commission and Town Attorney in a manner specified by him or her.
- (4) Assist the Town Board, Plan Commission and Town Attorney in the prosecution of Code violations.
- (5) Issue citations for enforcement of and or violation of this Chapter.
- (6) Be Permitted Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him or her to ensure compliance with this Zoning Code. If, however, he/she is refused entry after presentation of his/her identification, he may procure a special inspection warrant in accordance with Chapter 66.0119, Wis. Stats.
- (7) Prohibit the use or erection of any structure, land or water until he/she has inspected and approved such use or erection.
- (8) Attend all meetings of the Plan Commission and Zoning Board of Appeals.

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10.13 ZONING BOARD OF APPEALS

A. **Establishment.** There is hereby established a Zoning Board of Appeals for the Town of Montpelier 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 Board of Appeals shall consist of five (5) members appointed by the Town Chairperson subject to confirmation of the Town Board.
 - (a) Members of the Board of Appeals shall be appointed for terms of three years, except that of those first appointed one (1) shall serve for one year, two (2) for 2 years and two (2) for 3 years.
 - (b) The members of the board shall serve at such compensation to be fixed by ordinance, and shall be removable by the Chairperson for cause upon written charges and after public hearing.
- (2) The members serve at the pleasure of the Town Board and shall be removable by the Town Chairperson for cause upon written charges and after a public hearing.
- (3) The Chairperson shall designate one of the members as chairperson. The board may employ a secretary.
- (4) Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (5) The Chairperson shall appoint, for staggered terms of 3 years, two (2) alternate members of such board, in addition to the five (5) members above provided for.
 - (a) Annually, the Chairperson shall designate one of the alternate members as 1st alternate and the other as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the board refuses to vote because of interest or when a member is absent.
 - (b) The 2nd alternate shall so act only when the 1st alternate so refuses or is absent or when more than one member of the board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall apply to such alternates.
- (6) The Zoning Administrator shall attend meetings for the purpose of providing technical assistance when requested by the Board.
- (7) Official Oaths shall be taken by all members in accordance with Chapter 19.01, Wis. Stats., within 10 days of receiving notice of their appointment.

C. Organization.

- (1) All meetings of the Zoning Board of Appeals shall be held at the call of the Chairperson 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 Montpelier.
- (4) The Chairperson of the Board, or in his absence the Acting Chairperson, 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.

D. **Powers.** The Zoning Board of Appeals shall have the following powers:

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- (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 Chapter 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 Chairperson 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) All adjoining property owners shall be notified (by first class mail) of the appeal.
 - (c) 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 Chapter for a building permit.
 - (d) Additional information required by the Zoning Board of Appeals.
 - (e) Fee receipt from the Zoning Administrator per of this Chapter 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.

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- (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 Montpelier 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 two hundred (200) feet.
 - (b) The Zoning Administrator (at his or her discretion) may require that a plat of survey drawn at a minimum scale of one (1) inch to one hundred (100) feet and prepared by a registered land surveyor - showing all of the information required by this Chapter for a building permit, be submitted.
 - (c) Additional information required by the Zoning Board of Appeals.
 - (d) Fee receipt from the Zoning Administrator per of this Chapter 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 Chapter 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 Chapter or the public interest.
 - (f) Impairment of Air and Light. The proposed variance shall not impair an adequate supply of light and air to adjacent property.

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- (g) Increase in Traffic Congestion. The proposed variance shall not substantially increase the congestion of the public streets.
 - (h) Public Endangerment. The proposed variance shall not 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 Montpelier 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 Chapter 62.23 (7)(e), Wis. Stats.
- G. **Conditions.** Conditions may be placed upon any building permit ordered or authorized by this Board.
- H. **Variances or Substitutions.** Variances or substitutions granted by the Board shall expire within twelve (12) months unless substantial work has commenced pursuant to such grant.

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10.14 CHANGES AND AMENDMENTS

- 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 Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.
- B. **Initiation.** A change or amendment may be initiated by the Town Board, Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.
- C. **Petitions.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, and shall:
 - (1) Include a completed application form provided by the Town.
 - (2) Describe the premises to be rezoned, or the regulations to be amended.
 - (3) List the reasons justifying the petition.
 - (4) Specify the proposed use and have attached the following:
 - (a) Plot Plan drawn to a scale of one 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 existing use of all properties within 200 feet of the area proposed to be rezoned.
 - (b) Owner's Names and Addresses of all properties adjacent to and bordering the area proposed to be rezoned.
 - (c) Additional Information as may be required by the Zoning Administrator, Plan Commission, or Town Board.
- D. **Recommendations.** The Plan Commission shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board.
- E. **Hearings.** The Town Board shall hold a public hearing upon each recommendation, and shall give notice as specified in Section 10.15 of this Chapter.
- F. **Town Board Action.** Following such hearing and after careful consideration of the Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.
- G. **Protest.** In the event of a protest against such district change or amendment to the regulations of this Chapter, duly signed and acknowledged by the owners of 20 percent or more either of the land area included in such proposed change, or by the owners of 20 percent or more of the area of the land immediately adjacent and 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 a unanimous vote of the Town Board.
- H. **Rezone of A-1 District Parcels.** Any rezone of a parcel zoned A-1 Exclusive Agricultural District shall comply with the requirements of Chapter 91.36, Wis. Stats., and Section 10.03.C(4) of this Chapter.

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10.15 NOTICES OF PUBLIC HEARING

A. Notices of Public Hearing.

- (1) A Public Hearing which the Town Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter amending this Chapter, and including applications for amendment(s) to the officially adopted zoning map shall be preceded by a Class II Notice of Public Hearing pursuant to Chapter 985.07(2) Wis. Stats. Said Public Notice shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing.
- (2) Notice of the Public Hearing requiring a Class II Notice shall be mailed to all parties-in-interest at least 7 days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition and all lands adjacent to or bordering the lands included in the petition. Failure to give any notice to any property owner shall not invalidate the action taken by the Town Board, Plan Commission, or Zoning Board of Appeals.
- (3) A Public Hearing which the Town Board, Plan Commission, or Zoning Board of Appeals is required to hold under the terms of this Chapter including, but not limited to, conditional use permits; variances; and special exceptions shall be preceded by a Class I Notice of Public Hearing pursuant to Chapter 985.07(1) Wis. Stats. and shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing.
- (4) Notice of the Public Hearing requiring a Class I Notice shall be mailed to all parties-in-interest at least 7 days before the hearing. Parties-in-interest shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition and all lands adjacent to or bordering the lands included in the petition. Failure to give any notice to any property owner shall not invalidate the action taken by the Town Board, Plan Commission, or Zoning Board of Appeals.

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10.16 DEFINITIONS

A. **General.** For the purpose of this Chapter, the following shall apply as indicated throughout the Chapter:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- (2) The present tense includes the future tense and the singular includes the plural.
- (3) The word "shall" is mandatory; the word should is advisory, the word "may" is permissive.
- (4) The words "used" or "occupied" also mean intended, designed, or arranged to be used or occupied.

B. **Definition of Terms.** For the purpose of this Chapter, the following terms are defined:

ACCESSORY DWELLING UNIT: A second dwelling unit contained within a single-family dwelling or within a detached building located on the same lot as a single-family dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.

ACCESSORY USE OR STRUCTURE (A-1 DISTRICT): Any of the following land uses on a farm in the Exclusive Agricultural District:

- A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
- An activity or business operation that is an integral part of, or incidental to, an agricultural use.
- A farm residence.
- A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in par. (a) or (c), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- Any other use that DATCP, by rule, identifies as an accessory use.

ACCESSORY USE OR STRUCTURE (GENERAL): A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

ACRE: A measure of land area containing 43,560 square feet.

ADJACENT LOT OR LAND: Parcels of land that share all or part of a common lot line with another lot or parcel of land, including parcels that are abutting solely at corner points. Also referred to as "contiguous parcels".

ADULT BOOKSTORE: An establishment having as a substantial or significant portion of its stock in trade for sale, rent, lease, inspection, or viewing, books, films, video cassettes, magazines, or other periodicals which are distinguished or characterized by their emphasis on matters depicting, describing or related to "specified anatomical areas" as defined below, or an establishment with a segment or section devoted to the sale, rent, and display of such material.

ADULT CABARET: A cabaret which features topless dancers, strippers, male or female impersonators, or similar entertainers.

ADULT ENTERTAINMENT: Any exhibition of any motion pictures, live performance, display or dance of any type, which has as its dominant theme, or is distinguished or characterized by an emphasis on, any actual or simulated "specified sexual activities" or "specified anatomical areas."

ADULT MINI-MOTION PICTURE THEATER: An enclosed building with a capacity of less than 50 persons used for presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein.

ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of 50 or more persons used for presenting materials distinguished or characterized by an emphasis on matters depicting, describing, or

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relating to “specified sexual activities” or “specified anatomical areas,” as defined below, for observation by patrons therein.

ADULT-ORIENTED ESTABLISHMENT: Includes, but is not limited to, “adult bookstores,” “adult motion picture theaters,” “adult mini-motion picture establishments,” or “adult cabarets.” It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common areas of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

AGRICULTURAL USE: Any of the following activities conducted for the purpose of producing an income or livelihood:

- Crop or forage production.
- Keeping livestock.
- Beekeeping.
- Nursery, sod, or Christmas tree production.
- Floriculture.
- Aquaculture.
- Fur farming.
- Forest management.
- Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- Any other use that DATCP, by rule, identifies as an agricultural use.

AGRICULTURE-RELATED USE: Any of the following:

- An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
- Any other use that DATCP, by rule, identifies as an agriculture-related use.

AIRPORT: A place where aircraft can land and take off, usually equipped with hangars and facilities for refueling and repair.

ALLEY: A special public right-of-way affording only secondary access to abutting properties.

BABY SITTING: The act of providing care and supervision for fewer than 4 children. This definition does not apply when the baby sitter is related to the child, or when more than 4 children in one household are related.

BARNYARD: A fenced area adjoining a barn used primarily for the keeping of animals.

BASEMENT: That portion of any structure that is located below lot grade or a room(s) with a ceiling that is less than 4 feet above lot grade. Basement floor areas shall not be used to compute minimum floor areas as required by this Chapter.

BED AND BREAKFAST ESTABLISHMENT: Any place of lodging that provides 4 or fewer rooms for rent, is the owner's personal residence, and is occupied by the owner at the time of rental.

BOARDINGHOUSE: A building other than a hotel or restaurant where meals or lodging are regularly furnished by pre-arrangement for compensation for 4 or more persons not members of a family, and not open to transient customers.

BUILDING: Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

BUILDING HEIGHT: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of the roof.

CAMPGROUND: Any public or private grounds or premises used or established for a period of two weeks or more for the overnight camping of persons using equipment designed for the purpose of temporary camping.

CERTIFIED FARMLAND PRESERVATION PLAN: a farmland preservation plan that is certified as determined under Chapter 91.12, Wis. Stats.

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CERTIFIED FARMLAND PRESERVATION ZONING ORDINANCE: A zoning ordinance that is certified as determined under Chapter 91.32, Wis. Stats.

CLUB: A group of people organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and bylaws.

COMMERCIAL USE: A business use or activity at a scale greater than a home industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

COMMUNITY-BASED RESIDENTIAL FACILITY (CBRF): A place where 5 or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A community-based residential facility is subject to State-level licensing and operational limitations as set forth in Chapter 50 of the Wisconsin Statutes.

COMMUNITY LIVING ARRANGEMENT: The following facilities licensed and operated, or permitted under the authority of the Wisconsin Statutes: child welfare agencies under Chapter 48.60, group foster homes for children under Chapter 48.02(7), and community-based residential facilities under Chapter 50.01; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails. The establishment of community living arrangements is governed by Chapters 46.03(22), 48.625, 59.69(15), 60.63, and 62.23(7)(i), Wis. Stats.

COMPREHENSIVE PLAN: A document as described in Chapter 66.1001, Wis. Stats.

CONDITIONAL USES: A use allowed under a conditional use permit, special exception, or other special zoning permission issued by a political subdivision.

CONTIGUOUS PARCELS: Parcels of land that share all or part of a common lot line with another lot or parcel of land, including parcels that are abutting solely at corner points. Also referred to as “adjacent lot or land.” Land is not considered contiguous in the A-1 District if it only meets at a single point.

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

CUSTOM MANUFACTURING: Manufacturing establishments primarily engaged in the onsite production of goods by hand, within enclosed structures, involving the use of hand tools, the use of domestic mechanical equipment not exceeding 2 horsepower, or a single kiln not exceeding 8 kilowatts. Incidental sale to consumers of products produced on site may be permitted. Typical uses include ceramic studios, custom jewelry manufacturing, and candle making.

DATCP. Wisconsin Department of Agriculture, Trade, and Consumer Protection.

DAY CARE CENTER: An establishment providing care and supervision for 4 or more persons under the age of 7 and licensed by the State of Wisconsin pursuant to Chapter 48.65, Wis. Stats.

DECK: A platform or series of platforms, accessory to a dwelling unit, constructed above yard grade. Decks may be freestanding or attached to a dwelling and are intended for use as an outdoor living area.

DENSITY: The number of dwelling units permitted per acre within the gross tract area.

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

DISTRICT: A part or parts of the Town for which the regulations of this Chapter governing the use and location of land and buildings are uniform.

DRIVE-IN RESTAURANT: An establishment used for the sale, dispensing or serving of food, refreshments, or beverages in or on disposable plates and cups, where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pickup of food may take place from an automobile.

DWELLING: A building designed or used exclusively as a residence or sleeping place, but does not include boarding houses, motels, hotels, tents, cabins, or mobile homes.

DWELLING UNIT: A group of rooms constituting all or part of a dwelling, which are arranged, designed, used, or intended for use exclusively as living quarters for one family.

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DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit, designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY: A building containing 2 dwelling units, including units that are located one over the other.

DWELLING, MULTI-FAMILY: A building containing 3 or more dwelling units, including units that are located one over the other.

EROSION: The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

ESSENTIAL SERVICES: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings, wind energy conversion system facilities, wind farms, transmission towers, commercial radio and commercial television towers, and wireless communication towers.

FACE-40: Every 1,320 linear feet (1/4 mile) of a Town Section abutting a public road.

FAMILY: The body of persons related by blood, marriage or adoption, or not more than 4 unrelated persons who live together in one dwelling unit as a single housekeeping entity.

FAMILY DAY CARE HOME: A dwelling licensed as a day care center by the State of Wisconsin pursuant to Chapter 48.65, Wis. Stats., where care is provided for not more than 8 children.

FARM: All land under common ownership that is primarily devoted to agricultural use.

FARM ACREAGE: The size of a farm in acres.

FARMLAND PRESERVATION AGREEMENT: Any of the following agreements between an owner of land and the Wisconsin Department of Agriculture, Trade, and Consumer Protection under which the owner agrees to restrict the use of land in return for tax credits:

- A farmland preservation agreement or transition area agreement entered into under Chapter 91.13, 2007 Wis. Stats., or Chapter 91.14, 2007 Wis. Stats.
- An agreement entered into under Chapter 91.60(1), Wis. Stats.

FARMLAND PRESERVATION AREA: An area that is planned primarily for agricultural use or agriculture-related use, or both, and that is one of the following:

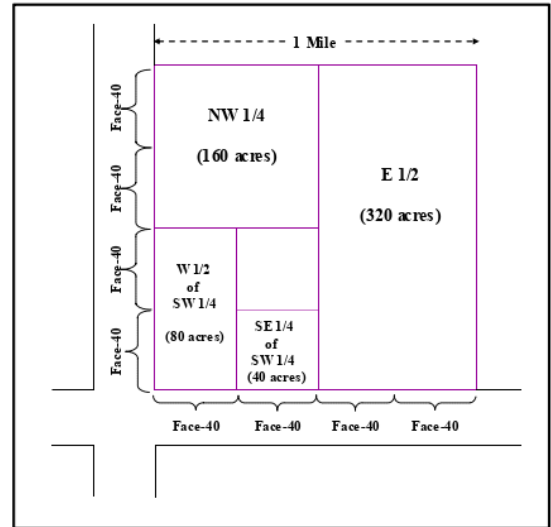
- Identified as an agricultural preservation area or transition area in a farmland preservation plan described in Chapter 91.12(1), Wis. Stats.
- Identified under Chapter 91.10(1)(d), Wis. Stats. in a farmland preservation plan described in Chapter 91.12 (2), Wis. Stats.

FARMLAND PRESERVATION PLAN: A plan for the preservation of farmland in a county, including an agricultural preservation plan under Subchapter IV of Chapter 91, 2007 Wis. Stats.

FARM RESIDENCE: Any of the following structures that is located on a farm:

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

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



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- A migrant labor camp that is certified under s. 103.92.

FEEDLOT: A lot, yard, corral, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term does not include pastures or areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze.

FINANCIAL INSTITUTION: A place of business where financial banking services are provided to consumers or clients on the site. Typical uses include banks, savings and loan associations, savings banks, credit unions, and loan companies.

FLEA MARKET: Any premises where the principal use is the sale of new or used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, equipment or objects, in small quantities, in broken lots or parcels, not in bulk, for use or consumption by the immediate purchaser. Flea markets may be conducted within a structure or in the open air. Rummage sales and garage sales are not considered to be flea markets.

FLOOR AREA: The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement shall exclude the area within basements, utility rooms, garages, porches, breezeways, and unfinished attics.

FOSTER FAMILY HOME: The primary domicile of a foster parent which is for 4 or fewer foster children and which is licensed pursuant to Chapter 48.62, Wis. Stats.

FRONTAGE: The smallest dimension of a lot abutting a public street measured along the street right-of-way line. For lots abutting a lake or stream, the smallest dimension measured along the shoreline.

FUR FARM: Any property comprising land or buildings or both used for the purpose of raising or harboring fur bearing animals including those defined in Chapter 29.001, Wis. Stats., and also including chinchillas, nutria, and other fur bearing animals whether the animals are kept for breeding, slaughtering, pelting, or lab experimental purposes.

GARAGE, PRIVATE: A structure primarily intended for and used for the enclosed storage or shelter of no more than 4 private motor vehicles of the families resident upon the premises. Carports are considered garages.

GARAGE, PUBLIC OR COMMERCIAL: Any building or premises, other than a private or storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

GARAGE, STORAGE: Any building or premises used for 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.

GARAGE SALE: See "Rummage Sale."

GROSS FARM REVENUES: Has the meaning given in Chapter 71.613(1)(g), Wis. Stats.

GROSS TRACT AREA: All land contained in a development tract excluding existing road, highway, and railway rights-of-way.

GROUP ASSEMBLY: A company of persons gathered together for any purpose for a period of 2 or more hours.

GROUP FOSTER HOME: Any facility operated by a person required to be licensed by the State of Wisconsin pursuant to Chapter 48.62, Wis. Stats. of the Wisconsin Statutes for the care and maintenance of 5 to 8 foster children.

HIGHWAY: A public way for purposes of vehicular traffic including the entire area within the right-of-way.

HOME INDUSTRY: A home occupation that is carried out in a structure separate from the principal structure; or the manufacture or assembly of a product, often on a contract basis, in a residence; or an occupation of a more intense nature than is normally defined as a home occupation.

HOME OCCUPATION: Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises.

HOTEL: A facility offering transient lodging accommodations to the general public. Such facilities may provide additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

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HOUSING FOR THE ELDERLY: A dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.

KENNEL Any premise, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.

KENNEL (COMMERCIAL): The boarding, breeding, raising, grooming or training of two or more dogs, cats or other household pets of any age not owned by the owner or occupant of the premise, and/or for commercial gain.

LANDOWNER: Any person holding title to or having an interest in land.

LIVESTOCK: Means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

LOT: A tract of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such lot shall be bisected by a public street, and shall not include any portion of a public right-of-way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this Chapter in zoning districts where the required minimum lot size is less than 5 acres. (See also "Parcel.")

LOT AREA: The total area within the lot lines of a lot, excluding any street rights-of-way.

LOT, CORNER: A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side. (See Appendix, Illustration No. 2).

LOT, DOUBLE FRONTAGE: A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Also known as a through lot. (See Appendix, Illustration No. 2).

LOT, FLAG: A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots are not generally considered to conform to sound development principles. (See Appendix, Illustration No. 2).

LOT, INTERIOR: A lot with frontage on one street which is bounded by adjacent lots along each side and a lot behind fronting on a different street. (See Appendix, Illustration No. 2).

LOT WIDTH: The width of a parcel of land measured at the setback line.

MANUFACTURED HOME: A dwelling unit which is, or was as originally constructed, designed to be transported after fabrication on its own wheels, or by a motor powered vehicle, arriving at a site where it is to be occupied as a residence (whether occupied or not) complete and ready for occupancy (with or without major appliances and furniture) except for minor and incidental unpacking and hook-up operations, and designed, equipped and used primarily for sleeping, eating, and living quarters or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances.

Structures which are delivered to the site in halves or other modular arrangements (consisting of complete wall sections or large units fabricated off-premise by the manufacturer of the basic unit and designed and intended to be attached to the basic unit) and which when joined together exceed 22 feet in width throughout, meet minimum floor area requirements of this Chapter, have a length to width ratio of not more than 2.5 to one (with length measured along the center of the longest roof axis and width measured perpendicular to the above at the completed unit's most narrow span), and which are placed upon a permanent foundation are considered single family residences or single family dwelling units.

MOBILE HOME: Any self-contained eating, sleeping, or living unit, having a maximum width of 16 feet, which was originally designed or constructed to be transported by any motor vehicle over the public highways, together with any auxiliary additions, attachments, annexes, foundations and appurtenances to or for the same. Mobile living units which are transported in 2 or more modules are not mobile homes for the purpose of this Chapter.

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MOBILE HOME, DOUBLE WIDE: A double wide mobile home is a mobile home consisting of 2 mobile home sections combined horizontally at the site while still retaining their individual chassis for possible future movement.

MOBILE HOME PARK: A mobile home park is a parcel of land upon which 3 or more mobile homes are occupied for dwelling or sleeping purposes are located, regardless of ownership and whether or not a charge is made for the accommodation, but excluding farms where the occupants of the mobile home park work on the farm or are related to the farm owner or operator as father, mother, son, daughter, brother, or sister.

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

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

OFFICE, GENERAL: Use of a site for business, professional, or administrative offices. Typical uses include real estate, insurance, management, travel, or other similar business offices; organization and association offices; or law, architectural, engineering, accounting, or other professional offices.

OVERLAY DISTRICT: A zoning district that is superimposed on one or more other zoning districts and imposes additional restrictions on the underlying districts.

OWNER: A person who has an ownership interest in land.

PARCEL: A tract of land upon which one or more rural structures, including residences, are placed together with the required open spaces. The term “parcel,” as used in the A-1 and A-2 district regulations and unlike the term “lot” as defined elsewhere in this Section, may contain lands reserved for roadway purposes in the computation of the required minimum parcel size.

PARK: A tract of land, designated and used by the public for active and passive recreation.

PARKING LOT: A structure or premises containing parking spaces open to the public. Such spaces may be for rent or a fee.

PARTIES-IN-INTEREST: Includes all abutting property owners, all property owners within 500 feet, and all property owners of opposite frontages. The application of the 500-foot rule is not affected by Town, City, or Village corporate limit lines.

PERMITTED USE. A use that is allowed without a conditional use permit, special exception, or other special zoning permission.

PERSONAL SERVICES: Establishments engaged in the provision of frequently needed services of a personal nature. Typical uses include barber and beauty shops, seamstress, tailor, or shoe repair shops, photography studios, and tanning salons.

PLAYFIELDS OR ATHLETIC FIELDS: A developed recreation area that may contain a playground as well as fields for competitive sports such as baseball, football, or soccer. Bleachers or grandstands may be provided.

PRIME FARMLAND: Any of the following:

- An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the U.S. Department of Agriculture.
- Land, other than land described in par. (a), that is identified as prime farmland in a certified farmland preservation plan.

PRINCIPAL USE OR STRUCTURE: The main use of land or structures as distinguished from a secondary or accessory use. Such use could be a house in a residential district, a store in a business district, a factory in a manufacturing district, or crops and farm buildings in an agricultural district.

PRIOR NONCONFORMING USE: A land use that does not conform with a farmland preservation zoning ordinance, but that existed lawfully before the farmland preservation zoning ordinance was enacted.

PROFESSIONAL HOME OFFICES: Residences of clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, real estate agents, artists, teachers, authors, musicians, or other

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recognized professions used to conduct their professions where the office use is incidental to the residential use of the premises.

PROTECTED FARMLAND: Land that is located in a farmland preservation zoning district, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

RECREATIONAL VEHICLE: A vehicle used for transient living quarters which can be towed, hauled, or driven and is designed for recreational, camping, or travel use which includes, but is not limited to, travel trailers, camper trailers, motor homes, pickup campers, water craft, all-terrain vehicles and snowmobiles.

RESTAURANT: An establishment where food, refreshments, and beverages are prepared, served, and consumed primarily within the principal structure. (See also "Drive-in Restaurant")

RETAIL ESTABLISHMENT: A place of business offering for sale commonly used goods and merchandise for personal or household use. Includes department stores, apparel stores, furniture stores, or establishments providing the following: Household cleaning and maintenance products, drugs, cards, stationery, notions, books, tobacco products, cosmetics, and specialty items; flowers, plants, hobby materials, toys and handcrafted items; apparel, jewelry fabrics and like items; cameras, photography services, household electronic equipment, video and music stores, sporting equipment, kitchen utensils, home furnishing and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order catalog sales; bicycles; and automotive parts and accessories.

RUMMAGE SALE: The occasional sale of personal property at a residence conducted by one or more families in a neighborhood. Rummage sales do not exceed 4 consecutive days in length and are not conducted more often than 3 times per year. Rummage sales do not involve the resale of merchandise acquired for that purpose. Rummage sales are also known as "garage sales". Flea markets, defined elsewhere in this Section, are not rummage sales.

SCHOOL: A public, parochial, or private institution that provides educational instruction to students, other than a trade or business school.

SEAT: Furniture upon which to sit having a linear measurement not less than 24 inches across the surface used for sitting.

SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of fuels for motor vehicles; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

SETBACK: See "Yard, Street"

SEXUAL CONDUCT: Acts or simulated acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if such person is a female, breasts.

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

SIGN, AWNING: Any sign or other graphic material attached or inscribed on an awning (See Appendix, Illustration No. 3).

SIGN, DIRECTIONAL: A non-commercial sign limited to directional messages (e.g. enter, exit, drive through lane, or no smoking). Logos or business names will be permitted as needed to complete the directional message.

SIGN, GROUND: Any sign, other than a pole sign, in which the entire bottom is in contact with or is close to the ground and is independent of any other structure (See Appendix, Illustration No. 3).

SIGN, POLE: A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is 6 feet or more above grade (See Appendix, Illustration No. 3).

SIGN, PORTABLE: Any sign, other than a mobile sign, designated or constructed in such a manner that it can be moved or relocated without any structural support changes (See Appendix, Illustration No. 3).

SIGN, PROJECTING: Any sign which projects from and is supported by a wall of a building with the display surface of the sign perpendicular to the building wall (See Appendix, Illustration No. 3).

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SIGN, ROOF: A sign that is mounted on the roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eave line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. (See Appendix, Illustration No. 3)

SIGN, TEMPORARY: A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a period of 30 days or less.

SIGN, WALL: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and that does not project more than 12 inches from such building or structure (See Appendix, Illustration No. 3).

SIGN, WINDOW: Any sign printed, attached, glued, or otherwise affixed to or behind a window and visible to the public (See Appendix, Illustration No. 3).

SOLAR AND WIND ENERGY CONVERSION SYSTEMS. Systems consistent with, and as defined under, Chapter 66.0401 Wis. Stats.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered genitals, pubic regions, buttocks, female breasts below the point immediately above the top of the areola, or human male genitals in a discernible turgid state, even if opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Simulated or actual activities that show human genitals in a state of sexual stimulation or arousal; acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus; or fondling or erotic touching of human genitals, pubic regions, buttocks, or female breasts.

STABLE: A structure that is used for the shelter or care of horses.

STREET: Any vehicular way that is an existing State, County, or Town roadway; is shown upon a subdivision plat or certified survey map approved pursuant to law; or is approved by other official action. The street includes all land within the right-of-way, whether improved or unimproved.

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

STRUCTURE, TEMPORARY: A structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

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

SWIMMING POOL: Any structure, portable or permanent, containing a body of water 18 inches or more in depth, intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or similar type pool, located and designed so as not to create a hazard or to be used for swimming or wading.

TEMPORARY USE: A use established for a limited duration with the intent to discontinue such use upon the expiration of the time period.

TOWN SECTION, OR SECTION: A measure of land area equal to 640 acres, or one (1) square mile.

UNNECESSARY HARDSHIP: That circumstance where special conditions, which are not self-created, affect a particular property and make strict conformity with the restrictions governing dimensional standards (such as lot area, lot width, setbacks, yard requirements, or building height) unnecessarily burdensome or unreasonable in light of the purpose of this Chapter. Unnecessary hardship is present only where, in the absence of a variance, no feasible use can be made of the property.

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

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VARIANCE: An authorization granted by the Zoning Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Chapter. A variance may not permit the use of a property that is otherwise prohibited by this Chapter.

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

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 street yard or one of the street yards on a corner lot (See Appendix, Illustration No. 4).

YARD, SIDE: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure (See Appendix, Illustration No. 4).

YARD, STREET OR SETBACK: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street right-of-way line and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have 2 such yards (See Appendix, Illustration No. 4).

ZONING: The delineation of districts and the establishment of regulations governing the use, placement, spacing and size of land and buildings.

ZONING ADMINISTRATOR: The officer appointed by the Town Board to administer this Chapter and to issue Zoning Permits and, following a determination by the Town Board or Zoning Board of Appeals, respectively, conditional use permits and variances. Also referred to as the Town Building Inspector.

ZONING PERMIT: A document signed by the Zoning Administrator as a condition precedent to the commencement of a use or the erection, construction, alteration, conversion, or installation of a building, which acknowledges that such use or building complies with the provisions of the municipal zoning ordinance.

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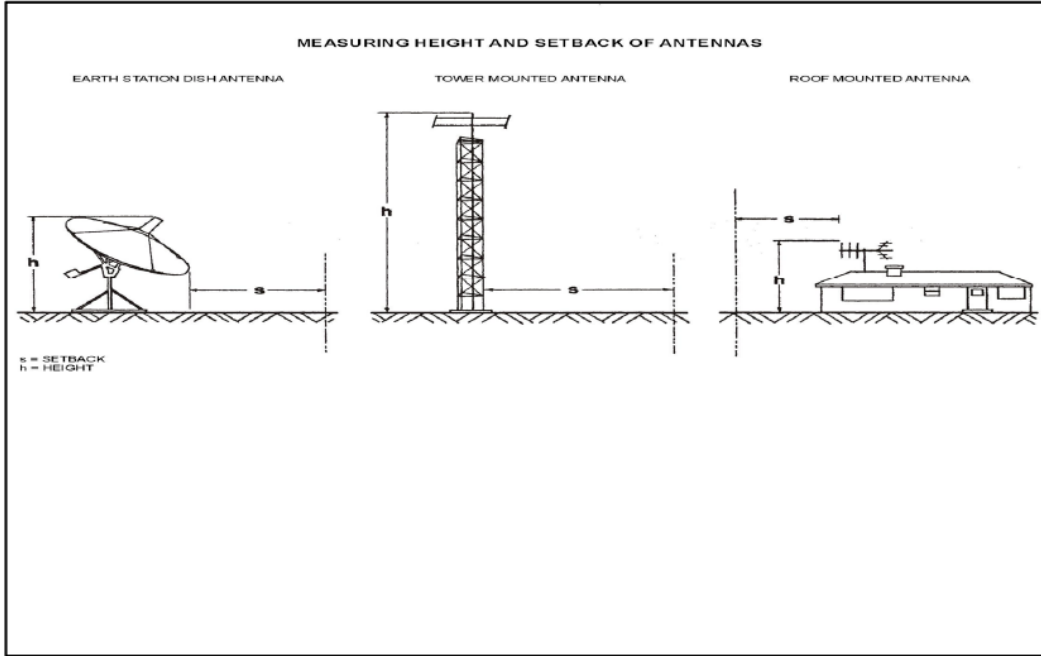
10.17 ADOPTION AND EFFECTIVE DATE

- A. **Village Powers.** The electors of the Town of Montpelier, Kewaunee County, Wisconsin authorized the Town Board to exercise all powers relating to villages and conferred on villages by Chapter 61, Wis. Stats.
- B. **Public Hearing.** Pursuant to and in accordance with the Laws of the State of Wisconsin, the Town Plan Commission, at the direction of the Town Board of the Town of Montpelier conducted a public hearing on this Chapter on the 29th day of August 2016.
- C. **Plan Commission Recommendation.** The Plan Commission of the Town of Montpelier recommended the adoption of this Chapter at a meeting held on the 29th day of August 2016.
- D. **Town Board Approval.** The Town Board of Supervisors concurred with the recommendations of the Town Plan Commission and proceeded to adopt the Zoning Ordinance at a meeting held on the 14th day of December, 2016. The Town Board adopted the amended Zoning Ordinance on the 29th day of November, 2017.
- E. **Effective Date.** This Chapter shall take effect the day following the publication or posting of the adopting ordinance, as provided in Chapters 60.80(3) and 66.0103, Wis. Stats.

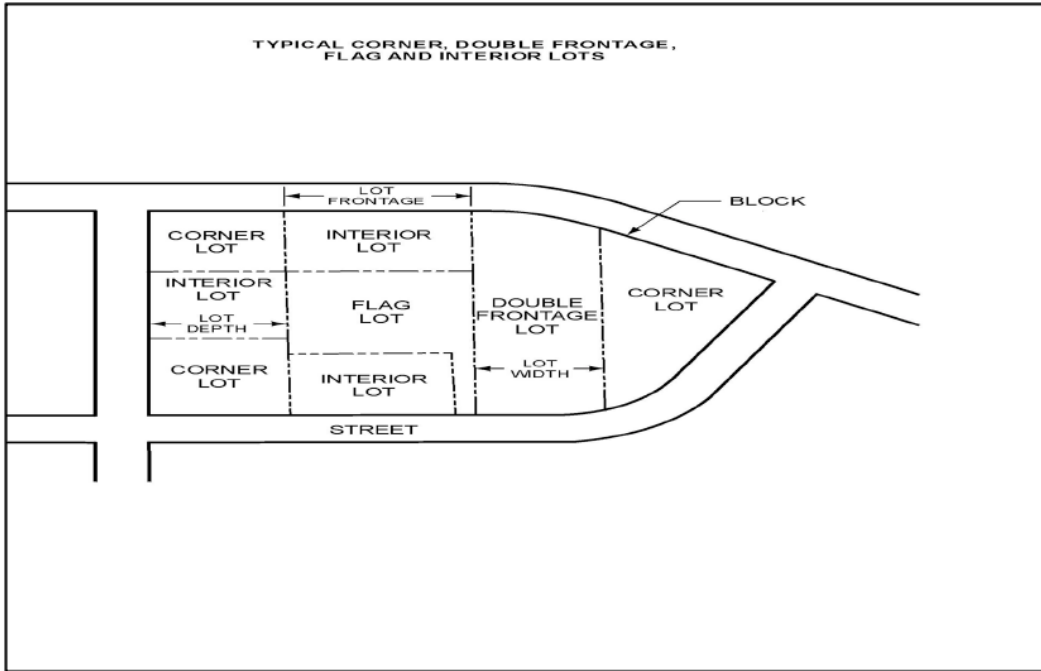
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10.18 APPENDIX

A. Illustration #1: Measuring Height and Setback of Antennas.

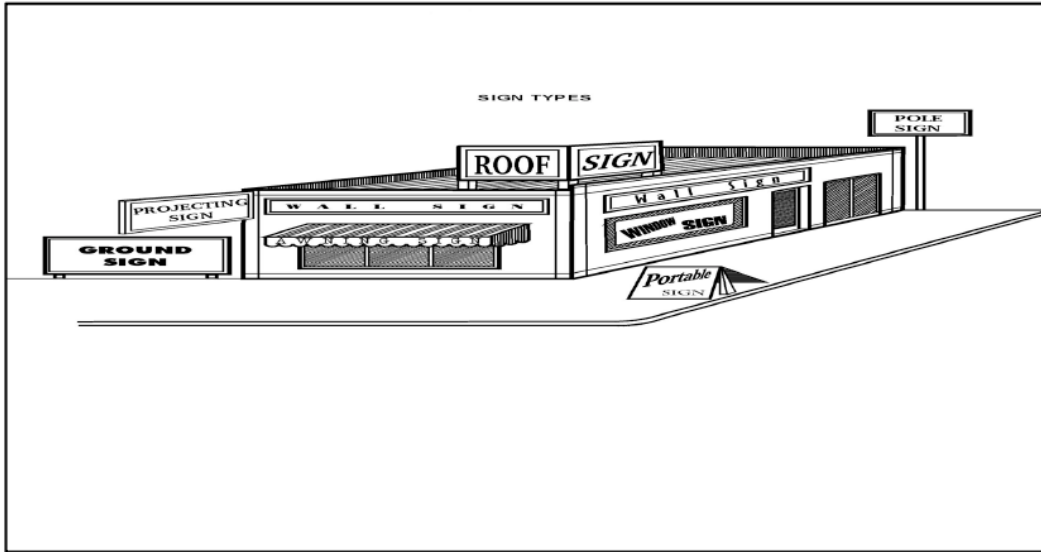


B. Illustration #2: Typical Corner, Double Frontage, Flag, and Interior Lots



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C. Illustration #3: Sign Types.



D. Illustration #4: Location of Yards on Typical Interior, Corner, and Double Frontage Lots.

