

Chapter 17 - ZONING ORDINANCE (Rep. & recr. #00-11)

SUBCHAPTER 17-I. - INTRODUCTION

Section 17.001 - Title.

This Chapter shall be known, cited and referred to as the TOWN OF RIB MOUNTAIN ZONING ORDINANCE except as referred to herein, where it shall be known as "this Chapter".

Section 17.002 - Authority.

This Chapter is adopted pursuant to the authority granted by Wisconsin Statutes including, but not limited to, §60.62 (Zoning authority if exercising village powers), §61.35 (Village planning), §62.23 (City planning), and §60.627 (Town construction site erosion control and storm water management zoning). The specific statutory references which are provided within the body of this Chapter are intended to assist the reader and should not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

Section 17.003 - Legislative Intent.

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

Section 17.004 - Rationale and the Appearance of Ordinance Text.

- (1) *Rationale*. Throughout this Chapter, paragraphs labeled "Rationale" are included to ensure a complete understanding of the purpose and reasoning of the Town in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section are not intended to be exhaustive, and other non-explicit rationale may also be applicable. These paragraphs have been legislatively adopted together with the more formal text of this Chapter and shall be treated in the same manner as other aspects of legislative history.
- (2) *Appearance of Ordinance Text*. The underlined, boldfaced, italicized, alternative point-sized, and/or capitalized typefaces used in this Chapter are inserted only for convenience, and are in no way to be construed as part of the provisions of this Ordinance or as a limitation on the scope of the particular sections or subsections to which they refer.

Section 17.005 - Purpose.

- (1) The overall purpose of this Chapter is to implement the Town of Rib Mountain Comprehensive Master Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes.
- (2) This Chapter is designed to achieve the purposes of Town zoning as authorized by State Statutes. Specifically, the Town intends to:
 - (a) Regulate, restrict and determine: the areas within which agriculture, forestry, mining and recreation may be conducted; the location of roads, schools, trades and industries; the location, height, bulk, number of stories and size of buildings and other structures; the percentage of a lot which may be occupied; the size of yards, courts and other open spaces; the density and distribution of population; the location of buildings designed for specified uses; the trades, industries or purposes that may be engaged in or subject or regulation; and the uses for which buildings may not be erected or altered.
 - (b) Establish districts of such number, shape and area necessary to carry out the purposes under paragraph (a).
 - (c) Establish building setback lines.
 - (d) Regulate, restrict and determine the areas in or along natural watercourses, channels, streams and creeks in which trades and industries, filling or dumping, erection of structures and the location of buildings may be prohibited or restricted.
 - (e) Adopt an Official Zoning Map showing areas suited to carry out the purposes of this Section.

- (f) Regulate, restrict and determine the location, height, bulk, number of stories and size of buildings and other structures and objects of natural growth in any area of the Town in the vicinity of an airport owned by the Town or privately owned, divide the territory into several areas and impose different restrictions on each area.
 - (g) Encourage the protection of groundwater resources.
 - (h) Provide for the preservation of burial sites as defined in §157.70(1), Wis. Stats.
- (3) Specifically, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the Comprehensive Master Plan. Additional purposes of this Chapter are specified throughout this Chapter.

Rationale: In developing the specific regulations of this Chapter, much effort has gone into balancing the goals and objectives of the Comprehensive Master Plan. The current status of this Chapter and its components (including the Official Zoning Map) represents the cohesive result of carefully considered plan implementation practices. Amendments to these provisions and/or the Official Zoning Map shall seriously consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Master Plan, and related long-range planning policies and programs. (See Sections 17.222 and 17.223.)

Section 17.006 - Separability and Non-Liability.

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

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgement shall not affect any other provisions of this Chapter not specifically included in said judgement.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.
- (3) If any requirement or limitation which is attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation.
- (4) The Town does not guarantee, warrant or represent that only those areas designated as flood plains will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Town Board, its agencies, or its employees for any flood damages, sanitation problems, or structural damages, upon reliance or conformance with this Chapter.

Section 17.007 - Abrogation.

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits (including conditions attached to zoning map amendments, Conditional Use Permits, Unified Developments, and other actions of the Town Board or Plan Commission specific to an individual property or project) previously adopted or issued pursuant to law. Rules pertaining to legal nonconforming uses, lots, and developments are presented subsequently in this Chapter.

Section 17.008 - Application.

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town of Rib Mountain.
- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.
- (3)

No structure shall be constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained, and no land shall be used, modified, or maintained for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.

- (4) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 17.057), Nonconforming Developments (Section 17.077), Nonconforming Lots (Section 17.098), and Nonconforming Structures and Buildings (Section 17.099), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted that does not conform to the requirements of this Chapter.
- (5) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used.
- (6) Except for outlots authorized under the Land Division Ordinance to contain permanently protected green space area, no yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 17.009 - Jurisdiction.

This Chapter is applicable to all territory located within the corporate limits of the Town of Rib Mountain.

Section 17.010 - Re-enactment and Repeal.

- (1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning Ordinance", Chapter 17 of the Code of Ordinances for the Town of Rib Mountain, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
- (2) All provisions of Chapter 17 of the Town of Rib Mountain Code of Ordinances which are not re-enacted herein are hereby repealed.
- (3) The adoption of this Chapter shall not adversely affect the Town's right to prosecute any violation of the predecessor Zoning Ordinance provided the violation occurred while that Ordinance was in effect.

Section 17.011 - Effective Date.

The initial effective date of the Re-Enactment of this Chapter is February 1, 1994.

SUBCHAPTER 17-II. - DEFINITIONS AND CROSS REFERENCES

Section 17.021 - Purpose of Subchapter 17-II.

The purpose of this Subchapter is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration and enforcement of this Chapter, and which are not part of common English usage.

Section 17.022 - Word Usage.

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

- (1) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall", "must" and "will" are mandatory.
- (5) The words "may", "can" and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other similar entities.

- (7) The word "Town" shall mean the Town of Rib Mountain, Wisconsin.
- (8) The word "County" shall mean the County of Marathon, Wisconsin.
- (9) The word "State" shall mean the State of Wisconsin.
- (10) The word "Commission" shall mean the Town of Rib Mountain Plan Commission.
- (11) The words "Board" and "Town Board" shall refer to the Town of Rib Mountain Town Board.
- (12) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

Section 17.023 - Abbreviations.

- (1) The following abbreviations used in this Chapter have the following meanings:

ac	acre
CC	Central Commercial (zoning district)
CR-5ac	Countryside Residential (zoning district)
db	decibel
du	dwelling unit
EO	Estate Office (zoning district)
ER-1	Estate Residential (zoning district)
FAR	Floor Area Ratio
ft	foot
GSA	Gross Site Area
GSR	Green Space Ratio
HI	Heavy Industrial (zoning district)
ISR	Impervious Surface Ratio
LSR	Landscape Surface Ratio
max	maximum
MBS	Maximum Building Size
MGD	Maximum Gross Density
min	minimum
MH	Maximum Height

MLA	Maximum Lot Area
MR-4	Mixed Residential (zoning district)
MSA	Minimum Site Area
na	not applicable
NC	Neighborhood Commercial (zoning district)
NDA	Net Developable Area
nonres	nonresidential
RA-35ac	Rural Agricultural (zoning district)
res	residential
RPA	Resource Protection Area
SC	Suburban Commercial (zoning district)
SI	Suburban Industrial (zoning district)
SO	Suburban Office (zoning district)
SR-2	Suburban Residential-2 (zoning district)
SR-3	Suburban Residential-3 (zoning district)
sf	square feet
sq	square
st	street
UC	Urban Commercial (zoning district)
UI	Urban Industrial (zoning district)
UR-8	Urban Residential (zoning district)
8-	eight or fewer
9+	nine or more
16+	sixteen or more
#F	number of floors

Section 17.024 - Definitions.

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

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

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

Access, secondary: A means of vehicular or non-vehicular approach, entry to, or exit from property from a source other than a public street or highway.

Access standards: See [Section 17.172](#).

Acre: 43,560 square feet.

Accessory use or structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. See [Section 17.052\(5\)](#).

Active outdoor public recreational (land use): See [Section 17.056\(3\)\(b\)](#).

Activity center: An area which is typified by a concentration of nonresidential and/or multi-family development.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Adjacent: Abutting, or being located directly across a right-of-way from, a separate lot.

Agricultural district: See [Section 17.035](#).

Agricultural land use(s): See [Section 17.056\(2\)](#).

Agricultural services (land use): See [Section 17.056\(2\)\(d\)](#).

Air pollution standards: See [Section 17.180](#).

Airport (land use): See [Section 17.056\(6\)\(b\)](#).

Alley: A public right-of-way usually of reduced width which affords a secondary means of access to abutting property.

Amendment of zoning regulations: See [Section 17.222](#).

Amendment of official zoning map: See [Section 17.223](#).

Animal unit: A measure which represents a common denominator for the purposed of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the maximum number of common farm species which comprise a single animal unit:

ANIMAL UNIT TABLE					
Type of Livestock	Maximum Number of Animals on One Acre of Land to Equal One Animal Unit	Type of Livestock	Maximum Number of Animals on One Acre of Land to Equal One Animal Unit	Type of Livestock	Maximum Number of Animals on One Acre of Land to Equal One Animal Unit

Horse (> 2 yrs)	1.0	Calves (< 1 yr)	4.0	Lambs	14.0
Colt (< 2 yrs)	2.0	Brood Sow or Board	2.5	Chickens	200.0
Cattle (> 2 yrs)	1.0	Hogs (up to 220 lbs)	5.0	Other Poultry	200.0
Cattle (< 2 yrs)	2.0	Sheep	7.0		
Source: The Stockman's Handbook					

Apartment: See [Section 17.093\(18\)](#).

Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of [Section 17.232](#).

Arterial: A street that has as its primary function the movement of a relatively high volume of traffic through the Town. It has as a secondary, limited function, the provision of access to abutting property.

Atrium house: See [Section 17.093\(14\)](#).

Attic: That part of a building which is immediately below and wholly or partly within the roof framing.

Average ground elevation: The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Base flood: The flood having a 1% chance of being equaled or exceeded in any given year. The 100-year flood as regulated by the County Zoning Department.

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

Bed and breakfast establishment (land use): See [Section 17.056\(4\)\(l\)](#).

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Blanket variance: A variance which is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming developments (see [Section 17.077](#)) or legal nonconforming residential structures. See [Section 17.099\(9\)](#).

Board of Zoning Appeals: See [Section 17.254](#).

Boarding house (land use): See [Section 17.056\(4\)\(o\)](#).

Bufferyard: Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property. See Subchapter 17-VIII.

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building, accessory: A building which:

- (a) Is subordinate to and serves a principal structure or a principal use;
- (b) Is subordinate in area, extend, and purpose to the principal structure or use served;
- (c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
- (d) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building front: That exterior wall of a building which faces the front lot line of the lot.

Building height: The vertical distance from: (1) the average elevation of the adjoining ground level or (2) the established grade, whichever is lower to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof. Also applies to structures. See [Section 17.097](#).

Building line: A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this Chapter. This is also referred to as a "setback".

Building envelope: A component of a group development which conforms to the lot lines of developments which are not group developments, in that required minimum setback distances are measured from the building envelope line. Refer to Sections [17.058](#), [17.093](#), and [17.094](#).

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

Building separation: The narrowest distance between 2 buildings. See Minimum Building Separation.

Building size: The total gross floor area of a building. See Maximum Building Size.

Bulk (of a building): The combination of building height, size, and location on a lot. See Subchapter 17-VI.

Bulkhead line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to §30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Cafeteria, company (land use): See [Section 17.056\(8\)\(h\)](#).

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement 0.5 foot above natural grade. Used for trees in a nursery setting.

Campground (land use): See [Section 17.056\(4\)\(n\)](#).

Candlepower: The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Canopy/tent accessory structures: Canopy or tent-like structures are typically a fabric or tarp like material stretched over a semi-rigid or rigid frame. It shall include rigid metal frames and siding, as well as inflatable structures. Said structures do not comply with the minimum design standards of [Section 17.059](#), and are not permitted. (Cr. #2007-04)

Canopy tree: A tree that would occupy the upper canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include beech, hickory, oak, sassafras, maple, tulip tree, etc. See [Section 17.150](#).

Caretaker's residence: A dwelling unit which is used exclusively by either the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use.

Carport (land use): An open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. See [Section 17.056\(8\)\(d\)](#)

Cellar: That portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

Central Commercial (CC) District: See [Section 17.035\(3\)\(f\)](#).

Certificate of Occupancy: See [Section 17.229](#).

Clear cutting (land use): See [Section 17.056\(2\)\(g\)](#).

Clerestory window: A window in which the lowest glassed area is a minimum of 7 feet above the level of the floor located directly under the window.

Collector: A street which collects and carries traffic between arterial streets and local streets. It also provides access to abutting property.

Commercial animal boarding (land use): See [Section 17.056\(4\)\(j\)](#).

Commercial apartment (land use): See [Section 17.056\(8\)\(a\)](#).

Commercial district(s): See [Section 17.032](#).

Commercial indoor lodging (land use): See [Section 17.056\(4\)\(k\)](#).

Commercial land use(s): See [Section 17.056\(4\)](#).

Commercial vehicle: Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

Communication tower (land use): See [Section 17.056\(7\)\(c\)](#).

Community character: The impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

Community living arrangement (land use): See Sections [17.056\(3\)\(g\)](#) through (i).

Compact cluster development: See [Section 17.056\(1\)\(e\)](#).

Company provided on-site recreation (land use): See [Section 17.056\(8\)\(i\)](#).

Composting operation (land use): See [Section 17.056\(5\)\(f\)](#).

Comprehensive Master Plan: The Town of Rib Mountain Community Development Plan, adopted in December 1989 with amendments thereto.

Conditional use: A land use which requires a conditional use permit in order to develop. See [Section 17.052\(4\)](#). See [Section 17.225](#) for applicable procedures.

Conforming structure: A structure which is located on a lot of adequate size and dimensions and in a location so as to meet the current terms of this Chapter.

Conforming use: A use of land or use of a structure, or both, which is permitted under the current terms of this Chapter.

Construction materials standards: See [Section 17.188](#).

Construction, Start of: The installation of foundation footings and/or materials for road construction.

Contractor's on-site equipment storage (land use): See [Section 17.056\(9\)\(b\)](#).

Contractor's project office (land use): See [Section 17.056\(9\)\(a\)](#).

Countryside Residential (CR-5ac) District: See [Section 17.035\(2\)\(a\)](#).

Conventional residential development: See [Section 17.056\(1\)\(a\)](#).

Cultivation (land use): See [Section 17.056\(2\)\(a\)](#).

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

Deck: A structure that has no roof or walls. Can be attached or detached to the principle structure. If attached, it is required to have main supports and footings below grade by 48 inches and must be raised above grade and must comply with the principle setback requirements. If detached, shall be an accessory structure.

Dedication: The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Density: A term used to describe the number of dwelling units per acre.

Detached energy system: Any detached energy system, such as wood or other solid fuel burners, liquid fuel burners, boilers or furnaces, windmills, or generators, associated with the production of useable heat or energy, which are not located within the primary structure, shall be considered as an accessory use, under [Section 17.225](#), conditional uses. (Cr. #03-03)

Detailed site analysis map: See [Section 17.120](#).

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

Development: The division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Development option(s): The type of residential or nonresidential development as categorized by the proportion of the site devoted to permanently protected green space. See [Section 17.074](#) for residential uses, and [Section 17.075](#) for nonresidential uses.

Development pad: The area of a lot within a large lot residential development which is devoted to structures and septic systems. See [Section 17.120\(2\)\(d\)](#).

Direct access: A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

Disposal land use(s): See [Section 17.056\(5\)](#).

Distribution center (land use): See [Section 17.056\(6\)\(d\)](#).

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or alleviation of flooding.

Drainage structure (land use): See [Section 17.056\(8\)\(n\)](#).

Drainageway: See [Section 17.116\(1\)](#).

Drainage standards: See [Section 17.187](#).

Dripline: Outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.

Drive-in theater (land use): See [Section 17.056\(4\)\(i\)](#).

Dryland access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Duplex: See [Section 17.093\(12\)](#).

Dwelling: A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

Dwelling, attached: A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, single-family detached: A dwelling, including a manufactured home, designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. All single-family detached dwellings shall meet the minimum standards set forth in [Section 17.059](#).

Dwelling unit: A room or group of rooms, providing or intended to provide living quarters for not more than one family. See [Section 17.093\(1\)-\(20\)](#).

Dwelling unit separation: The narrowest distance between 2 dwelling units. See Minimum dwelling unit separation.

Easement: Authorization by a property owner for another party to use for a specified purpose any designated part of his property.

Electromagnetic radiation standards: See [Section 17.182](#).

Elevated Building: A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

Encroachment: Any fill, structure, building, use, or development in the floodway.

Environmental Control Facility: Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Equestrian development: See [Section 17.056\(1\)\(b\)](#).

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

Essential Services: Facilities that are:

- (a) Owned or maintained by public utility companies or public agencies, and;
- (b) Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way, and;
- (c) Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;
- (d) Not including any cross-country line on towers.

Estate Office (EO) District: See [Section 17.035\(3\)\(a\)](#).

Estate Residential (ER-1) District: See [Section 17.035\(2\)\(b\)](#).

Explosion standards: See [Section 17.184](#).

Extraction use (land use): See [Section 17.056\(7\)\(d\)](#).

Family: An individual or 2 or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than 4 persons not so related, maintaining a common household.

Family day care home (land use): See [Section 17.056\(8\)\(u\)](#).

Farm residence (land use): See [Section 17.056\(8\)\(c\)](#).

Fees: See [Section 17.255](#).

Fencing standards: See [Section 17.190](#).

Filling (land use): See [Section 17.056\(8\)\(o\)](#).

Fire standards: See [Section 17.184](#).

First habitable floor: The top surface above an unfinished basement, cellar or crawl space that is intended for living quarters.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas, as regulated by the County Zoning Department, caused by:

- (a) The overflow or rise of inland waters;
- (b) The rapid accumulation or runoff of surface water from any source; and
- (c) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood frequency: The probability of a flood occurrence as regulated by the County Zoning Department. A flood frequency is generally determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

Flood fringe: That area of the floodplain lying outside of the floodway but still lying within the 100-year floodplain, as regulated by the County Zoning Department.

Flood hazard boundary map (FHBM): An official map of a community, on which the Federal Emergency Management Agency has delineated the floodway area as "Zone A", as regulated by the County Zoning Department.

Flood insurance rate map (FIRM): An official map of a community, on which the Federal Emergency Management Agency has delineated both the flood fringe and floodway areas, as regulated by the County Zoning Department.

Flood insurance study: The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary map and the water surface elevation of the base flood.

Flood storage: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge, as regulated by the County Zoning Department.

Floodlands: For the purpose of this Code, the "floodlands" are all lands contained in the "regional flood." For the purpose of zoning regulation, the floodlands are divided into the floodway overlay district, the floodplain conservancy overlay district, and the floodplain fringe overlay district, as regulated by the County Zoning Department.

Floodplain: Those areas along streams or swales inundated by 100-year flood, comprised of the floodway and flood fringe areas, as designated on the FEMA flood insurance maps, as regulated by the County Zoning Department. See [Section 17.113](#).

Floodplain fringe: Those floodlands, outside the floodway, subject to inundation by the regional flood. For the purpose of this Code, the floodplain fringe includes the floodplain conservancy overlay zoning district and floodplain fringe overlay zoning district, as regulated by the County Zoning Department.

Floodplain island: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood, as regulated by the County Zoning Department.

Floodproofing: Structural additions, changes, or adjustments to structures subject to flooding which reduce or eliminate flood damages to a structure, and/or its contents, as regulated by the County Zoning Department.

Floodway: The channel of a river or other watercourse and the adjacent land areas required to discharge the base flood without cumulatively increasing the water surface elevation more than one foot, as regulated by the County Zoning Department.

Floor area: The sum of the gross horizontal areas of the several floors of a building including all spaces, such as: balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings, heating and utility rooms, inside off-street parking or loading space. Measurements shall be made from the outside of the exterior walls and to the center of interior walls. (Am. #2007-03)

Floor area ratio (FAR): The ratio calculated by dividing the total floor area of all buildings on a site by the gross site area. See Maximum floor area ratio. In one-family and two-family dwellings, the floor area ratio shall be the lot coverage ratio. See also the Key to Table [17.075](#), and [Section 17.093\(1\)–\(20\)](#). (Am. #2007-03)

Footcandle: A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

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

Freight terminal (land use): See [Section 17.056\(6\)\(c\)](#).

Garage (residential): A detached accessory building or portion of the principal building which is used primarily for storing passenger vehicles, trailers or one truck of a rated capacity not in excess of 10,000 pounds. See [Section 17.056\(8\)\(d\)](#).

Gas station: See in-vehicle sales or service.

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

General temporary outdoor sales (land use): See [Section 17.056\(9\)\(e\)](#).

Glare: The brightness of a light source which causes eye discomfort.

Glare standards: See [Section 17.183](#).

Green space ratio (GSR): The percentage of the gross site area which is preserved as permanently protected green space. Green space ratio is calculated by dividing the area of permanently protected green space by the gross site area. See Minimum green space ratio. See also, the Key to Table [17.074](#).

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density. See also, the Key to Table [17.074](#).

Gross floor area: The total floor area of a building.

Gross site area (GSA): The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development, as determined by the calculation contained in [Section 17.073\(3\)\(a\)](#). See minimum site area. See also, the Key to Table [17.074](#).

Group day care center (land use): See [Section 17.056\(4\)\(m\)](#).

Group development: See [Section 17.058](#).

Habitable buildings: Any building, or portion thereof used for human habitation.

Heat standards: See [Section 17.183](#).

Hearing Notice: Publication or posting meeting the requirements of Ch. 985, Stats. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

Heavy industrial (land use): See [Section 17.056\(7\)\(b\)](#).

Heavy Industrial (HI) District: See [Section 17.035\(3\)\(h\)](#).

Height of structure: See Building Height.

Heliport (land use): See [Section 17.056\(6\)\(b\)](#).

High flood damage potential: Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents, as regulated by the County Zoning Department.

Holding zone: A zoning district designed to limit development potential until adequate public services and infrastructure are provided.

Home occupation (land use): See [Section 17.056\(8\)\(s\)](#).

Husbandry (land use): See [Section 17.056\(2\)\(b\)](#).

Husbandry, high density: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of more than one animal unit per acre, and 500 or more animal units total. This type of facility requires livestock facility licensing in accordance with Marathon County licensing regulations. (Cr. #09-05)

Husbandry, low density: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit per acre, and less than 500 animal units total. (Cr. #09-05)

Increase in regional flood height: A calculated upward rise in the regional flood elevation, equal or greater than 0.01 foot, resulting in comparison of existing conditions and proposed conditions which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge, as regulated by the County Zoning Department.

Indoor commercial entertainment (land use): See [Section 17.056\(4\)\(h\)](#).

Indoor institutional (land use): See [Section 17.056\(3\)\(c\)](#).

Indoor maintenance service (land use): See [Section 17.056\(4\)\(e\)](#).

Indoor sales (land use): See [Section 17.056\(4\)\(c\)](#).

Indoor sales accessory to light industrial use (land use): See [Section 17.056\(8\)\(m\)](#).

Indoor service (land use): See [Section 17.056\(4\)\(c\)](#).

Indoor storage (land use): See [Section 17.056\(5\)\(a\)](#).

Indoor wholesaling (land use): See [Section 17.056\(5\)\(a\)](#).

Industrial district(s): See [Section 17.032](#).

Industrial land use(s): See [Section 17.056\(7\)](#).

Infill development: Development located in areas which are for the most part developed already.

Institutional land use(s): See [Section 17.056\(3\)](#).

Institutional residential development: See [Section 17.056\(1\)\(f\)](#).

Institutional residential unit: See [Section 17.093\(19\)](#).

Intensity: A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Intensive agriculture: See [Section 17.056\(2\)\(c\)](#). Description: Intensive agricultural land uses include all operations primarily orientated to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit (as defined in [Section 17.024](#)) per acre and/or agricultural activities requiring large investments in structures. (Am. #09-05)

Interpretation: See [Section 17.231](#). See also, [Section 17.252\(2\)\(n\)](#) for applicable procedures.

In-vehicle sales (land use): See [Section 17.056\(4\)\(g\)](#).

In-vehicle sales as accessory use (land use): See [Section 17.056\(8\)\(k\)](#).

In-vehicle service (land use): See [Section 17.056\(4\)\(g\)](#).

In-vehicle service as accessory use (land use): See [Section 17.056\(8\)\(k\)](#).

Junkyard (land use): See [Section 17.056\(5\)\(d\)](#).

Lakeshore: Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream; or to a landward side of the floodplain, whichever distance is the greater, as regulated by the County Zoning Department per §144.26, Wis. Stats. Lakeshores shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. See [Section 17.115\(1\)](#).

Landscape point: See [Section 17.143](#).

Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters.

Landscape surface area ratio (LSR): The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area. See the Key to Table [17.075](#) and [Section 17.093](#).

Land use: The type of development and/or activity occurring on a piece of property.

Lawn care (land use): See [Section 17.056\(8\)\(p\)](#).

Light industrial (land use): See [Section 17.056\(7\)\(a\)](#).

Light industrial incidental to indoor sales: See [Section 17.056\(8\)\(m\)](#).

Lighting standards: See [Section 17.177](#).

Livestock facility: A feedlot, dairy farm, or other operation where livestock are or will be fed, confined, maintained or stabled of a total of 45 days or more in any 12-month period. (See ATCP 51 WAC.) (Cr. #09-05)

Loading standards: See [Section 17.175](#).

Local residential street: A street used primarily for access to abutting residential properties.

Loose cluster development: See [Section 17.056\(1\)\(c\)](#).

Lot: A parcel of land that:

- (a) Is undivided by any street or private road;
- (b) Is occupied by, or designated to be developed for, one building or principal use; and
- (c) Contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this Chapter for such building, use, or development.

Lot area: The area contained within the property boundaries of a recorded lot. See minimum lot area. See also, Key to Table [17.074](#) and Key to Table [17.075](#).

Lot corner: A lot situated at the junction of and abutting on 2 or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot coverage ratio (LCR): The ratio calculated by dividing the total ground area (footprint) of all buildings on a site, by the gross site area. In this ordinance, it is used in lieu of a floor area ratio for one-family and two-family dwellings. (Cr. #2007-03)

Lot depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

Lot interior: A lot other than a corner lot.

Lot line: A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has 2 or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

Lot line house: See [Section 17.093\(10\)](#).

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be opposite the lot line along which the lot takes access to a street.

Lot line, side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record: A platted lot or lot described in a certified survey map or metes and bounds description which has been approved by the Town or by Marathon County; and has been recorded in the office of the Register of Deeds.

Lot, through: A lot which has a pair of opposite lot lines abutting 2 substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot line and at the rear of the required front yard. See minimum lot width.

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Maintenance guarantee: A guarantee of facilities or work to either ensure the correction of any failures of any improvements required pursuant to this Chapter or to maintain same.

Manufactured Home: A structure certified and labeled as a manufactured home under 42 U.S.C. sections 5401 to 5426, which, when placed on the site:

- a. Is set on an enclosed foundation in accordance with § 70.043(1), Wis. Stats., and Subchs. III, IV and V of Ch. ILHR 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the building inspector. The building inspector may require a foundation 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.

Master Plan: A plan, map, report, or other document pertaining to the physical development of the Town which has been adopted by the Town Plan Commission.

Maximum building size (MBS): The largest permitted total gross floor area a building may contain. See building size. See also, the Key to Table [17.075](#).

Maximum floor area ratio (FAR): The largest amount of floor area permitted on a site. See floor area ratio. See also the Key to Table [17.075](#) and [Section 17.093](#).

Maximum gross density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area. See gross density. See also the Key to Table [17.074](#).

Maximum height: The maximum height of the highest portion of any structure. See height. See also Sections [17.093](#) and [17.094](#).

Maximum number of floors: See the Key to Table [17.075](#).

Migrant labor camp (land use): See [Section 17.056\(8\)\(v\)](#).

Minimum building separation: The narrowest permitted building separation. See building separation.

Minimum dwelling unit separation: The narrowest permitted dwelling unit separation. See dwelling unit separation. See also, [Section 17.093](#).

Minimum floor elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Minimum green space ratio (GSR): The lowest permitted green space ratio. See green space ratio. See also, [Section 17.074](#).

Minimum landscape surface ratio (LSR): The lowest permitted landscape surface ratio. See landscape surface ratio. See also, Sections [17.075](#) and [17.093](#).

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and development option. See also the Keys to Tables [17.074](#) and [17.075](#).

Minimum lot width: The smallest permissible lot width for the applicable dwelling unit type (Section [17.093](#)) or nonresidential development option (Table [17.094](#)). See also, lot width.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure. See Sections [17.093](#) and [17.094](#).

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See gross site area (GSA). See also the Key to Table [17.074](#).

Mini-warehouse: See [Section 17.056\(5\)\(c\)](#).

Mixed Residential (MR-4) District: See [Section 17.035\(2\)\(e\)](#).

Mobile home: 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 fixed ridged walls, which has an overall length in excess of 45 feet (Section [17.093\(20\)](#)).

Mobile Home Residential Development: See [Section 17.056\(1\)\(g\)](#).

Mobile Home Park Residential Development: See [Section 17.056\(1\)\(h\)](#).

Mobile home park: See [Section 17.056\(1\)\(h\)](#).

Mobile home sales: See Sections [17.056\(4\)\(d\)](#).

Moderate cluster development: See [Section 17.056\(1\)\(d\)](#).

Motel, Motor Court, Hotel: See commercial indoor lodging.

Motor freight terminal: See freight terminal.

Multiplex: See [Section 17.093\(17\)](#).

Natural resource protection overlay zoning districts: Zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources. See Sections [17.036](#) and [17.037](#). (See overlay zoning districts.)

Natural resources site evaluation: See [Section 17.073](#).

Navigable water: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state, as regulated by the County Zoning Department per Wisconsin Statutes. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)] For the purposes of this Ordinance, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Neighborhood Commercial (NC) District: See [Section 17.035\(3\)\(c\)](#).

Net developable area (NDA): The area of a site which may be disturbed by development activity. Net Developable Area is calculated in [Section 17.073\(3\)\(c\)](#), and is the result of subtracting Required Resource Protection Area (RPA) from the Gross Site Area (GSA).

Noise standards: See [Section 17.179](#).

Nonconforming development: A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See [Section 17.077](#).

Nonconforming lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See [Section 17.098](#).

Nonconforming structure: Any building, or other structure, which is lawfully existing under provisions preceding this Chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this Chapter. See [Section 17.099](#).

Nonconforming use: See [Section 17.057\(1\)](#).

Nonresidential collector street: A collector street serving primarily nonresidential land uses.

Nonresidential district(s): See [Section 17.032](#).

Nonresidential land use(s): See [Section 17.056\(2\)–\(7\)](#).

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Noxious materials standards: See [Section 17.185](#).

Odor standards: See [Section 17.181](#).

Obstruction to flow: Any development which physically blocks the conveyance of any natural watercourse such that this development by itself or in conjunction with any future similar development will cause an obstruction to flow per §88.90, Wis. Stats.

Office (land use): See [Section 17.056\(4\)\(a\)](#).

Office district: See [Section 17.032](#).

Official map: The map adopted by the Town Board which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by State Statutes.

Official zoning map: See Sections [17.033](#), [17.034](#), [17.037](#), and Appendix A.

Off-site parking lot (land use): See [Section 17.056\(6\)\(a\)](#).

On-site: Located on the lot in question, except in the context of on-site detention, when the term means within the boundaries of the development site as a whole.

On-site agricultural retail (land use): See [Section 17.056\(2\)\(e\)](#).

On-site composting (land use): See [Section 17.056\(8\)\(t\)](#).

On-site parking lot (land use): See [Section 17.056\(8\)\(b\)](#).

On-site real estate sales office (land use): See [Section 17.056\(9\)\(d\)](#).

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

Open sales lot: An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Ordinary high water mark: The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Other permanently protected green space: Permanently protected green space areas which are not constrained by one of the protected natural resources under Subchapter 17-VII. Examples include portions of private lots, outlots, or parcels commonly held by a property owners' association (as in a cluster development) which are deed restricted from site disruption.

Outdoor assembly (land use): See [Section 17.056\(9\)\(g\)](#).

Outdoor commercial entertainment (land use): See [Section 17.056\(4\)\(i\)](#).

Outdoor display (land use): See Sections [17.056\(4\)\(d\)](#).

Outdoor display incidental to indoor sales (land use): See Sections [17.056\(8\)\(j\)–\(k\)](#).

Outdoor institutional (land use): See [Section 17.056\(3\)\(d\)](#).

Outdoor maintenance service (land use): See [Section 17.056\(4\)\(f\)](#).

Outdoor storage (land use): See [Section 17.056\(5\)\(b\)](#).

Outdoor wholesaling (land use): See [Section 17.056\(5\)\(b\)](#).

Overlay zoning district: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in [Section 17.032](#), as well as the general restrictions of this Chapter. See Sections [17.036](#), [17.037](#), and Subchapter 17-VII.

Owner: The person or persons having the right of legal title to a lot or parcel of land.

Pad, Development: See Development pad.

Parcel: The area within the boundary lines of a lot.

Parking standards: See [Section 17.174](#).

Parking lot design standards: See [Section 17.174\(6\)\(j\)](#).

Parking requirements: See Sections [17.174\(7\)\(c\)](#) and [17.056](#).

Parking space design standards: See [Section 17.174\(6\)\(h\)](#).

Passive outdoor public recreational (land use): See [Section 17.056\(3\)\(a\)](#).

Penalty: See [Section 17.256](#).

Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Subchapter 17-IX.

Peripheral setback: The distance between a structure and the boundary of a development option. See [Section 17.093](#).

Permanently protected green space: An area in which site disruption and/or development is strictly limited. See [Section 17.054](#).

Permitted by right, use: See [Section 17.052\(2\)](#).

Personal service(s) (land use): See [Section 17.056\(4\)\(b\)](#).

Personal storage facility (land use): See [Section 17.056\(5\)\(c\)](#).

Plan Commission: The Plan Commission of the Town of Rib Mountain. See [Section 17.253](#).

Plant unit: Reserved.

Prairie: Reserved.

Principal building: See Building, principal.

Principal use: Any and all of the primary uses of a property, treated as a use permitted by right, as a special use, or as a conditional use (rather than as an accessory use or a temporary use) per [Section 17.056\(1\)–\(7\)](#).

Private Residential Stable: (land use) See [Section 17.056\(8\)\(g\)](#).

Private Sewage System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure, as regulated by the County Zoning Department. This term also means an alternative sewage system approved by the Department of Industry, Labor, and Human Relations (DILHR) including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Professional service(s) (land use): See [Section 17.056\(4\)\(b\)](#).

Protected natural resources: Resources such as floodways, floodway fringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Ordinance. See [Section 17.036](#) and Subchapter 17-VII.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public services and utilities (land use): See [Section 17.056\(3\)\(e\)](#).

Public sewer: Includes the Town of Rib Mountain sewer system and other forms of sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems.

Recorded lot: See Lot of record.

Relocatable building (land use): See [Section 17.056\(9\)\(c\)](#).

Required resource protection area (RPA): The area of a site which may not be disturbed by development activity and which must also be reserved as permanently protected green space. Required resource protection area is calculated in [Section 17.073\(3\)\(b\)](#), and is the result of subtracting the net developable area (NDA) from the gross site area (GSA).

Residential collector street: A collector street serving primarily residential land uses.

Residential district(s): See [Section 17.032](#).

Residential kennel, private (land use): See [Section 17.056\(8\)\(f\)](#).

Residential stable, private (land use): See [Section 17.056\(8\)\(g\)](#).

Residential land use(s): See [Section 17.056\(1\)](#).

Residential recreational facility, private (land use): See [Section 17.056\(8\)\(e\)](#).

Residentially zoned: A property located in a residential district per [Section 17.032](#).

Restrictive, more (less): A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Restaurant: See indoor commercial entertainment.

Restaurant, fast food: See in-vehicle sales and service.

Reserved.

Rural Agricultural (RA) District: See [Section 17.035\(1\)\(a\)](#).

Salvage yard (land use): See [Section 17.056\(5\)\(d\)](#).

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Seasonal outdoor sales of farm products (land use): See [Section 17.056\(9\)\(f\)](#).

Sedimentation: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Selective cutting (land use): See [Section 17.056\(2\)\(f\)](#).

Septic disposal system, individual (land use): See [Section 17.056\(8\)\(q\)](#), as regulated by the County Zoning Department.

Setback: The shortest distance between a building's or structure's exterior from the nearest point on the referenced lot line. See minimum setback.

Sexually-oriented use (land use): See [Section 17.056\(4\)\(p\)](#).

Shopping center: See group development.

Shrub: A low-lying deciduous or evergreen plant. [Section 17.150](#).

Sign: See [Section 17.213](#). See also, [Section 17.227](#) for applicable procedures.

Single-family detached dwelling: See Dwelling, Single-Family Detached.

Site area: See Gross site area.

Site plan: See [Section 17.228](#). See also, [Section 17.228](#) for applicable procedures.

Skylight: A window or other paned area located on the ceiling or roof of a structure.

Solid fence: Any fence which cannot be seen through. Such fences include basketweave fences, stockade fences, plank fences, and similar fences.

Special use: A land use which must be developed per a set of requirements specifically applying to that use. See [Section 17.052\(3\)](#). See also [Section 17.224](#) for applicable procedures.

Standard zoning districts: Zoning districts which primarily regulate the use of land, and intensity or density of such use. See Sections [17.032](#), [17.033](#), and [17.035](#).

Stable, commercial: See commercial animal boarding.

Stable, private: See private residential stable.

Standard Industrial Classification code (SIC): The numeric code for categorizing land uses developed by the US Department of Commerce. SIC codes in this Chapter are based on the listing contained within the 1987 manual.

Start of Construction: The date the building permit is issued, provided the actual start of activity was within 730 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or part of the main structure.

Steep Slope: See [Section 17.118\(1\)](#).

Storage land use(s): See [Section 17.176](#).

Storage standards: See [Section 17.176](#).

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

Street: Any public or private way dedicated or permanently open to pedestrian and vehicular use which is 22 feet or more in width if it exists at the time of enactment of this Chapter; and any such public right-of-way 66 feet in width when established after the effective date of this Chapter.

Street Line: See Lot line, front.

Strip development: A pattern of land uses typified by nonresidential and/or multi-family development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the present assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; and

- (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

Suburban Commercial (SC) District: See [Section 17.035\(3\)\(d\)](#).

Suburban Industrial (SI) District: See [Section 17.035\(3\)\(g\)](#).

Suburban Residential (SR-2) District: See [Section 17.035\(2\)\(c\)](#).

Suburban Residential (SR-3) District: See [Section 17.035\(2\)\(d\)](#).

Suburban Office (SO) District: See [Section 17.035\(3\)\(b\)](#).

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Temporary use: A land use which is present on a property for a limited and specified period of time. See [Sections 17.052\(6\)](#), [17.056\(9\)](#), and [Section 17.226](#) for applicable procedures.

Townhouse: See [Section 17.093\(16\)](#).

Toxic materials standards: See [Section 17.185](#).

Transportation land use(s): See [Section 17.056\(6\)](#).

Truck stop: See In-Vehicle sales and service.

Twin house: See [Section 17.093\(12\)](#).

Two-flat house: See [Section 17.093\(13\)](#).

Understory tree: A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, alder, holly hornbeam, dogwood, witch-hazel, etc. See [Section 17.150](#).

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

Urban Commercial (UC) District: See [Section 17.035\(3\)\(e\)](#).

Urban Industrial (UI) District: See [Section 17.035\(3\)\(g\)](#).

Urban Residential (UR-8) District: See [Section 17.035\(2\)\(f\)](#).

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

Use, accessory: See Accessory use.

Use, Conditional: See Conditional use.

Use, Principal: See Principal use.

Use, Special: See Special use.

Utility shed (land use): See [Section 17.056\(8\)\(d\)](#).

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to [Section 17.230](#).

Vibration standards: See [Section 17.178](#).

Violation: See [Section 17.256](#).

Visibility standards: See [Section 17.173](#).

Waste disposal facility (land use): See [Section 17.056\(5\)\(e\)](#).

Waste materials standards: See [Section 17.186](#).

Weak link townhouse: See [Section 17.093\(15\)](#).

Wetland: See [Section 17.114\(1\)](#).

Wisconsin Wetland Inventory Map: Maps prepared by the Wisconsin Department of Natural Resources, adopted by the Marathon County Board, and maintained and interpreted by the County Zoning Department.

Woodland: See [Section 17.117\(1\)](#).

Working days: Monday, Tuesday, Wednesday, Thursday or Friday; excluding holidays granted by the Town of Rib Mountain to its Department Heads.

Yard: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

Yard, rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, side: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Yard, street: A side yard or a rear yard which abuts a public or private street right-of-way.

Zoning Administrator: The Town employee charged with the application and interpretation of this Chapter. See [Section 17.252](#).

Zoning district(s): See [Section 17.032](#).

Zoning district categories: See [Section 17.032](#).

Zoning map: See "Official zoning map", above.

SUBCHAPTER 17-III. - ESTABLISHMENT OF ZONING DISTRICTS

Section 17.031 - Purpose.

The area located within the jurisdiction of Rib Mountain is hereby divided into the zoning districts necessary to achieve compatibility of land uses within and between the districts, to implement the Town of Rib Mountain Comprehensive Master Plan, and to achieve the other purposes of this Chapter as described in [Section 17.005](#).

The type of districts created include:

Standard Zoning Districts;

Special Zoning Districts; and

Overlay Districts.

Section 17.032 - Standard Zoning Districts and Standard Zoning District Categories. (Am. #09-05)

For the purpose of this Chapter, all areas within the Town of Rib Mountain are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

Agricultural Districts:

Rural Agricultural Districts:

RA-1-35ac

RA-2-35ac

Residential Districts:

Outdoor Recreation (OR-35ac) District

Rural Residential (RR-35ac) District

Countryside Residential (CR-5ac) District

Estate Residential (ER-1) District

Suburban Residential (SR-2) District

Suburban Residential (SR-3) District

Suburban Residential (SR-4) District

Mixed Residential (MR-4) District

Urban Residential (UR-8) District

Nonresidential Districts:

Office Districts:

Estate Office (EO) District

Suburban Office (SO) District

Commercial Districts:

Neighborhood Commercial (NC) District

Suburban Commercial (SC) District

Urban Commercial (UC) District

Central Commercial (CC) District

Industrial Districts:

Suburban Industrial (SI) District

Urban Industrial (UI) District

Heavy Industrial (HI) District

Section 17.0325 - Special Zoning Districts and Overlay Zoning Districts.

In addition to the Standard Zoning Districts listed above, certain areas of the town are located in Special Zoning Districts and Overlay Zoning Districts. The Unified Development District (Section 17.038) is a special zoning district which allows a variety of mixed use development and other deviations from the requirements contained in the standard zoning districts. The creation of residential cluster

developments is also an option in the Unified Development District. Each Unified Development District is unique since the written plan and drawings approved for the district are the governing land use regulations for that particular property.

Overlay districts contain a standard set of land use controls which are in addition to the regulations contained in the underlying standard zoning district. Thus, property within an overlay district has 2 set of land use controls, those found in the standard or special zone and those of the overlay district. Where regulatory conflicts exist between the 2 districts, the most restrictive regulation applies.

The special and overlay districts are listed below:

Special District:

Unified Development District (UDD)

Overlay Districts:

USH 51/STH 29 Overlay District

Municipal Well Recharge Area Overlay District

Section 17.033 - Map of Zoning Districts.

Zoning districts established by this Chapter except the USH 51/STH 29 Overlay District are shown on the Official Zoning Map of the Town of Rib Mountain, which together with all explanatory materials thereon, is hereby made part of this Chapter. The USH 51/STH 29 Overlay District is located as established in [Section 17.039](#).

Section 17.034 - Interpretation of Zoning District Boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the Town of Rib Mountain:

- (1) Zoning district boundaries shown as following or approximately following the limits of any Town, Village, City or County boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the Town of Rib Mountain or County of Marathon Tax Maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (1) through (5), above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

Section 17.035 - Purpose and Intent of Standard Zoning Districts.

The following subsections specify the purpose and intent of the standard zoning districts established by this Chapter.

- (1) *Agricultural Districts.* (Am. #09-05)
 - (a) *Rural Agricultural (RA-1-35ac) District.*
 - 1.

Description and Purpose. This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of one dwelling unit for every 35 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Agricultural (RA-35ac) District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district is used to provide for the protection of low density agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Agricultural (RA-35ac) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Agricultural (RA-35ac) District designation, the rural community character of that area would still be maintained.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right:* (per [Section 17.052\(2\)](#))

Single-Family Detached House - 35 acre minimum lot area (per [Section 17.093\(1\)](#))

Cultivation (per [Section 17.056\(2\)\(a\)](#))

Selective Cutting (per [Section 17.056\(2\)\(f\)](#))

Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))

b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))

On-Site Agricultural Retail (per [Section 17.056\(2\)\(e\)](#))

Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))

Community Living Arrangement (1—8 residents) (per [Section 17.056\(3\)\(g\)](#))

c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))

Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))

Husbandry, less than 500 animal units (per [Section 17.056\(2\)\(b\)](#))

Clear Cutting (per [Section 17.056\(2\)\(g\)](#))

Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))

Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))

Outdoor Commercial Entertainment (per [Section 17.056\(4\)\(i\)](#))

Commercial Animal Boarding (per [Section 17.057\(4\)\(j\)](#))

Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))

Campground (per [Section 17.056\(4\)\(n\)](#))

Composting Operation (per [Section 17.056\(5\)\(f\)](#))

Airport/Heliport (per [Section 17.056\(6\)\(b\)](#))

Communication Tower (per [Section 17.056\(7\)\(c\)](#))

Extraction Use (per [Section 17.056\(7\)\(d\)](#))

d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))

1) Land Uses Permitted by Right:

Home Occupation (per Section 17.056(8)(s))

Private Residential Garage or Shed (per Section 17.056(8)(d))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Lawn Care (per Section 17.056(8)(p))

Family Day Care Home (4—8 children) (per Section 17.056(8)(u))

Exterior Communication Devices (per Section 17.056(8)(r))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 17.056(8)(b))

Private Residential Kennel (per Section 17.056(8)(f))

Drainage Structure (per Section 17.056(8)(n))

Filling (per Section 17.056(8)(o))

On-Site Composting (per Section 17.056(8)(t))

Wood Piles (per Section 17.056(8)(w))

3) Land Uses Permitted as Conditional Use:

Private Residential Stable (per Section 17.056(8)(g))

Septic Systems (per Section 17.056(8)(q))

Migrant Labor Camp (per Section 17.056(8)(v))

e. *Land Uses Permitted as Temporary Uses:* (per Section 17.052(6))

Contractor's Project Office (per Section 17.056(9)(a))

Contractor's On-Site Equip. Storage (per Section 17.056(9)(b))

Model Home (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): .03 du/acre

Minimum Lot Area (MLA): 35 acres

Minimum Site Area (MSA): 35 acres

b. *Non-Residential Uses:*

1) One-Floor Buildings:

Minimum Landscape Surface Ratio (LSR): .700

Maximum Floor Area Ratio (FAR): .100

Minimum Lot Area (MLA): 5 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)
 - a. *Residential Uses:* (Refer to Table [17.093](#))
 - b. *Non-Residential Uses:* (Refer to Table [17.094](#))
 5. *Landscaping Regulations* (per Subchapter 17-VIII)
 - a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required
 - b. *Non-Residential Uses and Multi-Family Uses:*
 - 1) 20 landscaping points per 100 linear ft. of building foundation
 - 2) 10 landscaping points per 1,000 square ft. of gross floor area
 - 3) 20 landscaping points per 100 linear feet of street frontage
 - 4) 40 landscaping points per 10,000 s.f. paved area/20 stalls
 6. *Performance Standards* (see Subchapter 17-IX)
 7. *Signage Regulations* (see Subchapter 17-X)
- (b) *Rural Agricultural (RA-2-35ac) District.*
1. *Description and Purpose.* This district is intended to permit development which is solely of a rural community character, and high density husbandry or intensive agriculture. The land use standards for this district permit very low density single-family residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Agricultural (RA-2-35ac) District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district is used to provide for the protection of high density agricultural activities, and a very low density residential area to service the high density agricultural use.
 2. *List of Allowable Land Uses* (per Subchapter 17-IV)
 - a. *Land Uses Permitted by Right:* (per [Section 17.052\(2\)](#))
 - Single-Family Detached House - 35 acre minimum lot area (per [Section 17.093\(1\)](#))
 - Cultivation (per [Section 17.056\(2\)\(a\)](#))
 - Selective Cutting (per [Section 17.056\(2\)\(f\)](#))
 - Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))
 - b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))
 - On-Site Agricultural Retail (per [Section 17.056\(2\)\(e\)](#))
 - Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))
 - c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))
 - Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))
 - Husbandry, 500 or more animal units (per [Section 17.056\(2\)\(b\)](#))
 - Intensive Agriculture (per [Section 17.056\(2\)\(c\)](#))
 - Agricultural Services (per [Section 17.056\(2\)\(d\)](#))
 - Clear Cutting (per [Section 17.056\(2\)\(g\)](#))
 - Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))

Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))

Outdoor Commercial Entertainment (per [Section 17.056\(4\)\(i\)](#))

Junkyard or Salvage Yard (per [Section 17.056\(5\)\(d\)](#))

Waste Disposal Facility (per [Section 17.056\(5\)\(e\)](#))

Composting Operation (per [Section 17.056\(5\)\(f\)](#))

Airport/Heliport (per [Section 17.056\(6\)\(b\)](#))

Communication Tower (per [Section 17.056\(7\)\(c\)](#))

Extraction Use (per [Section 17.056\(7\)\(d\)](#))

d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))

1) Land Uses Permitted by Right:

Home Occupation (per [Section 17.056\(8\)\(s\)](#))

Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))

Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))

Lawn Care (per [Section 17.056\(8\)\(p\)](#))

Family Day Care Home (4—8 children) (per [Section 17.056\(8\)\(u\)](#))

Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))

Private Residential Kennel (per [Section 17.056\(8\)\(f\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

Wood Piles (per [Section 17.056\(8\)\(w\)](#))

3) Land Uses Permitted as Conditional Use:

Private Residential Stable (per [Section 17.056\(8\)\(g\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

Migrant Labor Camp (per [Section 17.056\(8\)\(v\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equip. Storage (per [Section 17.056\(9\)\(b\)](#))

Model Home (per [Section 17.056\(9\)\(c\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): .03 du/acre

Minimum Lot Area (MLA): 35 acres

Minimum Site Area (MSA): 35 acres

b. *Non-Residential Uses:*

1) One Floor Buildings:

Minimum Landscape Surface Ratio (LSR): .700

Maximum Floor Area Ratio (FAR): .100

Minimum Lot Area (MLA): 5 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table [17.093](#))

b. *Non-Residential Uses:* (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

- 1) 20 landscaping points per 100 linear ft. of building foundation
- 2) 10 landscaping points per 1,000 square ft. of gross floor area
- 3) 20 landscaping points per 100 linear ft. of street frontage
- 4) 40 landscaping points per 10,000 square ft. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)7. *Signage Regulations* (see Subchapter 17-X)(2) *Residential Districts* (Am. #09-05)(a) *Outdoor Recreational (OR) District*

1. *Description and Purpose.* This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of outdoor recreational land uses such as golf courses, County and State Parks. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Outdoor Recreational (OR) District shall either serve as a designation which preserves and protects recreational activities, or as a "holding zone" which provides for an interim land use (recreational) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district is used to provide for the protection of low density recreational activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Outdoor Recreational (OR) District designation is retained. In this manner, even if all property were developed in a given area with the Outdoor Recreational (OR) District designation, the rural community character of that area would still be maintained.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right:* (per [Section 17.052\(2\)](#))

Single-Family Detached House - 35 acre minimum lot area (per [Section 17.093\(1\)](#))

Cultivation (per [Section 17.056\(2\)\(a\)](#))

- Selective Cutting (per [Section 17.056\(2\)\(f\)](#))
- Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))
- b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))
- c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))
 - Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))
 - Community Living Arrangement (1—8 residents) (per [Section 17.056\(3\)\(g\)](#))
 - Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))
 - Clear Cutting (per [Section 17.056\(2\)\(g\)](#))
 - Outdoor Commercial Entertainment (per [Section 17.056\(4\)\(i\)](#))
 - Commercial Animal Boarding (per [Section 17.057\(4\)\(j\)](#))
 - Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))
 - Campground (per [Section 17.056\(4\)\(n\)](#))
 - Airport/Heliport (per [Section 17.056\(6\)\(b\)](#))
 - Communication Tower (per [Section 17.056\(7\)\(c\)](#))
- d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))
 - 1) Land Uses Permitted by Right:
 - Home Occupation (per [Section 17.056\(8\)\(s\)](#))
 - Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))
 - Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))
 - Lawn Care (per [Section 17.056\(8\)\(p\)](#))
 - Family Day Care Home (4—8 children) (per [Section 17.056\(8\)\(u\)](#))
 - Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))
 - Private Residential Kennel (per [Section 17.056\(8\)\(f\)](#))
 - Drainage Structure (per [Section 17.056\(8\)\(n\)](#))
 - Filling (per [Section 17.056\(8\)\(o\)](#))
 - On-Site Composting (per [Section 17.056\(8\)\(t\)](#))
 - Wood Piles (per [Section 17.056\(8\)\(w\)](#))
 - 3) Land Uses Permitted as Conditional Use:
 - Private Residential Stable (per [Section 17.056\(8\)\(g\)](#))
 - Septic Systems (per [Section 17.056\(8\)\(q\)](#))
- e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))
 - Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equip. Storage (per Section 17.056(9)(b))

Model Home (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): .03 du/acre

Minimum Lot Area (MLA): 35 acres

Minimum Site Area (MSA): 35 acres

b. *Non-Residential Uses:*

1) One-Floor Buildings:

Minimum Landscape Surface Ratio (LSR): .700

Maximum Floor Area Ratio (FAR): .100

Minimum Lot Area (MLA): 5 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table 17.093)

b. *Non-Residential Uses:* (Refer to Table 17.094)

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 20 landscaping points per 100 linear ft. of building foundation

2) 10 landscaping points per 1,000 square ft. of gross floor area

3) 20 landscaping points per 100 linear feet of street frontage

4) 40 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(b) *Rural Residential (RR) District*

1. *Description and Purpose.* This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of rural residential land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Residential (RR) District shall either serve as a designation which preserves and protects residential activities, or as a "holding zone" which provides for an interim land use (low density residential) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district is used to provide for the protection of low density residential activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Residential (RR) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Residential (RR) District designation, the rural community character of that area would still be maintained.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)
- a. *Land Uses Permitted by Right:* (per Section 17.052(2))
 - Single-Family Detached House - 35 acre minimum lot area (per Section 17.093(1))
 - Cultivation (per Section 17.056(2)(a))
 - Selective Cutting (per Section 17.056(2)(f))
 - Passive Outdoor Public Recreation (per Section 17.056(3)(a))
 - b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))
 - c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))
 - Active Outdoor Public Recreation (per Section 17.056(3)(b))
 - Community Living Arrangement (1—8 residents) (per Section 17.056(3)(g))
 - Public Services and Utilities (per Section 17.056(3)(e))
 - Clear Cutting (per Section 17.056(2)(g))
 - Bed and Breakfast Establishments (per Section 17.056(4)(l))
 - Communication Tower (per Section 17.056(7)(c))
 - d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))
 - 1) Land Uses Permitted by Right:
 - Home Occupation (per Section 17.056(8)(s))
 - Private Residential Garage or Shed (per Section 17.056(8)(d))
 - Private Residential Recreational Facility (per Section 17.056(8)(e))
 - Lawn Care (per Section 17.056(8)(p))
 - Family Day Care Home (4—8 children) (per Section 17.056(8)(u))
 - Exterior Communication Devices (per Section 17.056(8)(r))
 - Septic Systems (per Section 17.056(8)(q))
 - 2) Land Uses Permitted as Special Use:
 - Private Residential Kennel (per Section 17.056(8)(f))
 - Drainage Structure (per Section 17.056(8)(n))
 - Filling (per Section 17.056(8)(o))
 - On-Site Composting (per Section 17.056(8)(t))
 - Wood Piles (per Section 17.056(8)(w))
 - 3) Land Uses Permitted as Conditional Use:
 - Private Residential Stable (per Section 17.056(8)(g))
 - e. *Land Uses Permitted as Temporary Uses:* (per Section 17.052(6))
 - Contractor's Project Office (per Section 17.056(9)(a))
 - Contractor's On-Site Equip. Storage (per Section 17.056(9)(b))
 - Model Home (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)
 - a. *Residential Uses:*
 - 1) Conventional Development:
 - Maximum Gross Density (MGD): .03 du acre
 - Minimum Lot Area (MLA): 35 acres
 - Minimum Site Area (MSA): 35 acres
 - b. *Non-Residential Uses:*
 - 1) One-Floor Buildings:
 - Minimum Landscape Surface Ratio (LSR): .700
 - Maximum Floor Area Ratio (FAR): .100
 - Minimum Lot Area (MLA): 5 acres
 - Maximum Building Size (MBS): na
 4. *Bulk Requirements* (per Subchapter 17-VI)
 - a. *Residential Uses:* (Refer to Table 17.093)
 - b. *Non-Residential Uses:* (Refer to Table 17.094)
 5. *Landscaping Regulations* (per Subchapter 17-VIII)
 - a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required
 - b. *Non-Residential Uses and Multi-Family Uses:*
 - 1) 20 landscaping points per 100 linear ft. of building foundation
 - 2) 10 landscaping points per 1,000 square ft. of gross floor area
 - 3) 20 landscaping points per 100 linear feet of street frontage
 - 4) 40 landscaping points per 10,000 s.f. paved area/20 stalls
 6. *Performance Standards* (see Subchapter 17-IX)
 7. *Signage Regulations* (see Subchapter 17-X)
- (c) *Countryside Residential (CR-5ac) District*
1. *Description and Purpose.* This district is intended to permit development which has a very low density, countryside community character. Unlike the case for the Rural Agricultural (RA-35ac) District, the land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities. Density and intensity standards for this district are designed to ensure that the Countryside Residential (CR-5ac) District shall serve as a designation which preserves and protects the countryside community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of one dwelling unit for every 5 gross acres.

Rationale: This district is used to provide for the permanent protection of a very low density residential area for those who want to live in a countryside environment and who retain enough land with their residence, or in their development, to ensure that the countryside community character is maintained as long as the Countryside Residential (CR-5ac) District designation is retained, regardless of how much development occurs within that area.
 2. *List of Allowable Land Uses* (per Subchapter 17-IV)
 - a. *Land Uses Permitted by Right:* (per Section 17.052(2))
 - Single-Family Detached House - 5 acre minimum lot area (per Section 17.093(2))

Selective Cutting (per [Section 17.056\(2\)\(f\)](#))

Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))

b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))

Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))

Community Living Arrangement (1—8 residents) (per [Section 17.056\(3\)\(g\)](#))

Cultivation (per [Section 17.056\(2\)\(a\)](#))

c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))

Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))

Husbandry (per [Section 17.056\(2\)\(b\)](#))

Clear Cutting (per [Section 17.056\(2\)\(g\)](#))

Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))

Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))

Community Living Arrangement (9—15 residents) (per [Section 17.056\(3\)\(h\)](#))

Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))

d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))

Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))

Home Occupation (per [Section 17.056\(8\)\(s\)](#))

Lawn Care (per [Section 17.056\(8\)\(p\)](#))

Family Day Care Home (4—8 children) (per [Section 17.056\(8\)\(u\)](#))

Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

Wood Piles (per [Section 17.056\(8\)\(w\)](#))

3) Land Uses Permitted as Conditional Use:

Private Residential Kennel (per [Section 17.056\(8\)\(f\)](#))

Private Residential Stable (per [Section 17.056\(8\)\(g\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equip. Storage (per Section 17.056(9)(b))

Model Homes (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:*

Conventional Development:

Maximum Gross Density (MGD): .20 du/acre

Minimum Lot Area (MLA): 5 acres

Minimum Site Area (MSA): 5 acres

b. *Non-Residential Uses:*

1) *One-Floor Buildings:*

Minimum Landscape Surface Ratio (LSR): .700

Maximum Floor Area Ratio (FAR): .100

Minimum Lot Area (MLA): 5 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table 17.093)

b. *Non-Residential Uses:* (Refer to Table 17.094)

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 50 landscaping points per 100 linear ft. of building foundation

2) 30 landscaping points per 1,000 square ft. of gross floor area

3) 50 landscaping points per 100 linear feet of street frontage

4) 100 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(d) *Estate Residential (ER-1) District*

1. *Description and Purpose.* This district is intended to permit development which has a low density, estate community character. Like the case for the Countryside Residential (CR-5ac) District, the land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Estate Residential (ER-1) District shall serve as a designation which preserves and protects the estate community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of one dwelling unit per 40,000 square feet of lot area.

Rationale: This district is used to provide for the permanent protection of a low density residential area for those who want to live in an estate environment and who retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the Estate Residential (ER-1) District designation is retained, regardless of how much development occurs within that area.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

- a. *Land Uses Permitted by Right:* (per [Section 17.052\(2\)](#))
- Single-Family Detached House - 40,000 sf minimum lot area (per [Section 17.093\(5\)](#))
 - Selective Cutting (per [Section 17.056\(2\)\(f\)](#))
 - Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))
- b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))
- Cultivation (per [Section 17.056\(2\)\(a\)](#))
 - Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))
 - Community Living Arrangement (1—8 residents) (per [Section 17.056\(3\)\(g\)](#))
- c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))
- Husbandry (per [Section 17.056\(2\)\(b\)](#))
 - Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))
 - Clear Cutting (per [Section 17.056\(2\)\(g\)](#))
 - Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))
 - Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))
 - Community Living Arrangement (9—15 residents) (per [Section 17.056\(3\)\(h\)](#))
 - Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))
- d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))
- 1) Land Uses Permitted by Right:
 - Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))
 - Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))
 - Home Occupation (per [Section 17.056\(8\)\(s\)](#))
 - Lawn Care (per [Section 17.056\(8\)\(p\)](#))
 - Family Day Care Home (4—8 children) (per [Section 17.056\(8\)\(u\)](#))
 - Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))
 - Drainage Structure (per [Section 17.056\(8\)\(n\)](#))
 - Filling (per [Section 17.056\(8\)\(o\)](#))
 - On-Site Composting (per [Section 17.056\(8\)\(t\)](#))
 - Wood Piles (per [Section 17.056\(8\)\(w\)](#))
 - 3) Land Uses Permitted as Conditional Use:
 - Private Residential Kennel (per [Section 17.056\(8\)\(f\)](#))
 - Septic Systems (per [Section 17.056\(8\)\(q\)](#))
- e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per Section 17.056(9)(a))

Contractor's On-Site Equipment Storage (per Section 17.056(9)(b))

Model Homes (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:*

Conventional Development:

Maximum Gross Density (MGD): 1.00 du/acre

Minimum Lot Area (MLA): 40,000 sf

Minimum Site Area (MSA): 48,400 sf

b. *Non-Residential Uses:* (Refer to Table 17.094)

1) One-Floor Buildings:

Minimum Landscape Surface Ratio (LSR): .700

Maximum Floor Area Ratio (FAR): .100

Minimum Lot Area (MLA): 5 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table 17.093)

b. *Non-Residential Uses:* (Refer to Table 17.094)

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 45 landscaping points per 100 linear ft. of building foundation

2) 25 landscaping points per 1,000 square ft. of gross floor area

3) 45 landscaping points per 100 linear feet of street frontage

4) 90 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(e) *Suburban Residential (SR-2) District*

1. *Description and Purpose.* This district is intended to permit development which has a moderate density, suburban community character. This district is intended to be the principal district for single-family development within the Town of Rib Mountain not served by both public water and public sanitary sewer. Density and intensity standards for this district are designed to ensure that the Suburban Residential (SR-2) District shall serve as a designation which preserves and protects the suburban residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 2 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the suburban community character is maintained as long as the Suburban Residential (SR-2) District designation is retained, regardless of how much development occurs within that area.

2. *List of Allowable Land Uses (per Subchapter 17-IV)*

a. *Land Uses Permitted by Right: (per Section 17.052(2))*

Single-Family Detached House - 20,000 sf minimum lot area (per Section 17.093(7))

Selective Cutting (per Section 17.056(2)(f))

Passive Outdoor Public Recreation (per Section 17.056(3)(a))

b. *Land Uses Permitted as Special Use: (per Section 17.052(3))*

Cultivation (per Section 17.056(2)(a))

Active Outdoor Public Recreation (per Section 17.056(3)(b))

Community Living Arrangement (1—8 residents) (per Section 17.056(3)(g))

c. *Land Uses Permitted as Conditional Use: (per Section 17.052(4))*

Public Services and Utilities (per Section 17.056(3)(e))

Clear Cutting (per Section 17.056(2)(g))

Indoor Institutional (per Section 17.056(3)(c))

Outdoor Institutional (per Section 17.056(3)(d))

Community Living Arrangement (9—15 residents) (per Section 17.056(3)(h))

Bed and Breakfast Establishments (per Section 17.056(4)(l))

d. *Land Uses Permitted as Accessory Uses: (per Section 17.052(5))*

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per Section 17.056(8)(d))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Home Occupation (per Section 17.056(8)(s))

Lawn Care (per Section 17.056(8)(p))

Family Day Care Home (4—8 children) (per Section 17.056(8)(u))

Exterior Communication Devices (per Section 17.056(8)(r))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 17.056(8)(b))

Drainage Structure (per Section 17.056(8)(n))

Filling (per Section 17.056(8)(o))

On-Site Composting (per Section 17.056(8)(t))

Wood Piles (per Section 17.056(8)(w))

3) Land Uses Permitted as Conditional Use:

Septic Systems (per Section 17.056(8)(q))

e. *Land Uses Permitted as Temporary Uses: (per Section 17.052(6))*

Contractor's Project Office (per Section 17.056(9)(a))

Contractor's On-Site Equipment Storage (per Section 17.056(9)(b))

Model Homes (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): 2.00 du/acre

Minimum Lot Area (MLA): 20,000 sf

Minimum Site Area (MSA): 20,000 sf

b. *Non-Residential Uses:*

1) One-Floor Buildings:

Minimum Landscape Surface Ratio (LSR): .550

Maximum Floor Area Ratio (FAR): .150

Minimum Lot Area (MLA): 3 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table 17.093)

b. *Non-Residential Uses:* (Refer to Table 17.094)

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 40 landscaping points per 100 linear ft. of building foundation

2) 20 landscaping points per 1,000 square ft. of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(f) *Suburban Residential (SR-3) District*

1. *Description and Purpose.* This district is intended to permit development which has a moderate density, suburban community character. This district is intended to be used for single-family areas served by both public water and public sanitary sewer. Density and intensity standards for this district are designed to ensure that the Suburban Residential (SR-3) District shall serve as a designation which preserves and protects the suburban residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 3 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the suburban community character is maintained as long as the Suburban Residential (SR-3) District designation is retained, regardless of how much development occurs within that area.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right:* (per Section 17.052(2))

Single-Family Detached House - 15,000 sf minimum lot area (per Section 17.093(8))

- Selective Cutting (per [Section 17.056\(2\)\(f\)](#))
- Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))
- b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))
 - Cultivation (per [Section 17.056\(2\)\(a\)](#))
 - Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))
 - Community Living Arrangement (1—8 residents) (per [Section 17.056\(3\)\(g\)](#))
- c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))
 - Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))
 - Two-Flat - 5,000 sf per dwelling unit (per [Section 17.093\(13\)](#))
 - Clear Cutting (per [Section 17.056\(2\)\(g\)](#))
 - Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))
 - Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))
 - Community Living Arrangement (9—15 residents) (per [Section 17.056\(3\)\(h\)](#))
 - Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))
- d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))
 - 1) Land Uses Permitted by Right:
 - Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))
 - Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))
 - Home Occupation (per [Section 17.056\(8\)\(s\)](#))
 - Lawn Care (per [Section 17.056\(8\)\(p\)](#))
 - Family Day Care Home (4—8 children) (per [Section 17.056\(8\)\(u\)](#))
 - Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))
 - Drainage Structure (per [Section 17.056\(8\)\(n\)](#))
 - Filling (per [Section 17.056\(8\)\(o\)](#))
 - On-Site Composting (per [Section 17.056\(8\)\(t\)](#))
 - Wood Piles (per [Section 17.056\(8\)\(w\)](#))
 - 3) Land Uses Permitted as Conditional Use:
 - Septic Systems (per [Section 17.056\(8\)\(q\)](#))
- e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))
 - Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))
 - Contractor's On-Site Equip. Storage (per [Section 17.056\(9\)\(b\)](#))
 - Model Homes (per [Section 17.056\(9\)\(c\)](#))

Real Estate Sales Office (per Section 17.056(9)(d))3. *Density and Intensity Requirements* (per Subchapter 17-V)a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): 2.60 du/acre

Minimum Lot Area (MLA): 15,000 sf

Minimum Site Area (MSA): 15,000 sf

b. *Non-Residential Uses:*

1) One-Floor Buildings:

Minimum Landscape Surface Ratio (LSR): .550

Maximum Floor Area Ratio (FAR): .150

Minimum Lot Area (MLA): 3 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)a. *Residential Uses:* (Refer to Table 17.093)b. *Non-Residential Uses:* (Refer to Table 17.094)5. *Landscaping Regulations* (per Subchapter 17-VIII)a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None requiredb. *Non-Residential Uses and Multi-Family Uses:*

1) 40 landscaping points per 100 linear ft. of building foundation

2) 20 landscaping points per 1,000 square ft. of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)7. *Signage Regulations* (see Subchapter 17-X)(g) *Suburban Residential (SR-4) District*

1. *Description and Purpose.* This district is created as a means of allowing in-fill development within single-family residential areas where many of the lots cover less than 15,000 square feet. Designating these developed areas as a Suburban Residential-4 (SR-4) District will make many of the existing single-family dwellings conform to the lot size and setbacks requirements of this Chapter and will allow for the vacant portions of these districts to be developed at a density which is comparable to the existing development in the area. This district is not intended to be established in large, vacant tracts of land. This district is intended to be established only in areas served by both public water and public sanitary sewer. The density and intensity standards for this district are designed to preserve and protect the existing residential community character. Residential development is the primary development option, with a maximum density of one dwelling unit per 10,000 square feet of lot area.

Rationale: This district is used to provide for the permanent protection of existing single-family dwellings which are constructed in areas where many of the existing lots cover approximately 10,000 square feet. These areas of smaller residential lots were established under the Town zoning ordinance that was in effect prior to 1994 when the minimum lot size in some zoning districts was 10,000 square feet. Within these areas of small residential lots are some larger lots or small tracts of land. This district will also allow for the division of these properties and the in-fill development of

these larger lots or tracts at a density that is comparable with the existing built-up area. This district should only be designated in areas where there is a preponderance of smaller lots. The district is not intended as a development zone for large tracts of vacant land.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right:* (per Section 17.052(2))

Single-Family Detached House - 10,000 sf minimum lot area (per Section 17.093(9))

Selective Cutting (per Section 17.056(2)(f))

Passive Outdoor Public Recreation (per Section 17.056(3)(a))

b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))

Cultivation (per Section 17.056(2)(a))

Active Outdoor Public Recreation (per Section 17.056(3)(b))

Community Living Arrangement (1—8 residents) (per Section 17.056(3)(g))

c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))

Clear Cutting (per Section 17.056(2)(g))

Indoor Institutional (per Section 17.056(3)(c))

Outdoor Institutional (per Section 17.056(3)(d))

Public Services and Utilities (per Section 17.056(3)(e))

d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per Section 17.056(8)(d))

Lawn Care (per Section 17.056(8)(p))

Family Day Care Home (4—8 children) (per Section 17.056(8)(u))

Home Occupation (per Section 17.056(8)(s))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Exterior Communication Devices (per Section 17.056(8)(r))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 17.056(8)(b))

Drainage Structure (per Section 17.056(8)(n))

Filling (per Section 17.056(8)(o))

On-Site Composting (per Section 17.056(8)(t))

Wood Piles (per Section 17.056(8)(w))

3) Land Uses Permitted as Conditional Use: NONE

e. *Land Uses Permitted as Temporary Uses:* (per Section 17.052(6))

Contractor's Project Office (per Section 17.056(9)(a))

Contractor's On-Site Equipment Storage (per Section 17.056(9)(b))

Model Homes (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements*

a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): 4.3 du/acre

Minimum Lot Area (MLA): 10,000 sf

Minimum Site Area (MSA): 10,000 sf

b. *Non-Residential Uses:*

1) One-Floor Buildings:

Minimum Landscape Surface Ratio (LSR): .550

Maximum Floor Area Ratio (FAR): .150

Minimum Lot Area (MLA): 1 acre

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table 17.093)

b. *Non-Residential Uses:* (Refer to Table 17.094)

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 40 landscaping points per 100 linear ft. of building foundation

2) 20 landscaping points per 1,000 square ft. of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(h) *Mixed Residential (MR-4) District*

1. *Description and Purpose.* This district is intended to permit development which has a moderately high density community character which lies somewhere between suburban and urban. The land use standards for this district permit both single-family detached residential development and certain types of moderately high density single-family attached development permitted by right, and both moderately high density single-family attached development and certain types of multi-family development permitted as a conditional use, as well as a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Mixed Residential (MR-4) District shall serve as a designation which preserves and protects the moderately high density residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 4 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a moderately high density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the Mixed Residential (MR-4)

District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including twin houses, duplexes, atrium houses, and weak link townhouses.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right:* (per Section 17.052(2))

Single-Family Detached House - 10,000 sf minimum lot area (per Section 17.093(9))

Twin House/Duplex - 10,000 sf per du (per Section 17.093(12))

Selective Cutting (per Section 17.056(2)(f))

Passive Outdoor Public Recreation (per Section 17.056(3)(a))

b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))

Cultivation (per Section 17.056(2)(a))

Active Outdoor Public Recreation (per Section 17.056(3)(b))

Community Living Arrangement (1—8 residents) (per Section 17.056(3)(g))

Community Living Arrangement (9—15 residents) (per Section 17.056(3)(h))

c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))

Public Services and Utilities (per Section 17.056(3)(e))

Village House - 5,000 sf lot (per Section 17.093(11))

Two-Flat - 5,000 sf per dwelling unit (per Section 17.093(13))

Atrium House - 3,600 sf lot (per Section 17.093(14))

Weak-Link Townhouse - 2,800 lot (per Section 17.093(15))

Townhouse - 2,400 sf lot (per Section 17.093(16))

Multiplex - (per Section 17.093(17))

Apartment - (per Section 17.093(18))

Mobile Home - (per Sections 17.056(1)(c) or (d), and per Section 17.093(20))

Clear Cutting (per Section 17.056(2)(g))

Indoor Institutional (per Section 17.056(3)(c))

Outdoor Institutional (per Section 17.056(3)(d))

Bed and Breakfast Establishments (per Section 17.056(4)(l))

Group Day Care Center (9+ children) (per Section 17.056(4)(m))

Institutional Residential (per Sections 17.093(19) and 17.056(3)(f))

d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per Section 17.056(8)(d))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Home Occupation (per [Section 17.056\(8\)\(s\)](#))

Lawn Care (per [Section 17.056\(8\)\(p\)](#))

Family Day Care Home (4—8 children) (per [Section 17.056\(8\)\(u\)](#))

Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

Wood Piles (per [Section 17.056\(8\)\(w\)](#))

3) Land Uses Permitted as Conditional Use:

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equipment Storage (per [Section 17.056\(9\)\(b\)](#))

Model Homes (per [Section 17.056\(9\)\(c\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): 4.00 du/acre

Minimum Lot Area (MLA): 10,000 sf

Minimum Site Area (MSA): 10,000 sf

2) Mobile Home Development:

Maximum Gross Density (MGD): 4.00 du/acre

Minimum Lot Area (MLA): 15,000/20,000 sf

Minimum Site Area (MSA): 10 acres

3) Mobile Home Park:

Maximum Gross Density (MGD): 4.00 du/acre

Minimum Lot Area (MLA): 15,000/20,000 sf

Minimum Site Area (MSA): 10 acres

b. *Non-Residential Uses:*

1) One-Story Buildings:

Minimum Landscape Surface Ratio (LSR): .400

Maximum Floor Area Ratio (FAR): .200

Minimum Lot Area (MLA): 2 acres

Maximum Building Size (MBS): na

2) Two-Story Buildings:

Minimum Landscape Surface Ratio (LSR): .450

Maximum Floor Area Ratio (FAR): .220

Minimum Lot Area (MLA): 2 acres

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses*: (Refer to Table [17.093](#))

b. *Non-Residential Uses*: (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses*: None required

b. *Non-Residential Uses and Multi-Family Uses*:

1) 30 landscaping points per 100 linear ft. of building foundation

2) 20 landscaping points per 1,000 square ft. of gross floor area

3) 30 landscaping points per 100 linear feet of street frontage

4) 60 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(i) *Urban Residential (UR-8) District*

1. *Description and Purpose*. This district is intended to permit development which has a high density, urban community character. The land use standards for this district permit multi-family development as a conditional use, as well as a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Urban Residential (UR-8) District shall serve as a designation which preserves and protects the urban residential community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a high density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the Urban Residential (UR-8) District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for multi-family development, including multiplexes and apartments.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right*: (per [Section 17.052\(2\)](#))

Selective Cutting (per [Section 17.056\(2\)\(f\)](#))

Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))

b. *Land Uses Permitted as Special Use*: (per [Section 17.052\(3\)](#))

Cultivation (per [Section 17.056\(2\)\(a\)](#))

Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))

Community Living Arrangement (1—8 residents) (per [Section 17.056\(3\)\(g\)](#))

Community Living Arrangement (9—15 residents) (per [Section 17.056\(3\)\(h\)](#))

- c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))
- Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))
 - Two-Flat - 5,000 sf per dwelling unit (per [Section 17.093\(13\)](#))
 - Weak-Link Townhouse - 2,800 lot (per [Section 17.093\(15\)](#))
 - Townhouse - 2,400 sf lot (per [Section 17.093\(16\)](#))
 - Multiplex - (per [Section 17.093\(17\)](#))
 - Apartment - (per [Section 17.093\(18\)](#))
 - Institutional Residential - (per Sections [17.056\(3\)\(f\)](#) and [17.093\(19\)](#))
 - Clear Cutting (per [Section 17.056\(2\)\(g\)](#))
 - Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))
 - Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))
 - Community Living Arrangement (16+ res.) (per [17.056\(3\)\(i\)](#))
 - Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))
 - Group Day Care Center (9+ children) (per [Section 17.056\(4\)\(m\)](#))
 - Boarding House (per [Section 17.056\(4\)\(o\)](#))
 - Atrium House - 3,600 sq. ft. lot (per [Section 17.093\(14\)](#))
- d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))
- 1) Land Uses Permitted by Right:
 - Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))
 - Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))
 - Home Occupation (per [Section 17.056\(8\)\(s\)](#))
 - Lawn Care (per [Section 17.056\(8\)\(p\)](#))
 - Family Day Care Home (4-8 children) (per [Section 17.056\(8\)\(u\)](#))
 - Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))
 - Drainage Structure (per [Section 17.056\(8\)\(n\)](#))
 - Filling (per [Section 17.056\(8\)\(o\)](#))
 - On-Site Composting (per [Section 17.056\(8\)\(t\)](#))
 - Wood Piles (per [Section 17.056\(8\)\(w\)](#))
 - 3) Land Uses Permitted as Conditional Use:
 - Septic Systems (per [Section 17.056\(8\)\(q\)](#))
- e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))
- Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equip. Storage (per Section 17.056(9)(b))

Model Homes (per Section 17.056(9)(c))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:*

1) Conventional Development:

Maximum Gross Density (MGD): 8.00 du/acre

Minimum Lot Area (MLA): 3,600 sf

Minimum Site Area (MSA): 3,600 sf

2) Institutional Residential Development:

Maximum Gross Density (MGD): 16.00 du/acre

Minimum Lot Area (MLA): None

Minimum Site Area (MSA): 2 acres

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .250

Maximum Floor Area Ratio (FAR): .250

Minimum Lot Area (MLA): One acre

Maximum Building Size (MBS): na

2) Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .300

Maximum Floor Area Ratio (FAR): .275

Minimum Lot Area (MLA): 1 acre

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table 17.093)

b. *Non-Residential Uses:* (Refer to Table 17.094)

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 20 landscaping points per 100 linear ft. of building foundation

2) 20 landscaping points per 1,000 square ft. of gross floor area

3) 20 landscaping points per 100 linear feet of street frontage

4) 40 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(3) *Nonresidential Districts*

(a) *Estate Office (EO) District*

1. *Description and Purpose.* This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the estate community character of older portions of the Town predominately developed with large homes which are desirable to maintain, where traffic volumes and adjacent land uses dictate the transition of these areas to certain nonresidential uses. A relatively low Maximum Floor Area Ratio (FAR) and significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to adjacent residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is used to provide for the permanent protection of an area which preserves the original estate residential appearance, yet permits office and institutional land uses, and which ensures that the estate community character is maintained as long as the Estate Office (EO) District designation is retained, regardless of how much development occurs within that area.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)a. *Land Uses Permitted by Right:* (per [Section 17.052\(2\)](#))

Selective Cutting (per [Section 17.056\(2\)\(f\)](#))

Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))

Office (per [Section 17.056\(4\)\(a\)](#))

Personal or Professional Services (per [Section 17.056\(4\)\(b\)](#))

b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))

Cultivation (per [Section 17.056\(2\)\(a\)](#))

Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))

Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))

c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))

Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))

Institutional Residential (per [Sections 17.056\(3\)\(f\)](#) & [17.093\(19\)](#))

Clear Cutting (per [Section 17.056\(2\)\(g\)](#))

Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))

Community Living Arrangement (9—15 res.) (per [Section 17.056\(3\)\(h\)](#))

Community Living Arrangement (16+ res.) (per [Section 17.056\(3\)\(i\)](#))

Indoor Sales or Service (per [Section 17.056\(4\)\(c\)](#))

In-Vehicle Sales or Service (per [Section 17.056\(4\)\(g\)](#))

Indoor Commercial Entertainment (per [Section 17.056\(4\)\(h\)](#))

Commercial Indoor Lodging (per [Section 17.056\(4\)\(k\)](#))

Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))

Group Day Care Center (9+ children) (per [Section 17.056\(4\)\(m\)](#))

Airport/Heliport (per [Section 17.056\(6\)\(b\)](#))

d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per Section 17.056(8)(d))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Home Occupation (per Section 17.056(8)(s))

Company Cafeteria (per Section 17.056(8)(h))

Lawn Care (per Section 17.056(8)(p))

Exterior Communication Devices (per Section 17.056(8)(r))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 17.056(8)(b))

Company Provided On-Site Recreation (per Section 17.056(8)(i))

Drainage Structure (per Section 17.056(8)(n))

Filling (per Section 17.056(8)(o))

On-Site Composting (per Section 17.056(8)(t))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per Section 17.056(8)(a))

Company Provided On-Site Recreation (per Section 17.056(8)(i))

Septic Systems (per Section 17.056(8)(q))

e. *Land Uses Permitted as Temporary Uses:* (per Section 17.052(6))

Contractor's Project Office (per Section 17.056(9)(a))

Contractor's On-Site Equipment Storage (per Section 17.056(9)(b))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)a. *Residential Uses:* (per Table 17.074)

1) Institutional Development:

Maximum Gross Density (MGD): 16.00 du/acre

Minimum Lot Area (MLA): Institutional

Minimum Site Area (MSA): 5 acres

b. *Non-Residential Uses:*

1) One or Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .500

Maximum Floor Area Ratio (FAR): .250

Minimum Lot Area (MLA): 10,000 sf

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)a. *Residential Uses:* (Refer to Table 17.093)

- b. *Non-Residential Uses:* (Refer to Table [17.094](#))
- 5. *Landscaping Regulations* (per Subchapter 17-VIII)
 - a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required
 - b. *Non-Residential Uses and Multi-Family Uses:*
 - 1) 45 landscaping points per 100 linear ft. of building foundation
 - 2) 20 landscaping points per 1,000 square ft. of gross floor area
 - 3) 45 landscaping points per 100 linear feet of street frontage
 - 4) 95 landscaping points per 10,000 s.f. paved area/20 stalls
- 6. *Performance Standards* (see Subchapter 17-IX)
- 7. *Signage Regulations* (see Subchapter 17-X)
- (b) *Suburban Office (SO) District*
 - 1. *Description and Purpose.* This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the overall suburban community character of the Town. A relatively low Maximum Floor Area Ratio (FAR) and significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is used to provide for the permanent protection of an area for those who desire a high quality office environment which maintains the attractiveness of the site and retains enough open land in their development to ensure that the suburban community character is maintained as long as the Suburban Office (SO) District designation is retained, regardless of how much development occurs within that area.
 - 2. *List of Allowable Land Uses* (per Subchapter 17-IV)
 - a. *Land Uses Permitted by Right:* (per [Section 17.052\(2\)](#))
 - Selective Cutting (per [Section 17.056\(2\)\(f\)](#))
 - Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))
 - Office (per [Section 17.056\(4\)\(a\)](#))
 - Personal or Professional Services (per [Section 17.056\(4\)\(b\)](#))
 - b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))
 - Cultivation (per [Section 17.056\(2\)\(a\)](#))
 - Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))
 - Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))
 - c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))
 - Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))
 - Institutional Residential - (per Sections [17.056\(3\)\(f\)](#) and [17.093\(19\)](#))
 - Clear Cutting (per [Section 17.056\(2\)\(g\)](#))
 - Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))
 - Community Living Arrangement (9—15 res.) (per [Section 17.056\(3\)\(h\)](#))
 - Community Living Arrangement (16+ res.) (per [Section 17.056\(3\)\(i\)](#))
 - Indoor Sales or Service (per [Section 17.056\(4\)\(c\)](#))

In-Vehicle Sales or Service (per [Section 17.056\(4\)\(g\)](#))

Indoor Commercial Entertainment (per [Section 17.056\(4\)\(h\)](#))

Commercial Animal Boarding (per [Section 17.056\(4\)\(j\)](#))

Commercial Indoor Lodging (per [Section 17.056\(4\)\(k\)](#))

Group Day Care Center (9+ children) (per [Section 17.056\(4\)\(m\)](#))

Airport/Heliport (per [Section 17.056\(6\)\(b\)](#))

d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))

Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))

Home Occupation (per [Section 17.056\(8\)\(s\)](#))

Company Cafeteria (per [Section 17.056\(8\)\(h\)](#))

Lawn Care (per [Section 17.056\(8\)\(p\)](#))

Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per [Section 17.056\(8\)\(a\)](#))

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equipment Storage (per [Section 17.056\(9\)\(b\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per [Table 17.074](#))

1) Institutional Development:

Maximum Gross Density (MGD): 16.00 du/acre

Minimum Lot Area (MLA): Institutional

Minimum Site Area (MSA): 5 acres

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .250

Maximum Floor Area Ratio (FAR): .250

Minimum Lot Area (MLA): One acre*

Maximum Building Size (MBS): na

2) Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .300

Maximum Floor Area Ratio (FAR): .275

Minimum Lot Area (MLA): 2 acres

Maximum Building Size (MBS): na

3) Three Story Buildings:

Minimum Landscape Surface Ratio (LSR): .330

Maximum Floor Area Ratio (FAR): .290

Minimum Lot Area (MLA): 3 acres

Maximum Building Size (MBS): na

4) Four Story Buildings:

Minimum Landscape Surface Ratio (LSR): .350

Maximum Floor Area Ratio (FAR): .300

Minimum Lot Area (MLA): 4 acres

Maximum Building Size (MBS): na

*20,000 square foot minimum lot area with a conditional use permit and site plan for end use of property demonstrating full compliance with this Ordinance.

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table [17.093](#))

b. *Non-Residential Uses:* (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 40 landscaping points per 100 linear ft. of building foundation

2) 15 landscaping points per 1,000 square ft. of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)7. *Signage Regulations* (see Subchapter 17-X)(c) *Neighborhood Commercial (NC) District*

1.

Description and Purpose. This district is intended to permit small scale commercial development which is compatible with the desired overall suburban community character of the area in general, and with adjacent residential development in particular. This is accomplished with relatively low maximum Floor Area Ratios (FARs). Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is used to provide both convenience oriented goods and services and for the permanent protection of adjacent residential areas by permitting only a limited range of commercial activities. The desired suburban community character of the development is attained through the Floor Area Ratio (FAR) and Landscape Surface Area Ratio (LSR) requirements, and by restricting the Maximum Building Size (MBS) of all buildings within each instance of this District to 15,000 square feet. Together, these requirements ensure that the desired suburban community character is maintained as long as the Neighborhood Commercial (NC) District designation is retained, regardless of how much development occurs within that area.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right:* (per Section 17.052(2))

Selective Cutting (per Section 17.056(2)(f))

Passive Outdoor Public Recreation (per Section 17.056(3)(a))

Office (per Section 17.056(4)(a))

Personal or Professional Services (per Section 17.056(4)(b))

Indoor Sales or Service (per Section 17.056(4)(c))

b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))

Cultivation (per Section 17.056(2)(a))

Active Outdoor Public Recreation (per Section 17.056(3)(b))

Indoor Institutional (per Section 17.056(3)(c))

c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))

Public Services and Utilities (per Section 17.056(3)(e))

Clear Cutting (per Section 17.056(2)(g))

Outdoor Institutional (per Section 17.056(3)(d))

Indoor Maintenance Service (per Section 17.056(4)(e))

In-Vehicle Sales or Service (per Section 17.056(4)(g))

Indoor Commercial Entertainment (per Section 17.056(4)(h))

Bed and Breakfast Establishments (per Section 17.056(4)(l))

Group Day Care Center (9+ children) (per Section 17.056(4)(m))

Conversion of Existing Residences to Non-Residential Uses

d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per Section 17.056(8)(d))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Home Occupation (per [Section 17.056\(8\)\(s\)](#))

Lawn Care (per [Section 17.056\(8\)\(p\)](#))

Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per [Section 17.056\(8\)\(a\)](#))

In-Vehicle Sales and Service (per [Section 17.056\(8\)\(k\)](#))

Light Industrial Incidental to Indoor Sales (per [Section 17.056\(8\)\(m\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equipment Storage (per [Section 17.056\(9\)\(b\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per Table [17.074](#))

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .250

Maximum Floor Area Ratio (FAR): .250

Minimum Lot Area (MLA): 5,000 sf

Maximum Building Size (MBS): 15,000 sf

2) Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .300

Maximum Floor Area Ratio (FAR): .275

Minimum Lot Area (MLA): 10,000 sf

Maximum Building Size (MBS): 15,000 sf

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table [17.093](#))

b. *Non-Residential Uses:* (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

- 1) 40 landscaping points per 100 linear ft. of building foundation
- 2) 15 landscaping points per 1,000 square ft. of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(d) *Suburban Commercial (SC) District*

1. *Description and Purpose.* This district is intended to permit large and small scale commercial development which is compatible with the desired overall suburban community character of the area in general. This is accomplished with relatively low maximum Floor Area Ratios (FARs). Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide the principal zoning district for commercial development which occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the Urban Commercial (UC) and Central Commercial (CC) Districts in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of the development is attained through the Floor Area Ratio (FAR) and Landscape Surface Area Ratio (LSR) requirements. Together, these requirements ensure that the desired suburban community character is maintained as long as the Suburban Commercial (SC) District designation is retained, regardless of how much development occurs within that area.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

a. *Land Uses Permitted by Right:* (per [Section 17.052\(2\)](#))

Selective Cutting (per [Section 17.056\(2\)\(f\)](#))

Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))

Office (per [Section 17.056\(4\)\(a\)](#))

Personal or Professional Services (per [Section 17.056\(4\)\(b\)](#))

Indoor Sales or Service (per [Section 17.056\(4\)\(c\)](#))

b. *Land Uses Permitted as Special Use:* (per [Section 17.052\(3\)](#))

Cultivation (per [Section 17.056\(2\)\(a\)](#))

Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))

Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))

c. *Land Uses Permitted as Conditional Use:* (per [Section 17.052\(4\)](#))

Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))

Institutional Residential - (per [Sections 17.056\(3\)\(f\)](#) and [17.093\(19\)](#))

Clear Cutting (per [Section 17.056\(2\)\(g\)](#))

Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))

Outdoor Display (per [Section 17.056\(4\)\(d\)](#))

Indoor Maintenance Service (per [Section 17.056\(4\)\(e\)](#))

In-Vehicle Sales or Service (per [Section 17.056\(4\)\(g\)](#))

Indoor Commercial Entertainment (per [Section 17.056\(4\)\(h\)](#))

Commercial Animal Boarding (per [Section 17.056\(4\)\(j\)](#))

Commercial Indoor Lodging (per [Section 17.056\(4\)\(k\)](#))

Bed and Breakfast Establishments (per [Section 17.056\(4\)\(l\)](#))

Group Day Care Center (9+ children) (per [Section 17.056\(4\)\(m\)](#))

d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))

Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))

Home Occupation (per [Section 17.056\(8\)\(s\)](#))

Company Cafeteria (per [Section 17.056\(8\)\(h\)](#))

Lawn Care (per [Section 17.056\(8\)\(p\)](#))

Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per [Section 17.056\(8\)\(a\)](#))

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

In-Vehicle Sales and Service (per [Section 17.056\(8\)\(k\)](#))

Light Industrial Incidental to Indoor Sales (per [Section 17.056\(8\)\(m\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equipment Storage (per [Section 17.056\(9\)\(b\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per Table [17.074](#))

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .250

Maximum Floor Area Ratio (FAR): .250

Minimum Lot Area (MLA): 1 acre*

Maximum Building Size (MBS): na

2) Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .300

Maximum Floor Area Ratio (FAR): .275

Minimum Lot Area (MLA): 2 acres

Maximum Building Size (MBS): na

3) Three Story Buildings:

Minimum Landscape Surface Ratio (LSR): .330

Maximum Floor Area Ratio (FAR): .290

Minimum Lot Area (MLA): 3 acres

Maximum Building Size (MBS): na

4) Four Story Buildings:

Minimum Landscape Surface Ratio (LSR): .350

Maximum Floor Area Ratio (FAR): .300

Minimum Lot Area (MLA): 4 acres

Maximum Building Size (MBS): na

*20,000 square foot minimum lot area with a conditional use permit and site plan for end use of property demonstrating full compliance with this Ordinance.

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table [17.093](#))

b. *Non-Residential Uses:* (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 40 landscaping points per 100 linear ft. of building foundation

2) 10 landscaping points per 1,000 square ft. of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)7. *Signage Regulations* (see Subchapter 17-X)(e) *Urban Commercial (UC) District*

1.

Description and Purpose. This district is intended to permit both large and small scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, maximum permitted Floor Area Ratios (FARs) are significantly higher and minimum required Green Space Ratios (GSRs) are lower than those required in the Suburban Commercial (SC) District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Suburban Commercial (SC) District. Performance standards for the Urban Commercial (UC) District are designed to ensure the long-term economic health of strip commercial development areas, existing as of the effective date of this Ordinance, by limiting the attraction of the Suburban Commercial (SC) District to those and uses which can afford the relatively higher development costs and rents associated with development in that district.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)
 - a. *Land Uses Permitted by Right:* (per Section 17.052(2))
 - Selective Cutting (per Section 17.056(2)(f))
 - Passive Outdoor Public Recreation (per Section 17.056(3)(a))
 - Office (per Section 17.056(4)(a))
 - Personal or Professional Services (per Section 17.056(4)(b))
 - Indoor Sales or Service (per Section 17.056(4)(c))
 - b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))
 - Cultivation (per Section 17.056(2)(a))
 - Active Outdoor Public Recreation (per Section 17.056(3)(b))
 - Indoor Institutional (per Section 17.056(3)(c))
 - Off-Site Parking Lot (per Section 17.056(6)(a))
 - c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))
 - Public Services and Utilities (per Section 17.056(3)(e))
 - Institutional Residential (per Sections 17.056(3)(f) and 17.093(19))
 - Clear Cutting (per Section 17.056(2)(g))
 - Outdoor Institutional (per Section 17.056(3)(d))
 - Outdoor Display (per Section 17.056(4)(d))
 - Indoor Maintenance Service (per Section 17.056(4)(e))
 - In-Vehicle Sales or Service (per Section 17.056(4)(g))
 - Indoor Commercial Entertainment (per Section 17.056(4)(h))
 - Outdoor Commercial Entertainment (per Section 17.056(4)(i))
 - Commercial Animal Boarding (per Section 17.056(4)(j))
 - Commercial Indoor Lodging (per Section 17.056(4)(k))
 - Bed and Breakfast Establishments (per Section 17.056(4)(l))
 - Group Day Care Center (9+ children) (per Section 17.056(4)(m))

Boarding House (per Section 17.056(4)(o))

Personal Storage Facility (per Section 17.056(5)(c))

Distribution Center (per Section 17.056(6)(d))

Communication Tower (per Section 17.056(7)(c))

d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per Section 17.056(8)(d))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Home Occupation (per Section 17.056(8)(s))

Company Cafeteria (per Section 17.056(8)(h))

Lawn Care (per Section 17.056(8)(p))

Exterior Communication Devices (per Section 17.056(8)(r))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 17.056(8)(b))

Company Provided On-Site Recreation (per Section 17.056(8)(i))

Drainage Structure (per Section 17.056(8)(n))

Filling (per Section 17.056(8)(o))

On-Site Composting (per Section 17.056(8)(t))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per Section 17.056(8)(a))

Company Provided On-Site Recreation (per Section 17.056(8)(i))

In-Vehicle Sales and Service (per Section 17.056(8)(k))

Light Industrial Incidental to Indoor Sales (per Section 17.056(8)(m))

Septic Systems (per Section 17.056(8)(q))

e. *Land Uses Permitted as Temporary Uses:* (per Section 17.052(6))

Contractor's Project Office (per Section 17.056(9)(a))

Contractor's On-Site Equipment Storage (per Section 17.056(9)(b))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per Table 17.074)

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .100

Maximum Floor Area Ratio (FAR): .300

Minimum Lot Area (MLA): 16,000 sf

Maximum Building Size (MBS): na

2) Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .150

Maximum Floor Area Ratio (FAR): .340

Minimum Lot Area (MLA): 16,000 sf

Maximum Building Size (MBS): na

3) Three Story Buildings:

Minimum Landscape Surface Ratio (LSR): .190

Maximum Floor Area Ratio (FAR): .345

Minimum Lot Area (MLA): 16,000 sf

Maximum Building Size (MBS): na

4) Four Story Buildings:

Minimum Landscape Surface Ratio (LSR): .200

Maximum Floor Area Ratio (FAR): .350

Minimum Lot Area (MLA): 16,000 sf

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table [17.093](#))

b. *Non-Residential Uses:* (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

- 1) 20 landscaping points per 100 linear ft. of building foundation
- 2) 5 landscaping points per 1,000 square ft. of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(f) *Central Commercial (CC) District*

1. *Description and Purpose.* This district is intended to permit both large and small scale commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, maximum Floor Area Ratios (FARs) permitted in this district are much higher than those allowed in the Suburban Commercial (SC) and Urban Commercial (UC) Districts. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. This district is strictly limited to the town center locations.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Suburban Commercial (SC) and Urban Commercial (UC) District are designed to assist in maintaining the long-term viability of the Town center.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)
 - a. *Land Uses Permitted by Right:* (per Section 17.052(2))
 - Selective Cutting (per Section 17.056(2)(f))
 - Passive Outdoor Public Recreation (per Section 17.056(3)(a))
 - Office (per Section 17.056(4)(a))
 - Personal or Professional Services (per Section 17.056(4)(b))
 - Indoor Sales or Service (per Section 17.056(4)(c))
 - b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))
 - Cultivation (per Section 17.056(2)(a))
 - Active Outdoor Public Recreation (per Section 17.056(3)(b))
 - Indoor Institutional (per Section 17.056(3)(c))
 - Off-Site Parking Lot (per Section 17.056(6)(a))
 - c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))
 - Public Services and Utilities (per Section 17.056(3)(e))
 - Institutional Residential (per Sections 17.056(3)(f) and 17.093(19))
 - Clear Cutting (per Section 17.056(2)(g))
 - Outdoor Institutional (per Section 17.056(3)(d))
 - Indoor Maintenance Service (per Section 17.056(4)(e))
 - In-Vehicle Sales or Service (per Section 17.056(4)(g))
 - Indoor Commercial Entertainment (per Section 17.056(4)(h))
 - Commercial Indoor Lodging (per Section 17.056(4)(k))
 - Bed and Breakfast Establishments (per Section 17.056(4)(l))
 - Group Day Care Center (9+ children) (per Section 17.056(4)(m))
 - Boarding House (per Section 17.056(4)(o))
 - d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))
 - 1) Land Uses Permitted by Right:
 - Private Residential Garage or Shed (per Section 17.056(8)(g))
 - Private Residential Recreational Facility (per Section 17.056(8)(e))
 - Home Occupation (per Section 17.056(8)(s))
 - Company Cafeteria (per Section 17.056(8)(h))
 - Lawn Care (per Section 17.056(8)(p))
 - Exterior Communication Devices (per Section 17.056(8)(r))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per Section 17.056(8)(b))

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

3) Land Uses Permitted as Conditional Use:

Commercial Apartment (per [Section 17.056\(8\)\(a\)](#))

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

In-Vehicle Sales and Service (per [Section 17.056\(8\)\(k\)](#))

Light Industrial Incidental to Indoor Sales (per [Section 17.056\(8\)\(m\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equipment Storage (per [Section 17.056\(9\)\(b\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per Table [17.074](#))

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .000

Maximum Floor Area Ratio (FAR): 1.000

Minimum Lot Area (MLA): 2,400 sf

Maximum Building Size (MBS): na

2) Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .000

Maximum Floor Area Ratio (FAR): 2.000

Minimum Lot Area (MLA): 2,400 sf

Maximum Building Size (MBS): na

3) Three Story Buildings:

Minimum Landscape Surface Ratio (LSR): .100

Maximum Floor Area Ratio (FAR): 2.500

Minimum Lot Area (MLA): 2,400 sf

Maximum Building Size (MBS): na

4) Four Story Buildings:

Minimum Landscape Surface Ratio (LSR): .200

Maximum Floor Area Ratio (FAR): 3.000

Minimum Lot Area (MLA): 2,400 sf

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)
 - a. *Residential Uses*: (Refer to Table [17.093](#))
 - b. *Non-Residential Uses*: (Refer to Table [17.094](#))
 5. *Landscaping Regulations* (per Subchapter 17-VIII)
 - a. *Single-Family Residential, Two-Family Uses and Agricultural Uses*: None required
 - b. *Non-Residential Uses and Multi-Family Uses*:
 - 1) 0 landscaping points per 100 linear ft. of building foundation
 - 2) 0 landscaping points per 1,000 square ft. of gross floor area
 - 3) 0 landscaping points per 100 linear feet of street frontage
 - 4) 20 landscaping points per 10,000 s.f. paved area/20 stalls
 6. *Performance Standards* (see Subchapter 17-IX)
 7. *Signage Regulations* (see Subchapter 17-X)
- (g) *Suburban Industrial (SI) District*
1. *Description and Purpose*. This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively low maximum Floor Area Ratio (FAR) and a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, land uses shall comply with the minimum performance standards presented in Subchapter 17-IX.
 2. *List of Allowable Land Uses* (per Subchapter 17-IV)
 - a. *Land Uses Permitted by Right*: (per [Section 17.052\(2\)](#))
 - Selective Cutting (per [Section 17.056\(2\)\(f\)](#))
 - Passive Outdoor Public Recreation (per [Section 17.056\(3\)\(a\)](#))
 - Office (per [Section 17.056\(4\)\(a\)](#))
 - Indoor Maintenance Service (per [Section 17.056\(4\)\(e\)](#))
 - Indoor Storage or Wholesaling (per [Section 17.056\(5\)\(a\)](#))
 - b. *Land Uses Permitted as Special Use*: (per [Section 17.052\(3\)](#))
 - Cultivation (per [Section 17.056\(2\)\(a\)](#))
 - Active Outdoor Public Recreation (per [Section 17.056\(3\)\(b\)](#))
 - Indoor Institutional (per [Section 17.056\(3\)\(c\)](#))
 - Light Industrial (per [Section 17.056\(7\)\(a\)](#))
 - c. *Land Uses Permitted as Conditional Use*: (per [Section 17.052\(4\)](#))
 - Public Services and Utilities (per [Section 17.056\(3\)\(e\)](#))

Clear Cutting (per [Section 17.056\(2\)\(g\)](#))

Outdoor Institutional (per [Section 17.056\(3\)\(d\)](#))

Indoor Commercial Entertainment (per [Section 17.056\(4\)\(h\)](#))

Outdoor Commercial Entertainment (per [Section 17.056\(4\)\(i\)](#))

Group Day Care Center (9+ children) (per [Section 17.056\(4\)\(m\)](#))

Personal Storage Facility (per [Section 17.056\(5\)\(c\)](#))

Airport/Heliport (per [Section 17.056\(6\)\(b\)](#))

Distribution Center (per [Section 17.056\(6\)\(d\)](#))

Communication Tower (per [Section 17.056\(7\)\(c\)](#))

d. *Land Uses Permitted as Accessory Uses:* (per [Section 17.052\(5\)](#))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per [Section 17.056\(8\)\(d\)](#))

Private Residential Recreational Facility (per [Section 17.056\(8\)\(e\)](#))

Company Cafeteria (per [Section 17.056\(8\)\(h\)](#))

Lawn Care (per [Section 17.056\(8\)\(p\)](#))

Exterior Communication Devices (per [Section 17.056\(8\)\(r\)](#))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per [Section 17.056\(8\)\(b\)](#))

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

Indoor Sales Incident to Light Industrial Use (per [Section 17.056\(8\)\(l\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting (per [Section 17.056\(8\)\(t\)](#))

3) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equipment Storage (per [Section 17.056\(9\)\(b\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per Table [17.074](#))

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .250

Maximum Floor Area Ratio (FAR): .700

Minimum Lot Area (MLA): One acre*

Maximum Building Size (MBS): na

2) Two Story Buildings:

Minimum Landscape Surface Ratio (LSR): .300

Maximum Floor Area Ratio (FAR): .750

Minimum Lot Area (MLA): 2 acres

Maximum Building Size (MBS): na

3) Three Story Buildings:

Minimum Landscape Surface Ratio (LSR): .330

Maximum Floor Area Ratio (FAR): .800

Minimum Lot Area (MLA): 3 acres

Maximum Building Size (MBS): na

4) Four Story Buildings:

Minimum Landscape Surface Ratio (LSR): .350

Maximum Floor Area Ratio (FAR): .850

Minimum Lot Area (MLA): 4 acres

Maximum Building Size (MBS): na

*20,000 square foot minimum lot area with a conditional use permit and site plan for end use of property demonstrating full compliance with this Ordinance.

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table [17.093](#))

b. *Non-Residential Uses:* (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 40 landscaping points per 100 linear ft. of building foundation

2) 10 landscaping points per 1,000 square ft. of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(h) *Urban Industrial (UI) District*

1. *Description and Purpose.* This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with existing transition and urban intensity development. Beyond a relatively high maximum Floor Area Ratio (FAR) and a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated

with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the Heavy Industrial (HI) District. In addition, uses shall comply with the minimum performance standards presented in Subchapter 17-IX.

2. *List of Allowable Land Uses* (per Section 17-IV)
 - a. *Land Uses Permitted by Right:* (per Section 17.052(2))
 - Selective Cutting (per Section 17.056(2)(f))
 - Passive Outdoor Public Recreation (per Section 17.056(3)(a))
 - Office (per Section 17.056(4)(a))
 - Indoor Maintenance Service (per Section 17.056(4)(e))
 - Indoor Storage or Wholesaling (per Section 17.056(5)(a))
 - Distribution Center (per Section 17.056(6)(d))
 - b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))
 - Cultivation (per Section 17.056(2)(a))
 - Off-Site Parking Lot (per Section 17.056(6)(a))
 - Light Industrial (per Section 17.056(7)(a))
 - c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))
 - Public Services and Utilities (per Section 17.056(3)(e))
 - Clear Cutting (per Section 17.056(2)(g))
 - Group Day Care Center (9+ children) (per Section 17.056(4)(m))
 - Outdoor Storage or Wholesaling (per Section 17.056(5)(b))
 - Personal Storage Facility (per Section 17.056(5)(c))
 - Airport/Heliport (per Section 17.056(6)(b))
 - d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))
 - 1) Land Uses Permitted by Right:
 - Private Residential Garage or Shed (per Section 17.056(8)(d))
 - Private Residential Recreational Facility (per Section 17.056(8)(e))
 - Company Cafeteria (per Section 17.056(8)(h))
 - Lawn Care (per Section 17.056(8)(p))
 - Exterior Communication Devices (per Section 17.056(8)(r))
 - 2) Land Uses Permitted as Special Use:
 - On-Site Parking Lot (per Section 17.056(8)(b))
 - Company Provided On-Site Recreation (per Section 17.056(8)(i))

Indoor Sales Incidental to Light Industrial Use (per [Section 17.056\(8\)\(l\)](#))

Drainage Structure (per [Section 17.056\(8\)\(n\)](#))

Filling (per [Section 17.056\(8\)\(o\)](#))

On-Site Composting/ Wood Piles (per [Section 17.056\(8\)\(t\)](#))

3) Land Uses Permitted as Conditional use (per Section 17.905):

Company Provided On-Site Recreation (per [Section 17.056\(8\)\(i\)](#))

Septic Systems (per [Section 17.056\(8\)\(q\)](#))

e. *Land Uses Permitted as Temporary Uses:* (per [Section 17.052\(6\)](#))

Contractor's Project Office (per [Section 17.056\(9\)\(a\)](#))

Contractor's On-Site Equipment Storage (per [Section 17.056\(9\)\(b\)](#))

Real Estate Sales Office (per [Section 17.056\(9\)\(d\)](#))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per Table [17.074](#))

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .100

Maximum Floor Area Ratio (FAR): .800

Minimum Lot Area (MLA): 10,000 sf

Maximum Building Size (MBS): na

2) Two or More Story Buildings:

Minimum Landscape Surface Ratio (LSR): .300

Maximum Floor Area Ratio (FAR): 1.000

Minimum Lot Area (MLA): 10,000 sf

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

a. *Residential Uses:* (Refer to Table [17.093](#))

b. *Non-Residential Uses:* (Refer to Table [17.094](#))

5. *Landscaping Regulations* (per Subchapter 17-VIII)

a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required

b. *Non-Residential Uses and Multi-Family Uses:*

1) 20 landscaping points per 100 linear ft. of building foundation

2) 5 landscaping points per 1,000 square ft. of gross floor area

3) 20 landscaping points per 100 linear feet of street frontage

4) 40 landscaping points per 10,000 s.f. paved area/20 stalls

6. *Performance Standards* (see Subchapter 17-IX)

7. *Signage Regulations* (see Subchapter 17-X)

(i) *Heavy Industrial (HI) District*

1. *Description and Purpose.* This district is intended to permit both large and small scale industrial and office development at an intensity which provides ample incentive for infill development and redevelopment of industrial areas existing as of the effective date of this Ordinance. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Subchapter 17-IX. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a conditional use permit.

2. *List of Allowable Land Uses* (per Subchapter 17-IV)

- a. *Land Uses Permitted by Right:* (per Section 17.052(2))

Selective Cutting (per Section 17.056(2)(f))

Passive Outdoor Public Recreation (per Section 17.056(3)(a))

Office (per Section 17.056(4)(a))

Indoor Maintenance Service (per Section 17.056(4)(e))

Indoor Storage or Wholesaling (per Section 17.056(5)(a))

Distribution Center (per Section 17.056(6)(d))

- b. *Land Uses Permitted as Special Use:* (per Section 17.052(3))

Cultivation (per Section 17.056(2)(a))

Outdoor Storage or Wholesaling (per Section 17.056(5)(b))

Off-Site Parking Lot (per Section 17.056(6)(a))

Light Industrial (per Section 17.056(7)(a))

Heavy Industrial (per Section 17.056(7)(b))

- c. *Land Uses Permitted as Conditional Use:* (per Section 17.052(4))

Public Services and Utilities (per Section 17.056(3)(e))

Agricultural Services (per Section 17.056(2)(d))

Clear Cutting (per Section 17.056(2)(g))

Outdoor Maintenance Service (per Section 17.056(4)(f))

Sexually Oriented Land Use (per Section 17.056(4)(p))

Junkyard or Salvage Yard (per Section 17.056(5)(d))

Waste Disposal Facility (per Section 17.056(5)(e))

Composting Operation (per Section 17.056(5)(f))

Airport/Heliport (per Section 17.056(6)(b))

Freight Terminal (per Section 17.056(6)(c))

d. *Land Uses Permitted as Accessory Uses:* (per Section 17.052(5))

1) Land Uses Permitted by Right:

Private Residential Garage or Shed (per Section 17.056(8)(d))

Private Residential Recreational Facility (per Section 17.056(8)(e))

Company Cafeteria (per Section 17.056(8)(h))

Lawn Care (per Section 17.056(8)(p))

Exterior Communication Devices (per Section 17.056(8)(r))

2) Land Uses Permitted as Special Use:

On-Site Parking Lot (per Section 17.056(8)(b))

Company Provided On-Site Recreation (per Section 17.056(8)(i))

Indoor Sales Incident to Light Industrial Use (per Section 17.056(8)(l))

Drainage Structure (per Section 17.056(8)(n))

Filling (per Section 17.056(8)(o))

On-Site Composting (per Section 17.056(8)(t))

3) Land Uses Permitted as Conditional Use: (per Section 17.905):

Company Provided On-Site Recreation (per Section 17.056(8)(i))

Septic Systems (per Section 17.056(8)(q))

e. *Land Uses Permitted as Temporary Uses:* (per Section 17.052(6))

Contractor's Project Office (per Section 17.056(9)(a))

Contractor's On-Site Equipment Storage (per Section 17.056(9)(b))

Real Estate Sales Office (per Section 17.056(9)(d))

3. *Density and Intensity Requirements* (per Subchapter 17-V)

a. *Residential Uses:* (per Table 17.074)

b. *Non-Residential Uses:*

1) One Story Buildings:

Minimum Landscape Surface Ratio (LSR): .000

Maximum Floor Area Ratio (FAR): .850

Minimum Lot Area (MLA): 4,800 sf

Maximum Building Size (MBS): na

2) Two or More Story Buildings:

Minimum Landscape Surface Ratio (LSR): .000

Maximum Floor Area Ratio (FAR): 1.000

Minimum Lot Area (MLA): 4,800 sf

Maximum Building Size (MBS): na

4. *Bulk Requirements* (per Subchapter 17-VI)

- a. *Residential Uses:* (Refer to Table [17.093](#))
 - b. *Non-Residential Uses:* (Refer to Table [17.094](#))
5. *Landscaping Regulations* (per Subchapter 17-VIII)
- a. *Single-Family Residential, Two-Family Uses and Agricultural Uses:* None required
 - b. *Non-Residential Uses and Multi-Family Uses:*
 - 1) 20 landscaping points per 100 linear ft. of building foundation
 - 2) 5 landscaping points per 1,000 square ft. of gross floor area
 - 3) 20 landscaping points per 100 linear feet of street frontage
 - 4) 40 landscaping points per 10,000 s.f. paved area/20 stalls
6. *Performance Standards* (see Subchapter 17-IX)
7. *Signage Regulations* (see Subchapter 17-X)

Section 17.036 - Natural Resource Protection Overlay Districts.

- (1) This Chapter employs overlay zoning districts to identify and regulate areas in which natural resource protection requirements apply. Each type of natural resource regulated by this Chapter is represented by an overlay zoning district bearing its name.
- (2) Natural Resource Protection Overlay Districts include:
 - Floodway Overlay District
 - Floodplain Conservancy Overlay District
 - Floodway Fringe Overlay District
 - Lakeshore Overlay District
 - Conservancy Overlay District
 - Drainageway Overlay District
 - Woodland Overlay District
 - Steep Slope/Ridgetop Overlay District
- (3) For specific Natural Resource Protection Overlay District regulations, see Subchapter 17-VII.

Section 17.037 - Map of Natural Resource Protection Overlay Districts.

Natural Resource Protection Overlay Zoning Districts established by this Chapter are shown on the Detailed Site Analysis required under [Section 17.073](#) and on applicable site Plans required under [Section 17.228](#). For specific Natural Resource Protection Overlay District designation criteria, see Subchapter 17-VII.

Section 17.038 - Unified Development District.

This district is intended to provide for flexible development. This District is designed to forward both aesthetic and economic objectives of the Town by controlling the site design and the appearance, density, or intensity of development within the district in a manner which is consistent with sound land use, urban design, and economic development principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to [Section 17.233](#) for the procedure applicable to proposal review in this overlay district.

The purpose of the Unified Development District is also to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage and facilitate the conservation of open land and other natural features, such as woods, streams, wetlands, etc., as integral components of a balanced ecology. The intent of these regulations provide for the development of land on the

basis of comprehensive and coordinated site plans for a specific project development, regulated by objective criteria rather than through the application of fixed formulae, thereby allowing for greater flexibility and improved quality of environmental design. Such a district may be established only with the consent of the owners of the land affected.

Section 17.039 - USH 51 and STH 29 Overlay District.

- (1) This district is intended to ensure that development along the rights-of-way of both USH 51 and STH 29 is accomplished in a manner which recognizes these routes as the primary transportation gateways into the Town, and that the vegetation in these corridors provides the beneficial environmental effects of reducing noise, extraneous light, dust, air pollution, water pollution, and the apparent litter generated by users of these highways. Based upon these objectives, the standards of this overlay zoning district are designed to require the preservation of all vegetation existing as of the adoption date of this ordinance within the wider of either the USH 51 Scenic Easement or within 50 feet of any of the rights-of-way of either USH 51 or STH 29, including the exit and entrance ramps.

This district is not shown as a mapped district on the Official Zoning Map of the Town of Rib Mountain but is established by the references cited above and is in effect from the date of adoption of this ordinance.

- (2) Except as provided in paragraph 3 below, as of the effective date of this ordinance, all trees, shrubs and ground cover, except grass, existing within the USH 51 and STH 29 Overlay District, shall be permanently protected, and if removed, diseased or dead following said effective date shall be replaced by the property owner, with a comparable species, to the satisfaction of the Zoning Administrator. The selection of a comparable replacement species shall be from the plant groupings listed in Section 17.151 of this ordinance. The replacement species shall be from the same grouping as the species it is intended to replace. The minimum installation size of such replacement plants shall be per the requirements of Section 17.143(1) of this Ordinance.
- (3) Removal of vegetation within the USH 51 and STH 29 Overlay District may be allowed for public use activities such as park development and bicycle trail improvement as a conditional use. These activities shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
- (4) Removal of vegetation within the USH 51/STH 29 Overlay District may be allowed for building, parking and other private uses provided a conditional use is granted in compliance with Section 17.225, standards and procedures applicable to all conditional uses, and the following criteria or conditions exist:
 - (a) Topographic conditions on the site or on the adjacent freeway significantly reduce the need to maintain some or all of the existing vegetation within the 50-foot overlay district, or
 - (b) The basic purposes of the overlay district will not be significantly weakened by allowing the removal of the vegetation in the proposed area; or
 - (c) A hardship, as determined by the plan commission, would result from strict adherence to the district regulations. Said hardship shall be the result of the strict interpretation of these overlay district regulations and not caused by the actions or activities of any person having an interest in the property.
- (5) No signs shall be located within the USH 51/STH 29 Overlay District unless a conditional use is granted in compliance with Section 17.225, standards and procedures applicable to all conditional uses.

Section 17.040 - Municipal Well Recharge Area Overlay District.

- (1) *Purpose:* The Town of Rib Mountain recognizes that consequences of certain land use activities, whether intentional or accidental, can seriously impair groundwater quality. The purpose of the Municipal Well Recharge Area Overlay District (MW) is to protect municipal groundwater resources from certain land use activities by imposing appropriate restrictions upon lands located within the approximate groundwater recharge area of the Rib Mountain Sanitary District's municipal wells. The restrictions imposed herein are in addition to those of the underlying residential, commercial, or industrial zoning districts or any other provisions of the zoning ordinance.
- (2) *Overlay Zones:* The Municipal Well Recharge Area Overlay District is hereby divided into Zone MW-A and Zone MW-B as follows:
 - (a) Zone MW-A is identified as the primary source of water for the municipal well aquifer and as the area most likely to transmit groundwater contaminants to the municipal wells. Zone MW-A is more restrictive than Zone MW-B.

- (b) Zone MW-B is identified as the secondary source of water for the municipal well aquifer and as the area where there is a lower probability of surface contaminants reaching the municipal well fields.
- (3) *Map*: The locations and boundaries of the Municipal Well Recharge Area Overlay District and Zones established by this Ordinance are set forth on the adopted Official Zoning Map.
- (4) *Zone MW-A Land Use Regulations*: The following land use regulations are in addition to the land use regulations established in the standard Zoning Districts and elsewhere in this zoning ordinance:
- (a) *Zone MW-A Prohibited Uses*: The following land uses are hereby found to have a high potential to contaminate or have already caused groundwater contamination problems in Wisconsin and elsewhere. The following principal or accessory land uses are hereby prohibited within Zone MW-A of the Municipal Well Recharge Area Overlay District:
1. Animal confinement areas.
 2. Intensive agriculture as defined in Section 17.056(2)(c).
 3. Use of pesticides, insecticide or fungicides for cultivation as defined in Section 17.056(2)(a).
 4. Areas for dumping or disposal of garbage, refuse, trash or demolition material.
 5. Asphalt products manufacturing plants.
 6. Automobile laundries and car washes.
 7. Automobile service stations.
 8. Building materials and products sales
 9. Cartage and express facilities.
 10. Cemeteries.
 11. Chemical manufacturing and bulk fertilizer and or pesticide facilities.
 12. Commercial exterior storage of any objects containing petroleum or other hazardous fluids.
 13. Dry cleaning establishments.
 14. Electronic circuit assembly plants.
 15. Electroplating facilities.
 16. Exterminating shops/businesses.
 17. Fertilizer manufacture plants.
 18. Foundries and forge plants.
 19. Garages for repair and servicing of motor vehicles, including body repair, painting or engine rebuilding.
 20. Highway salt storage areas.
 21. Industrial liquid waste storage areas.
 23. Junk yards and auto graveyards.
 24. Landfills.
 25. Metal reduction and refinement plants.
 26. Mining operations.
 27. Motor and machinery service and assembly shops.
 28. Motor freight terminals.
 30. Paint products manufacturing.
 31. Petroleum products storage or processing.
 32. Photography studios, including the developing of film and pictures.
 33. Plastics manufacturing.
 34. Printing and publishing establishments.
 35. Pulp and paper manufacturing.
 36. Recycling facilities.

- 37. Residential dwelling units on lots less than 15,000 square feet in area. However, in any Residence District, on a lot of record on the effective date of this ordinance, a single family dwelling may be established regardless of the size of the lot, provided all other requirements of the Rib Mountain Zoning Ordinance are complied with.
- 38. Sewage disposal sites.
- 39. Septic waste/ Sewage sludge land spreading.
- 40. Sludge disposal sites.
- 41. Storage, manufacturing or disposal of toxic or hazardous materials.
- 42. Underground petroleum products storage tanks for industrial, commercial, residential or other uses.
- 43. Woodworking and wood products manufacturing.
- 44. Solid waste disposal sites for any type of material classified by the Wisconsin Department of Natural Resources as solid waste.
- 45. Greenhouses.

(b) *Zone MW-A Conditional Uses:* Any other agricultural, commercial, storage or disposal, transportation or industrial land use not listed as a prohibited use may be allowed as a conditional use and shall comply with the Section 17.225, standards and procedures applicable to all conditional uses.

(5) *Zone MW-B Land Use Regulations:* The following land use regulations are in addition to the land use regulations established by the remainder of this Chapter:

(a) *Zone MW-B Prohibited Uses:* The following principal or accessory uses are hereby prohibited within Zone MW-B of the Municipal Well Recharge Area Overlay District:

- 1. Animal confinement areas.
- 2. Intensive agriculture as defined in Section 17.056(2)(c).
- 3. Landfills.
- 4. Underground petroleum products storage tanks for industrial, commercial, residential or other uses.

(b) *Zone MW-B Conditional Uses:* Any other agricultural, commercial, storage or disposal, transportation or industrial land use not listed as a prohibited use may be allowed as a conditional use and shall comply with the Section 17.225, standards and procedures applicable to all conditional uses.

(6) *Additional Land Use Regulations for Both MW-A and MW-B:*

- 1. Sewered residential uses are allowed to have a maximum area of manicured lawn or grass as shown below. The remainder of the undeveloped portion of the lot shall be wooded:

Lot Area	Manicured Lawn Area (square feet)
16,000 sq. ft. or less	6,000
16,000 sq. ft. to 20,000 sq. ft.	8,000
20,000 sq. ft. to 30,000 sq. ft.	11,000
30,000 sq. ft. to 1 acre	14,000
1 acre to 1½ acres	20,000
Larger than 1½ acres	26,000

2. Unsewered residential uses (in MW-B only) are allowed to have a maximum area of manicured lawn or grass as shown below. The remainder of the undeveloped portion of the lot shall be wooded:

Lot area	Manicured Lawn Area (square feet)
Less than 2 acres	8,000
2 acres to 3 acres	21,000
3 acres to 4 acres	31,000
Larger than 4 acres	44,000

SUBCHAPTER 17-IV: - LAND USE REGULATIONS

Section 17.051 - Purpose.

The purpose of this Subchapter is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional or temporary use permit to do so. Finally, certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use.

Section 17.052 - Interpretation of Land Use Tables.

- (1) The land uses listed in Sections 17.053 (Table of Land Uses) and 17.054 (Table of Land Uses Permitted in Permanently Protected Green Space Areas) are specifically designated and refer to the detailed listing of land uses contained in Section 17.056 (Detailed Land Use Descriptions and Regulations).
- (2) *Land Uses Permitted by Right:* Land uses listed as permitted by right (designated as a "P" in Sections 17.053 and 17.054) are permitted per the general land use requirements of this Chapter (Section 17.055); per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the Official Zoning Map; per the general requirements of this Chapter; and per any and all other applicable Town, County, State, and Federal regulations.
- (3) *Land Uses Permitted as a Special Use:* This category of land uses is subject to certain additional controls that apply to land uses permitted by right, while avoiding the public hearing process required of land uses permitted as conditional uses.
 - (a) Land uses listed as permitted as a special use (designated as an "S" in Sections 17.053 and 17.054) are permitted subject to all of the general zoning requirements applicable to land uses permitted by right (Subsection (2), above), plus certain additional requirements applicable to that particular land use specified in Section 17.056. (See also Section 17.224.)
 - (b) If a proposed land use listed as a special use in a particular zoning district cannot, as determined by the Zoning Administrator, meet one or more of the special use regulations listed for the particular use in Section 17.056, the developer may request Plan Commission and Town Board review for approval as a conditional use, per the requirements of Section 17.225. See Subsection (4)(b), below.
- (4) *Land Uses Permitted as a Conditional Use:*
 - (a) Land uses listed as permitted as a conditional use (designated as a "C" in Sections 17.053 and 17.054) are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17.056 (Detailed Land Use Descriptions and Regulations),

including any additional requirements imposed as part of the conditional use review process. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests. (See also Section 17.225.)

- (b) Conditional use requirements also apply to proposed special uses when one or more of the special use requirements cannot be met. (See Subsection (3)(b), above.)
- (5) *Land Uses Permitted as an Accessory Use:* Land uses permitted as an accessory use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 17.056(8) (Detailed Land Use Descriptions and Regulations).
- (6) *Land Uses Permitted as a Temporary Use:* Land uses listed as permitted as a temporary use (designated as a "T" in Sections 17.053 and 17.054) are allowed to be established in the district indicated, through the conditional use procedures of Section 17.225 and subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular temporary land use as described in Section 17.056(9). These land uses and structures are, by their nature and description, temporary and shall be removed from the site or converted to a permanent, permitted use in the district in which they are located within the period of time established for each particular temporary use described in Section 17.056(9) or within the period of time established by the Town Board as approved through the conditional use procedures of Section 17.225.
- (7) Land uses for which a blank space is shown for a specific zoning district are not permitted in such zoning district, except as legal nonconforming uses (see Section 17.057).
- (8) Although a land use may be indicated as permitted by right, permitted as a special use, or permitted as a conditional use in a particular district, it does not follow that such a land use is permitted or permissible on every parcel in such district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this Chapter which are applicable to the specific land use and parcel in question, or unless an appropriate variance has been granted pursuant to Section 17.229.

Section 17.053 - Tables of Land Uses. (Am. #09-05)

This Chapter regulates the location of land uses to specific zoning districts through the use of the Tables of Land Uses contained in this Section. (See the following pages for these Tables.)

TABLE <u>17.053(1)</u> : TABLE OF LAND USES	
P = Permitted by Right in a Conventional Development (See <u>17.056(1)(a)</u>).	
C = Permitted as a Conditional Use per <u>Section 17.225</u>	
H = Permitted as a Conditional Use within a Mobile Home Development or Park (See <u>17.056(1)(c)</u> or (d).)	
ZONING DISTRICT ABBREVIATIONS	

R	R	C	E	S	S	S	M	U	E	S	N	S	U	C	S	U	H	TYPE OF LAND USE
A	A	R	R	R	R	R	R	R	O	O	C	C	C	C	I	I	I	
-	-	-	-	-	-	-	-	-										
1	2	5	1	2	3	4	4	8										
-	-	a																
3	3	c																
5	5																	
a	a																	
c	c																	
																		DWELLING UNIT TYPES (See 17.093())
P	P	P	P	P	P	P	P											(1) Single-Family Detached - 35 acre lot
		P	P	P	P	P	P											(2) Single-Family Detached - 5 acre lot
			P	P	P	P	P											(5) Single-Family Detached - 40,000 sf lot
				P	P	P	P											(7) Single-Family Detached - 20,000 sf lot
					P	P	P											(8) Single-Family Detached - 15,000 sf lot
						P	P											(9) Single-Family Detached - 10,000 sf lot
							C											(11) Village House - 5,000 sf lot
							P											(12) Twin Hse/Duplex - (10,000 sf per du)
					C		C	C										(13) Two-Flat - (5,000 sf per du)
							C	C										(14) Atrium House - 3,600 sf lot
							C	C										(15) Weak-Link Townhouse - 2,800 sf lot
							C	C										(16) Townhouse - 2,400 sf lot
							C	C										(17) Multiplex

																		INSTITUTIONAL LAND USES (17.056(3)(-))
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Passive Outdoor Public Recreational
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			(b) Active Outdoor Public Recreational
C	C	C	C	C	C	C	C	C	S	S	S	S	S	S	S			(c) Indoor Institutional
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			(d) Outdoor Institutional
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(e) Public Services and Utilities
								C	C	C	C		C	C	C			(f) Institutional Residential
S	S	S	S	S	S	S	S	S										(g) Community Living Arrangement (1—8 res.)
		C	C	C	C		S	S	C	C								(h) Community Living Arrangement (9—15 res.)
								C	C	C								(i) Community Living Arrangement (16+ res.)

TABLE <u>17.053(4)</u> : TABLE OF LAND USES																		
P = Permitted by Right (17.052(2))																		
S = Permitted as a Special Use (17.052(3))																		
C = Permitted as a Conditional Use (17.052(4))																		
ZONING DISTRICT ABBREVIATIONS																		
R	R	C	E	S	S	S	M	U	E	S	N	S	U	C	S	U	H	TYPE OF LAND USE
A	A	R	R	R	R	R	R	R	O	O	C	C	C	C	I	I	I	
-	-	-	-	-	-	-	-	-										
1	2	5	1	2	3	4	4	8										
-	-	a																
3	3	c																
5	5																	
a	a																	
c	c																	

R	R	C	E	S	S	S	M	U	E	S	N	S	U	C	S	U	H	TYPE OF LAND USE
A	A	R	R	R	R	R	R	R	O	O	C	C	C	C	I	I	I	
-	-	-	-	-	-	-	-	-										
1	2	5	1	2	3	4	4	8										
-	-	a																
3	3	c																
5	5																	
a	a																	
c	c																	
																		STORAGE/DISPOSAL LAND USES (17.056(5)(-))
															P	P	P	(a) Indoor Storage or Wholesaling
															C	S		(b) Outdoor Storage or Wholesaling
													C	C	C			(c) Personal Storage Facility
C	C																C	(d) Junkyard or Salvage Yard
C	C																C	(e) Waste Disposal Facility
C	C																C	(f) Composting Operation
																		TRANSPORTATION LAND USES (17.056(6)(-))
													S	S		S	S	(a) Off-Site Parking Lot
C	C								C	C					C	C	C	(b) Airport/Heliport
																	C	(c) Freight Terminal
													C	C	P	P		(d) Distribution Center
																		INDUSTRIAL LAND USES (17.056(7)(-))
															S	S	S	(a) Light Industrial
																	S	(b) Heavy Industrial
C	C												C	C				(c) Communication Tower
C	C																	(d) Extraction Use

TABLE 17.053(8): TABLE OF LAND USES

P = Permitted by Right (17.052(2))																		
S = Permitted as a Special Use (17.052(3))																		
C = Permitted as a Conditional Use (17.052(4))																		
ZONING DISTRICT ABBREVIATIONS																		
R	R	C	E	S	S	S	M	U	E	S	N	S	U	C	S	U	H	TYPE OF LAND USE
A	A	R	R	R	R	R	R	R	O	O	C	C	C	C	I	I	I	
-	-	-	-	-	-	-	-	-										
1	2	5	1	2	3	4	4	8										
-	-	a																
3	3	c																
5	5																	
a	a																	
c	c																	
																		ACCESSORY LAND USES (17.056(8)(-))
									C	C	C	C	C	C				(a) Commercial Apartment
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(b) On-Site Parking Lot
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(d) Private Residential Garage or Shed
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(e) Private Residential Recreational Facility
S	S	C	C															(f) Private Residential Kennel
C	C	C																(g) Private Residential Stable
									P	P		P	P	P	P	P	P	(h) Company Cafeteria

									S/C	S/C		S/C	S/C	S/C	S/C	S/C	S/C	(i) Company Provided On-Site Recreation
											C	C	C	C				(k) In-Vehicle Sales and Service
															S	S	S	(l) Indoor Sales Incident to Light Ind. Use
											C	C	C	C				(m) Light Ind. Incidental to Indoor Sales
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(n) Drainage Structure (See 17.054 also)
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(o) Filling (See 17.054 also)
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(p) Lawn Care (See 17.054 also)
P/C	P/C	P/C	P/C	P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(q) Septic Systems (See 17.054 also)
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	(r) Exterior Communication Devices
P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C				(s) Home Occupation
S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	(t) On-Site Composting
P	P	P	P	P	P	P	P	P										(u) Family Day Care Home
C	C																	(v) Migrant Labor Camp
P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S	P/S										(w) Wood Piles

TABLE <u>17.053</u> (9): TABLE OF LAND USES																		
T = Permitted as a Temporary Use (17.052(6))																		
ZONING DISTRICT ABBREVIATIONS																	TYPE OF LAND USE	
R A - 1 - 3 5 a c	R A - 2 - 3 5 a c	C R - 5 a c	E R - 1	S R - 2	S R - 3	S R - 4	M R - 4	U R - 8	E O	S O	N C	S C	U C	C C	S I	U I		H I
																		TEMPORARY LAND USES (17.056(9) (-))
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(a) Contractor's Project Office
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(b) Contractor's On-Site Equipment Storage
T	T	T	T	T	T	T	T	T										(c) Model Homes
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(d) Real Estate Sales Office

Section 17.054 - Table of Land Uses Permitted in Permanently Protected Green Space Areas.

In all developments, certain areas may be required to be set aside as permanently protected green space for the purpose of natural resources protection, to meet a Minimum Green Space Ratio (GSR) requirement, or to meet a Minimum Landscape Surface Ratio (LSR) requirement (see Subchapter 17-VI: Density and Intensity Regulations and Subchapter 17-VII: Natural Resource Protection Regulations). Where such permanently protected green space is required, and where the land use is also permitted per the land use regulations of the applicable conventional zoning district (see Section 17.053, Table of Land Uses), the following table shall also be employed to establish land use regulations. All land uses listed in Section 17.053 but not listed in this Section are prohibited in permanently protected green spaces.

(Table 17.054 is presented on the following page.)

TABLE <u>17.054</u> : LAND USES PERMITTED IN PERMANENTLY PROTECTED GREEN SPACE AREAS
--

LAND USE	PERMANENTLY PROTECTED GREEN SPACE AREAS						
	V A L L E Y P L A I N *	W E T L L A N D *	L A K E S H O R E *	D R A I N A G E W A Y	W O O D L A N D	S T E P S L O P E	OTHER PERMANENTLY PROTECTED GREEN SPACE
(a) Cultivation	Refer to Sections <u>17.113</u> , <u>17.114</u> and <u>17.115</u> for detailed land use regulations pertaining to these Overlay Zoning Districts						C
(b) Passive Outdoor Recreational	In general, the regulations of Marathon County apply in these areas.			S	S	S	S
(c) Active Outdoor Recreational							S
(d) Outdoor Institutional							S
(e) Lawn Care (mow-feed-seed-weed)				C	C	C	S
(f) Golf Course				C	C	C	S
(g) Any Permitted Temporary Use							S, T
(h) Drainage Structure				C	C	C	C
(i) Filling				C	C	C	C
(j) Septic System							C
(k) Road, Bridge				C	C	C	C
(l) Utility Lines & Related Facilities				C	C	C	C
S: Permitted as a Special Use per <u>17.056(10)</u> , <u>17.053</u> , <u>17.111</u> — <u>17.120</u> , and <u>17.224</u> .							

C: Permitted as a Conditional Use per 17.056(10), 17.053, 17.111—17.120 and 17.225.

T Permitted as a Temporary Use per 17.056(10), 17.053, 17.111—17.120, and 17.226.

Section 17.055 - Regulations Applicable to All Development.

All development, as defined in Section 17.024, initiated within the Town of Rib Mountain on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter including:

- (1) *Land Use Regulations and Requirements.* All uses of land shall comply with all the regulations and requirements of Subchapter 17-IV, pertaining to the types of uses to which land may be put, and to various requirements which must be met for certain types of land uses within particular zoning districts. Such regulations and requirements address both general and specific regulations which land uses shall adhere to; and which are directly related to the protection of the health, safety and general welfare of the residents of the Town of Rib Mountain and its environs.
- (2) *Density and Intensity Regulations and Requirements.* All development of land shall comply with all the regulations and requirements of Subchapter 17-V, pertaining to the maximum permitted density (for residential land uses) and intensity (for nonresidential land uses) of land uses. Such regulations and requirements address issues such as Floor Area Ratios (FARs), Green Space Ratios (GSRs), and Landscape Surface Ratios (LSRs); which are directly related to, and are a critical component of, density or intensity and the protection of the health, safety, and general welfare of the residents of the Town of Rib Mountain and its environs.
- (3) *Bulk Regulations and Requirements.* All development of land shall comply with all the regulations and requirements of Subchapter 17-VI, pertaining to the maximum permitted bulk of structures and the location of structures on a lot. Such regulations and requirements address issues such as height, setbacks from property lines and rights-of-way, and minimum separation between structures; which are directly related to, and a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the residents of the Town of Rib Mountain and its environs.
- (4) *Natural Resources and Green Space Regulations and Requirements.* All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 17-VII, pertaining to the protection of sensitive natural resources and required green space areas. Such regulations and requirements address issues such as absolute protection, partial protection, and mitigation; which are directly related to, and a critical component of, the protection of natural resources and the protection of the health, safety, and general welfare of the residents of the Town of Rib Mountain and its environs.
- (5) *Landscaping and Bufferyards Regulations and Requirements.* All development of land shall comply with all the regulations and requirements of Subchapter 17-VIII, pertaining to the provision of landscaping and bufferyards. Such regulations and requirements address issues such as minimum required landscaping of developed land, and minimum required provision of bufferyards between adjoining zoning districts and/or development options; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town of Rib Mountain and its environs.
- (6) *Performance Standards and Requirements.* All development of land shall comply with all the regulations and requirements of Subchapter 17-IX, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibration, odors, heat, glare and smoke; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town of Rib Mountain and its environs.
- (7) *Signage Regulations and Requirements.* All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 17-X, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town of Rib Mountain and its environs.

- (8) *Procedural Regulations and Requirements.* All land use and/or development of land shall comply with all the regulations and requirements of Subchapter 17-XI, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the Town of Rib Mountain and its environs.
- (9) *Number of Buildings Per Lot.* In the RA-35ac, CR-5ac, ER-1, SR-2, and SR-3 Districts, only 1 principal building shall be permitted on any 1 lot. In the MR-4, UR-8, EO, SO, NC, SC, UC, CC, SI, UI, and HI Districts, more than 1 principal building shall be permitted on any 1 lot upon the granting of a conditional use permit for a Group Development in compliance with Section 17.058.
- (10) *Number of Land Uses Per Building.*
- (a) No more than 1 nonresidential land use shall be permitted in any building unless a conditional use permit for a Group Development is granted in compliance with Section 17.058.
- (b) With the exceptions of a Commercial Apartment or a Home Occupation, no building containing a nonresidential land use shall contain a residential land use. (See Sections 17.056(8)(a) and 17.056(8)(s).)
- (11) *Division or Combining of a Lot.* No recorded lot shall be divided into 2 or more lots, and no 2 or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located (as set forth in this Chapter). (See also the Land Division Regulations.)

Section 17.056 - Detailed Land Use Descriptions and Regulations.

The type of land uses regulated by this Chapter are defined in this Section. Land uses which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 17.231 empowers the Zoning Administrator to make interpretations on matters regarding specific land use types which are not addressed in this Chapter.

- (1) *Residential Land Uses.* Specific residential unit types (such as single-family detached house on a 20,000 square foot lot, duplex, twin house, atrium house, weak-link townhouse, multiplex, apartment, etc.) are defined in Section 17.093 which provides standards for each dwelling unit type.
- (a) *Conventional Residential Development.* Description: This type of development includes, but is not limited to, all residential developments which consist of a single residential building located on one lot within a subdivision plat. This is the most common type of development in Rib Mountain.
- (b) *Special Residential Development.* Description: This type of development includes, but is not limited to, all residential developments which consist of multiple residential buildings located on one lot such as an apartment complex or a condominium project. This type of development is generally established within a Unified Development District (Section 17.038) or as a Group Development (Section 17.058).
- (c) *Mobile Home Residential Development (Subdivision).* Description: This land use is a form of conventional residential development which is exclusively reserved for individually sold lots containing mobile or manufactured home units. Each of the lots and mobile or manufactured home units must meet the requirements for mobile homes listed in Section 17.093(20) of this Chapter. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (i) below.)
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {MR-4}:
 - a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - b. Mobile Home Residential Developments shall comply with the same landscaping and bufferyard requirements as apartments and Compact Cluster Developments, as specified in Section 17.150 of this Chapter.
 - c. No access shall be permitted to local residential streets.
 - d.

Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

(d) *Mobile Home Park Residential Development (Rental/Condo Park)*. Description: This land use is a form of conventional residential development which is exclusively reserved for individually sold or rented air right pads containing mobile or manufactured home units. Each of the mobile or manufactured home units must meet the requirements for mobile homes listed in Section 17.093(20) of this Chapter. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (i) below.)

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {MR-4}:
 - a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - b. Mobile Home Park Residential Developments shall comply with the same landscaping and bufferyard requirements as apartments and Compact Cluster Developments, as specified in Section 17.150 of this Chapter.
 - c. No access shall be permitted to local residential streets.
 - d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

(2) *Agricultural Land Uses*. (Am. #09-05)

(a) *Cultivation*. Description: Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption by farm animals is considered cultivation if said plants are consumed by animals which are located off-site. Establishment of a "landscaped area" as defined in Subchapter II is not considered as a cultivation use.

1. Permitted by Right. Cultivation, as defined above, is permitted by right in an RA-35 district. Noncommercial gardens, which include the outdoor raising of fruits, vegetables and flowers on small plots for the grower's private use or enjoyment are permitted in any zoning district provided the gardened area does not exceed 3,000 square feet in area.
2. Special Use Regulations {All Districts except RA-35ac}:
 - a. Non-commercial garden areas in excess of 3,000 square feet which the Plan Commission has determined will not impair the use and enjoyment of adjacent properties.
 - b. Commercial gardens which involve the raising of fruits, vegetables or flowers for sale and other cultivation activities provided the Plan Commission has determined that the activity will not impair the use and enjoyment of adjacent properties.
 - c. Shall comply with Section 17.224, procedures applicable to all special uses.
3. Conditional Use Regulations: Any building constructed for this agricultural use shall be located in relation to any residentially zoned property and all other lot lines so as to minimize any negative impacts on the abutting property. The distance that these buildings shall be setback from property lines and adjacent structures shall be determined by the Plan Commission on a case-by-case basis.
4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17.174(6)(a).)

(b) *Husbandry*. Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit (as defined in Section 17.024) per acre. Apiaries are considered husbandry land uses. Private residential stables are regulated in Section 17.056(8)(g).

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {RA-35ac, CR-5ac, ER-1}:
 - a.

Any building constructed for this agricultural use, including structures housing animals, shall be located in relation to any residentially zoned property and all other lot lines so as to minimize any negative impacts on the abutting property. The distance that these buildings shall be set back from property lines and adjacent structures shall be determined by the Plan Commission on a case-by-case basis.

- b. All outdoor animal containments (pasture) shall be located a minimum of 10 feet from any residentially zoned property.
 - c. Shall comply with Section 17.224, procedures applicable to all special uses.
4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17.174(6)(a).)
- (b-1) *Husbandry, low density.* (Cr. #09-05) Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit (as defined in Section 17.024) per acre, and less than 500 animal units total. Apiaries are considered husbandry land uses. Private residential stables are regulated in Section 17.056(8)(g).
1. Permitted by Right: RA-1-35ac.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {CR-5ac, ER-1}:
 - a. Any building constructed for this agricultural use, including structures housing animals, shall be located in relation to any residentially zoned property and all other lot lines so as to minimize any negative impacts on the abutting property. The distance that these buildings shall be set back from property lines and adjacent structures shall be determined by the Plan Commission on a case-by-case basis.
 - b. All outdoor animal containments (pasture) shall be located a minimum of 10 feet from any residentially zoned property.
 - c. Shall comply with Section 17.224, procedures applicable to all special uses.
 4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17.174(6)(a).)
- (b-2) *Husbandry, high density.* (Cr. #09-05) Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than one animal unit (as defined in Section 17.024) per acre, and 500 or more animal units total. Apiaries are considered husbandry land uses. Private residential stables are regulated in Section 17.056(8)(g).
1. Permitted by Right: Not Applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {RA-2-35ac}:
 - a. Any building constructed for this agricultural use, including structures housing animals, shall be located in relation to any residentially zoned property and all other lot lines so as to minimize any negative impacts on the abutting property. The distance that these buildings shall be set back from property lines and adjacent structures shall be determined by the Plan Commission on a case-by-case basis.
 - b. All outdoor animal containments (pasture) shall be located a minimum of 10 feet from any residentially zoned property.
 - c. Shall comply with Marathon County licensing regulations.
 4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17.174(6)(a).)
- (c) *Intensive Agriculture.* Description: Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding one animal unit (as defined in Section 17.024) per acre and/or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {RA-2-35ac}: (Am. #09-05)
 - a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
 - b. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See [Section 17.150.](#))
 - c. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located in relation to any residentially zoned property and all other lot lines so as to minimize any negative impacts on the abutting property. The distance that these buildings shall be set back from property lines and adjacent structures shall be determined by the Plan Commission on a case-by-case basis.
 - d. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
 - e. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of [Section 17.174\(6\)\(a\).](#))
- (d) *Agricultural Service*. Description: Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see [Section 17.056\(5\)\(f\)](#)).
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {RA-2-35ac, HI}: (Am. #09-05)
 - a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
 - b. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located in relation to any residentially zoned property and all other lot lines so as to minimize any negative impacts on the abutting property. The distance that these buildings shall be set back from property lines and adjacent structures shall be determined by the Plan Commission on a case-by-case basis.
 - c. If within the RA-35ac District, shall be located in an area which is planned to remain commercially viable for agricultural land uses.
 - d. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of [Section 17.174\(6\)\(a\).](#))
- (e) *On-Site Agricultural Retail*. Description: On-site agricultural retail land uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within on-site agricultural retail operations and such activity constitutes retail sales as a commercial land use. Packaging and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {RA-1-35ac, RA-2-35ac}: (Am. #09-05)
 - a. No structure or group of structures shall exceed 500 square feet in floor area.
 - b. No structure shall exceed 12 feet in height.
 - c. All structures shall meet all required setbacks for nonresidential land uses. (See [Section 17.094.](#))
 - d. Signage shall be limited to one on-site sign which shall not exceed 30 square feet in area.
 - e. Such land use shall be served by no more than one driveway. Said driveway shall require a valid driveway permit.

- f. A minimum of one parking space shall be required for every 200 square feet of product display area.
 - g. The sale of products which are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
 - h. Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.
 - i. Shall comply with Section 17.224, procedures applicable to all special uses.
 - 3. Conditional Use Regulations: Not applicable.
 - 4. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 17.174(6)(a).)
- (f) *Selective Cutting*. Description: Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including by fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 40% of the woodlands on the property (or up to 100% for developments approved prior to the effective date of this Ordinance). Selective cutting activity shall be limited to areas located within development pads which are designated on recorded Plats or Certified Survey Maps (see Section 17.120). The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting, (see (g), below).
- 1. Permitted by Right {All Districts}
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations: Not applicable.
- (g) *Clear Cutting*. Description: Clear cutting land uses include the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 40% of the woodlands on a property (or up to 100% for developments approved prior to the effective date of this Ordinance). Clear cutting is permitted only as a conditional use within the jurisdiction of this Chapter. Areas which have been clear cut as a result of intentional action following the effective date of this Chapter without the granting of a conditional use permit are in violation of this Chapter and the property owner shall be fined for such violation (in accordance with the provisions of Section 17.256) and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas which have been clear cut unintentionally as a result of fire shall not subject the owner of the property to fines associated with the violation of this Chapter, but shall require the satisfaction of mitigation requirements at the owner's expense, including cost associated with site inspection to confirm the satisfaction of mitigation requirements. (See Section 17.149.)
- 1. Permitted by Right: Not applicable, except for Federal, State, or County owned lands. (Am. #08-06)
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations {All Districts}:
 - a. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
 - b. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of Section 17.117. (Referenced section requires the replanting of trees in other portions of the subject property—thereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant.)
 - c. Clear cutting shall not be permitted within a required bufferyard or landscaped area (see Section 17.150), or within an area designated as permanently protected green space (see Subchapter VII).
 - d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
- (3) *Institutional Land Uses*.
- (a) *Passive Outdoor Public Recreational*. Description: Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas not associated

with any particular active recreational land use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

1. Permitted by Right {All Districts}
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: Not applicable.
 4. Parking Requirements: One space per 4 expected patrons at maximum capacity for any use requiring over 5 spaces.
- (b) *Active Outdoor Public Recreational*. Description: Active outdoor public recreational land uses include all recreational land uses located on public property which involve active recreational activities. Such land uses include playcourts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, public golf courses, and similar land uses.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {OR-35ac, RR-35ac}: (Am. #09-05)
 - a. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 17.150). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - b. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
 - c. Facilities which serve a community-wide function shall be located with primary vehicular access on a collector or arterial street.
 - d. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if the majority of the users will be children.
 - e. Shall comply with Section 17.224, procedures applicable to all special uses.
 3. Conditional Use Regulations: Not applicable.
 4. Parking Regulations: Active Outdoor Public Recreation: one space per 4 expected patrons at maximum capacity for any use requiring over 5 spaces.
- (c) *Indoor Institutional*. Description: Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {EO, SO, NC, SC, UC, CC, SI}:
 - a. Shall be located with primary vehicular access on a collector or arterial street.
 - b. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use).
 - c. All structures shall be located a minimum of 50 feet from any residentially zoned property.
 - d. Shall comply with Section 17.224, procedures applicable to all special uses.
 3. Conditional Use Regulations {OR-35ac, RR-35ac, CR-5ac, ER-1, SR-2, SR-3, SR-4, MR-4, UR-8}: (Am. #09-05)
 - a. Shall meet all regulations for special uses listed in 2., above.
 - b. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
 4. Parking Regulations: Generally, one space per 3 expected patrons at maximum capacity. However, see additional specific requirements below:

Church: one space per five seats at the maximum capacity.

Community or Recreation Center: One space per 250 square feet of gross floor area, or one space per 4 patrons to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

Funeral Home: one space per 3 patron seats at the maximum capacity, plus one space per employee on the largest work shift.

Hospital: two spaces per 3 patient beds, plus one space per staff doctor and each other employee on the largest work shift.

Library or Museum: one space per 250 square feet of gross floor area or one space per 4 seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

Schools:

Elementary and Junior High: one space per teacher and per staff member, plus one space per 2 classrooms.

Senior High: one space per teacher and staff member on the largest work shift, plus one space per 5 non-based students.

College: one space per staff member on the largest work shift, plus one space per 2 students of the largest class attendance period.

Commercial or Trade: one space per 3 students, plus one space per employee (including faculty) at capacity class attendance period.

(d) *Outdoor Institutional.* Description: Outdoor institutional land uses include public and private cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations {All Districts except UI and HI}:
 - a. Shall be located with primary vehicular access on a collector or arterial street.
 - b. Shall provide off-street passenger loading area if a significant proportion of the users will be children.
 - c. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
 - d. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see [Section 17.150](#)). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - e. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
4. Parking Regulations: Generally, one space per 3 expected patrons at maximum capacity. However, see additional specific requirements below:

Cemetery: one space per employee, plus one space per 3 patrons to the maximum capacity of all indoor assembly areas.

Golf Course: 36 spaces per 9 holes, plus one space per employee on the largest work shift, plus 50% of spaces otherwise required for any accessory uses (e.g., bars, restaurant).

Swimming Pool: one space per 75 square feet of gross water area.

Tennis Court: 3 spaces per court.

(e) *Public Service and Utilities.* Description: Public service and utilities land uses include all of the following: Town, County, State and Federal buildings which are not regulated elsewhere in this Chapter; emergency service facilities such as fire departments and rescue operations; wastewater treatment plants; electric utility substations; municipal water reservoirs; municipal water booster stations; municipal water wells and treatment facilities; telephone exchanges; wastewater lift stations; natural gas distribution facilities; and related utility and public service land uses.

Due to the unusual nature of these activities and the need to frequently establish these uses in unique locations for the benefit of the public, all public service and utility uses are treated as conditional uses and may be established in any location which is reasonably necessary for the public convenience and public welfare provided these uses are located and will be operated in a manner that will not be detrimental to the use and enjoyment of adjoining or nearby property.

Where deemed appropriate by the Plan Commission, these uses may be established as part of a group development in accordance with Section 17.058.

1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: {All Districts}:
 - a. All outdoor storage areas shall be located a minimum of 50 feet from any lot line in a residential zoning district.
 - b. All outdoor storage areas adjoining a lot line in a residential zoning district shall install and continually maintain a bufferyard with a minimum opacity of .60 (see Section 17.150). Said bufferyard shall be located along the lot line adjacent to said residentially zoned property.
 - c. All structures shall be located a minimum of 20 feet from a lot line in a residential zoning district.
 - d. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings or buildings that are likely to be located in the general area of the proposed use.
 - e. The proposed utility use shall not be located on a lot smaller than the minimum lot size required in the district for a conventional residential development option unless the use is proposed as part of a group development. For example, in an SR-2 District the minimum lot size for a public service and utility use would be 20,000 square feet.
 - f. Shall comply with Section 17.225, procedures applicable to all conditional uses.
 4. Parking Regulations: Parking shall be provided as determined by the Plan Commission.
- (f) *Institutional Residential*. Description: Institutional residential land uses include group homes, convents, monasteries, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of §60.63, Wis. Stats.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {MR-4, UR-8, EO, SO, SC, UC, CC}.
 4. Parking Regulations:

Monastery or Convent: one space per 6 residents, plus one space per employee on the largest work shift, plus one space per 5 chapel seats if the public may attend.

Nursing Home: one space per 6 patient beds, plus one space per employee on the largest work shift, plus one space per staff member and per visiting doctor.
- (g) *Community Living Arrangement (1—8 residents)* Description: Community living arrangement land uses include all facilities provided for in §46.03(22), Wis. Stats., including child welfare agencies, group homes for children, and community based residential facilities. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons, or jails (all indoor institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in §60.63, Wis. Stats.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {OR-35ac, RR-35ac, CR-5ac, ER-1, SR-2, SR-3, SR-4, MR-4, UR-8}: (Am. #09-05)
 - a. No community living arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.
 - b. The total capacity of all community living arrangements (of all capacities) in the Town shall not exceed 1% of the

Town's population (unless specifically authorized by the Town Board following a public hearing).

- c. Foster homes housing 4 or fewer children and licensed under §48.62, Wis. Stats., shall not be subject to a., above; and shall not be subject to, or count toward, the total arrived at in b., above.
 - d. Shall comply with Section 17.224, procedures applicable to all special uses. State Law Reference: §60.63, Wis. Stats.
3. Conditional Use Regulations: Not applicable.
 4. Parking Regulations: 3 spaces.
- (h) *Community Living Arrangement (9—15 residents)*. Description: See (g), above.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {MR-4, UR-8}:
 - a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.
 - b. The total capacity of all community living arrangements (of all capacities) in the Town shall not exceed 1% of the Town's population (unless specifically authorized by the Town Board following a public hearing).
 - c. Shall comply with Section 17.224, procedures applicable to all special uses. State Law Reference: §60.63, Wis. Stats.
 3. Conditional Use Regulations {CR-5ac, ER-1, SR-2, SR-3, EO, SO}:
 - a. Shall meet all regulations for special uses in b., above.
 - b. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
 4. Parking Regulations: 4 spaces.
- (i) *Community Living Arrangement (16+ residents)*. Description: See (g), above.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {UR-8, EO, SO}:
 - a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.
 - b. The total capacity of all community living arrangements (of all capacities) in the Town shall not exceed 1% of the Town's population (unless specifically authorized by the Town Board following a public hearing).
 - c. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses. State Law Reference: §60.63, Wis. Stats.
 4. Parking Regulations: 5 spaces.
- (4) *Commercial Land Uses*.
- (a) *Office*. Description: Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.
 1. Permitted by Right {EO, SO, NC, SC, UC, CC, SI, UI, HI}
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: Not applicable.
 4. Parking Regulations: One space per 300 square feet of gross floor area.
 - (b) *Personal or Professional Service*. Description: Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such land uses include professional services, insurance services, realty offices, financial services, medical offices and clinics, veterinary clinics, barber shops, beauty shops, and related land uses.
 1. Permitted by Right {EO, SO, NC, SC, UC, CC}
 2. Special Use Regulations: Not applicable.
 - 3.

Conditional Use Regulations: Not applicable.

4. Parking Regulations: One space per 300 square feet of gross floor area.
- (c) *Indoor Sales or Service.* Description: Indoor sales and service land uses include all land uses which conduct business activities or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated laundromats. These land uses may display or store products outside of an enclosed building or engage in outside sales activities if a conditional use is granted according to the standards set forth below. Artisan craft production such as consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as "light industrial uses incidental to retail sales" (see [Section 17.056\(8\)\(m\)](#)).
1. Permitted by Right {NC, SC, UC, CC}
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {EO, SO}:
 - a. Allowable conditional uses shall be limited to only those indoor sales and personal services which primarily support office tenants such as office supply stores, copy centers and travel agencies.
 - b. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Conditional Use Regulations {EO, SO, NC, SC, UC, CC}:
 - a. To help maintain aesthetically pleasing, uncluttered and safe indoor sales or service areas, any outdoor display, storage or sales activities at the site of an indoor sales or service use may only be established as a conditional use.
 - b. The combined area allowed to be used for outdoor display, storage and sales shall not exceed 15% of the floor area of the building occupied by the indoor sales or service use except in the SC and UC where the area shall not exceed 25%.
 - c. The location, type and height of the material or products stored, displayed or sold outdoors, the location, type and height of any fencing, the type and location of exterior lighting and other elements related to the outdoor display, storage or sales activities shall be determined by the plan commission.
 - d. The request shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 5. Parking Regulations: One space per 300 square feet of gross floor area.
- (d) *Outdoor Display.* Description: Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Example of such land uses include vehicle sales, vehicle rental, manufactured housing sales and monument sales. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually maintained in the most efficient manner which completely encloses all materials displayed outdoors. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection (5), below, also.) (Land uses which conduct or display only a limited amount of product outside of an enclosed building, are listed separately in [Sections 17.056\(8\)\(j\)](#) as "Outdoor Display Incidental to Indoor Sales".)
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {SC, UC}:
 - a. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
 - b. The display of items shall not be permitted within required setback areas for the principal structure.
 - c. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of [Section 17.174](#). If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - d.

Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.

- e. Signs, screenage, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
 - f. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the removal of the goods.
 - g. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed under the provisions of this land use.
 - h. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the display area abutting residentially zoned property, except per e., above (see [Section 17.150](#)).
 - i. Shall comply with [Section 17.225](#) regarding conditional uses.
4. Parking Regulations: One space per 300 square feet of gross floor area.
- (e) *Indoor Maintenance Services.* (Am. # [2022-02](#)) Description: Indoor maintenance services include all land uses which perform maintenance services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of the noise, odor, dust, and outside storage associated with certain types of vehicle and other repair businesses, all indoor maintenance service and repair activities are a conditional use in the commercial zoning districts listed below:
- 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations: Not applicable.
 - a. Outside vehicle storage shall be restricted to licensed vehicles waiting to be repaired. Junk vehicles or vehicles which are being used for parts are not allowed to be stored outside.
 - 4. Parking Regulations: One space per 300 square feet of gross floor area.
 - 5. Newly proposed land uses of this type are required to be considered under the Unified Development District process as described in [Section 17.233](#). All above-stated requirements in subsections 1., 2., 3., and 4. shall be taken into account during the review process.
 - a. All existing uses that have been approved prior to March 15, 2022, are subject to [Section 17.057](#), Nonconforming Use Regulations.
- (f) *Outdoor Maintenance Services.* (Am. # [2022-02](#)) Description: Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.
- 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations: Not applicable.
 - a. All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosure shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of .60 (see [Section 17.150](#)).
 - 4. Parking Regulations: One space per 300 square feet of gross floor area.
 - 5. Newly proposed land uses of this type are required to be considered under the Unified Development District process as described in [Section 17.233](#). All above-stated requirements in subsections 1., 2., 3., and 4. shall be taken into account during the review process.
 - a. All existing uses that have been approved prior to March 15, 2022, are subject to [Section 17.057](#), Nonconforming Use Regulations.

(g)

In-Vehicle Sales or Service. (Am. # 2022-02) Description: In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may be occupied at the time of such activity. Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, and all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see Section 17.056(8)(k)).

1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: Not applicable.
 - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
 - b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
 - c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
 - d. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.
 - e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
 - f. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 17.150).
 - g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
 4. Parking Regulations: One space for each employee on the largest work shift.
 5. In-Vehicle Waiting and Drive-Up Lanes:
 - a. Banks: A minimum of 80 feet of queuing space shall be provided for each drive-up window.
 - b. Car washes: A minimum of 80 feet shall be provided in front of the entrance to each washing stall for self-service and coin-operated car washes and 120 feet in front of the entrance to each washing stall for an automatic car wash facility. An on-premise drip area shall be provided at the car wash exit to minimize the amount of water transported onto streets near the car wash.
 - c. Drive-in restaurants for food pick-up: A minimum of 80 feet shall be provided in front of each drive-up window where food is ordered.
 - d. Drive-in restaurants where food is delivered to and eaten in the vehicle: Minimum of 15 spaces.
 - e. Other drive-up and drive-in uses: As determined by the Plan Commission.
 6. Newly proposed land uses of this type are required to be considered under the Unified Development District process as described in Section 17.233. All above-stated requirements in subsections 1., 2., 3., 4., and 5. shall be taken into account during the review process.
 - a. All existing uses that have been approved prior to March 15, 2022, are subject to Section 17.057, Nonconforming Use Regulations.
- (h) *Indoor Commercial Entertainment.* Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns,

theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.) bowling alleys, arcades, roller rinks, and pool halls.

1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {EO, SO, NC, SC, UC, CC, SI}:
 - a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see [Section 17.150](#)).
 - c. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space per every 3 patron seats or lockers (whichever is greater); or one space per 3 persons at the maximum capacity of the establishment; (whichever is greater).
- (i) *Outdoor Commercial Entertainment*. Description: Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Examples of such land uses include outdoor commercial swimming pools, driving ranges, miniature golf facilities, amusement parks, drive-in theaters, go-cart tracks, and racetracks.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {OR-35ac, UC, SI}: (Am. #09-05)
 - a. Activity areas shall not be located closer than 300 feet to a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of .80 along all borders of the property abutting residentially zoned property (see [Section 17.150](#)).
 - c. Activity areas (including drive-in movie screens) shall not be visible from a public street or from any residentially-zoned property.
 - d. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space for every 3 patron seats at the maximum capacity of the establishment.
- (j) *Commercial Animal Boarding*. Description: Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration. Animal boarding facilities and activities which, except for parking are completely and continuously contained indoors, are subject to a separate set of regulations (see 4., below).
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {OR-35ac}: (Am. #09-05)
 - a. A maximum of one animal unit per acre of fully enclosed outdoor area (and a maximum of 5 dogs, cats or similar animals) shall be permitted.
 - b. The minimum permitted size of horse or similar animal stall shall be 100 square feet.
 - c. The following setbacks shall be required in addition to those of the zoning district:
 - i. No activity area, including pastures or runs, shall be located closer than 10 feet to any property line.
 - ii. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property.
 - iii.

A vegetative strip at least 100 feet wide shall be maintained between any corral, manure pile, or manure application area and any surface water or well in order to minimize runoff, prevent erosion, and promote nitrogen absorption.

- d. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See [Section 17.226](#).)
 - e. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
4. Conditional Use Regulations {SO, SC, UC}:
- a. All activities, except vehicle parking, shall be completely and continuously contained indoors—including animal exercising and display areas.
 - b. Subsections 3.b., 3.d., and 3.e., above, shall be complied with.
5. Parking Regulations: One space per every 1,000 square feet of gross floor area.
- (k) *Commercial Indoor Lodging*. Commercial indoor lodging facilities include any use of property for rental purposes specifically used by transient guests, which provide overnight housing in individual rooms or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Transient guests typically include people whose length of stay is less than 30 days. Lodging may include any type of dwelling, including the use of one-family and two-family homes, where the lodger does not take up residency. Restaurant, arcades, fitness centers, and other on-site facilities available to nonlodgers are not considered accessory uses and therefore require review as a separate land use. (Am. #02-01)
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {EO, SO, SC, UC, CC}:
 - a. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of 0.60 along all borders of the property abutting residentially zoned property (see [Section 17.150](#)).
 - c. Within the EO and SO District, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.
 - d. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space per bedroom, plus one space for each employee on the largest work shift.
- (l) *Bed and Breakfast Establishment*. Description: Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {OR-35ac, RR-35ac, CR-5ac, ER-1, SR-2, SR-3, MR-4, UR-8, EO, NC, SC, UC, CC}: (Am. #09-05)
 - a. All such facilities shall be required to obtain a permit to serve food and beverages. They shall be inspected annually at a fee as established by a separate ordinance, to verify that the land use continues to meet all applicable regulations.
 - b. 1 sign, with a maximum area of 20 square feet, shall be permitted on the property.
 - c. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see [Section 17.150](#)).
 - d. No premises shall be utilized for a bed and breakfast operation unless there are at least 2 exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of 100 square feet for 2 occupants with an additional 30 square feet for each additional occupant to a maximum of 4 occupants per room. Each sleeping

room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the Rib Mountain Building Code. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner/occupants personal facilities.

- e. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.
 - f. Only the meal of breakfast shall be served to overnight guests.
 - g. Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by Town officials at any time.
 - h. The maximum stay for any occupants of a bed and breakfast operations shall be 14 days.
 - i. It shall be unlawful for any persons to operate a bed and breakfast operation as defined and as permitted in the Municipal Code of the Town of Rib Mountain without first having obtained a conditional use permit and a license. The fee for issuance of a license required under this Ordinance shall be in accordance with Section 17.255 and collected by the office of the Town Clerk. The amount of such fee shall be established by the Town Board and shall be in an amount sufficient to defray the cost of inspections and supervision necessary for the implementation and enforcement of this Ordinance. The fees shall be paid at the office of the Town Clerk, who shall issue the license in January of each year.
 - j. Application Requirements. Applicants for a license to operate a bed and breakfast shall submit a floor plan of the single-family dwelling unit illustrating that the proposed operation will comply with the Town Zoning Ordinance as amended, other applicable Town codes and Ordinances, and within the terms of this Ordinance.
 - k. Consideration of Issuance. After application duly filed with the Town Clerk for a license under this division, Plan Commission review and recommendation for a conditional use permit, the Town Board shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the Town. In the determination by the Town Board of the number of bed and breakfast operations required to provide for such public convenience and necessity, the Town Board shall consider the effect upon residential neighborhoods, conditions of existing holders of licenses, and the necessity of the issuance of additional licenses for public service.
 - l. Public Nuisance Violations. Bed and breakfast operations shall not be permitted whenever the operation endangers, or offends, or interferes with the safety or rights of others so as to constitute a nuisance.
 - m. Suspension, Revocation and Renewal. Any license issued under the provisions of this Ordinance may be revoked by the Town Board for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation the compliance or non-compliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.
 - n. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
4. Parking Regulations: One space per each bedroom.
- (m) *Group Day Care Center (9 or More Children)*. Description: Group day care centers are land uses in which qualified persons provide child care services for 9 or more children. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated on a for profit or a not for profit basis. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.
- 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations {MR-4, UR-8, EO, SO, NC, SC, UC, CC, SI, UI}
 - a. Facility shall provide a bufferyard with a minimum opacity of .50 along all borders of the property abutting residentially zoned property (see Section 17.150).

- b. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
 - c. Property owner's permission is required as part of the conditional use permit application.
 - 4. Parking Regulations: One space per 5 students, plus one space for each employee on the largest work shift.
- (n) *Campground*. Description: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.
 - 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations {RA-35ac}:
 - a. Facility shall provide a bufferyard with a minimum opacity of .70 along all borders of the property abutting residentially zoned property (see Section 17.150).
 - b. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
 - 4. Parking Regulations: 1.5 spaces per campsite.
- (o) *Boarding House*. Description: Boarding Homes include any residential use renting rooms which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).
 - 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations {UR-8, UC, and CC}:
 - a. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 17.150).
 - b. Shall provide a minimum of one on-site parking space for each room for rent.
 - c. Shall be located in an area of transition from residential land uses to nonresidential land uses.
 - d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
 - 4. Parking Regulations: One space per room for rent, plus one space per each employee on the largest work shift.
- (p) *Sexually-Oriented Land Use*. Description: Sexually-oriented land uses include any facility oriented to the display of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" includes any media which displays sexually specified area(s). NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the Town Board's official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the Town Board is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the Town's Comprehensive Master Plan and protect the character and integrity of its commercial and residential neighborhoods.
 - 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations {HI}:
 - a. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
 - b. Exterior building appearance and signage shall be designed to ensure that use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
 - c.

Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per 300 square feet of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater).

(q) *Convenient Cash Businesses and Similar Establishments.* (Cr. #08-12)

- A. Description/Purpose. The purpose of this section is to provide for the regulation of convenient cash and other similar establishments as conditional uses within the Town of Rib Mountain. It is recognized that convenient cash businesses have the potential to be harmful to the public welfare, both in regards to the community harmony and with respect to potential effects on the quality, aesthetics and functional aspects of the community. The purpose of regulating convenient cash services is to ensure compatibility with surrounding uses and properties and to avoid an unchecked proliferation of convenient cash services that may result in the displacement of other necessary commercial and financial services.

Such businesses tailor their services to make them attractive to persons experiencing unfavorable economic circumstances, often aggravating those circumstances. Additionally, it has been found that through their business practices, convenient cash businesses are susceptible to attracting criminals seeking to commit robberies. Finally, when clustered in an area or strung out along an arterial street, such concentration creates an unwarranted negative impression regarding the economic vitality of a commercial district and the community at large. Based on their proliferation, their susceptibility to crime and the negative effects of their proliferation, the Town Board finds that the health, safety and welfare of the residents of the Town of Rib Mountain should be protected by legislation limiting the geographic proliferation of convenient cash businesses. It is therefore the intent of this title to regulate the locations and hours of operation of convenient cash businesses within the Town of Rib Mountain.

1. Permitted by Right: Not applicable.
2. Special Use Regulations: Not applicable.
3. Conditional Use Regulations: SC, UC, CC.

- B. Definition. "Convenient cash business" is a business licensed pursuant to §218.05 or 138.09, Wis. Stats., engaged in the "payday loan business," "title loan business," "currency exchange business" (also known as "check cashing"), or any other substantially similar business. Convenient cash businesses do not include financial institutions as defined below. For purposes of this Code, the following definitions apply:

1. "Business" includes an individual or individuals, firm, partnership, association, corporation, limited liability company or any other business entity.
2. "Currency exchange business" means in accordance with §218.05, Wis. Stats., any business except banks incorporated under the laws of this state and national banks organized pursuant to the laws of the United States and any credit union operating under Ch. 186, Wis. Stats., pursuant to a certificate of authority from the Wisconsin Commissioner of Credit Unions, engaged in the business of and providing facilities for cashing checks, drafts, money orders and all other evidences of money acceptable to such community currency exchange for a fee, service charge or other consideration. This term does not include any person engaged in the business of transporting for hire, bullion, currency, securities, negotiable or nonnegotiable documents, jewels or other property of great monetary value nor any person engaged in the business of selling tangible personal property at retail nor any person licensed to practice a profession or licensed to engage in any business in this state, who in the course of such business or profession and, as an incident thereto, cashes checks, drafts, money orders or other evidences of money.
3. "Financial institutions" means any business authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, building and loan associations, savings and loan associations and credit unions. This term does not include a currency exchange, payday loan business or a title loan business.
- 4.

"Payday loan business" means a business that provides unsecured loans with an initial term of 91 days or less in which the amount borrowed does not exceed \$2,000.00 and is usually for a period from the time of the loan until the borrower's next payday for which the lender charges either fees or interest for the loan.

5. "Title loan business" means any business providing loans to individuals in exchange for receiving title to the borrower's motor vehicle as collateral.

C. Location and Operation of Convenient Cash Businesses.

1. Convenient cash businesses shall not be located within 2,500 feet of any other convenient cash business.
2. Convenient cash businesses shall not be located within 250 feet from a residential district as measured by the shortest line between the parcel to be occupied by the proposed convenient cash facility and the property line of the nearest residential property.
3. Hours of Operation. Convenient cash businesses shall not operate between the hours of 9:00 p.m. and 9:00 a.m.
4. Business shall keep glass entrance and exit doors with all windows clear of any signs or advertisements.
5. The building or portion thereof that is dedicated to the check cashing use shall have a minimum size of 1,500 square feet of building floor area.
6. Applicant must provide a security plan that addresses the following:
 - a. Limits on amount of cash immediately available for withdrawal;
 - b. Lighting plan for the business showing both exterior and interior lighting;
 - c. Plans for maintaining visibility into the interior of the check cashing facility;
 - d. Plans for security of the check cashing area of the facility;
 - e. A program for graffiti and litter abatement;
 - f. Hours of operation; and
 - g. Use of security guards and cameras plan.
7. It is strongly recommended that the convenient cash business work with the local law enforcement authority to allow specific access to interior security cameras in the event of an emergency.
8. Conditional use permit application fees for businesses regulated pursuant to this section shall be listed in the zoning fee schedule, Section 17.255. The applicant shall also be responsible for any other consulting and/or notice fees incurred in the processing of their application.

D. Parking Regulations. One space per 300 square feet of floor area plus one space for every employee.

(5) *Storage or Disposal Land Uses.*

- (a) *Indoor Storage or Wholesaling.* Description: Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Subsection 17.056(8)(m), below.
 1. Permitted by Right: {SI, UI, HI}.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: Not applicable.
 4. Parking Regulations: One space per 2,000 sf of gross floor area.
- (b) *Outdoor Storage or Wholesaling.* Description: Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractors' storage yards, equipment yards, lumber yards, coal

yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection (4), below.)

1. Permitted by Right: Not applicable.
 2. Special Use Regulations {HI}:
 - a. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of .80.
 - b. The storage of items shall not be permitted in permanently protected green space areas (see [Section 17.148](#)).
 - c. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.
 - d. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Subchapter [17.174](#). If the number of provided parking stalls on the property is already less than the requirement, such storage area shall not further reduce the number of parking stalls already present.
 - e. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - f. Materials being stored shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
 - g. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
 - h. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the property abutting residentially zoned property (see [Section 17.150](#)).
 - i. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
 - j. Shall comply with [Section 17.224](#), procedures applicable to all special uses.
 3. Conditional Use Regulations {UI}:
 - i. Shall comply with all regulations for special uses in b., above.
 - ii. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.
- (c) *Personal Storage Facility*. Description: Personal storage facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses".
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {UC, SI, UI}:
 - a. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
 - b. Facility shall provide a bufferyard with a minimum opacity of .80 along all borders of the property abutting residentially zoned property (see [Section 17.150](#)).
 - c. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space for each employee on the largest work shift.

(d)

Junkyard or Salvage Yard. Description: Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {RA-35ac, HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see Section 17.150).
 - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 - d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 17.189.
 - e. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
 4. Parking Regulations: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.
- (e) *Waste Disposal Facility.* Description: Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by §144.01(15), Wis. Stats., but not including composting operations (see Subsection (f), below).
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {RA-35ac, HI}:
 - a. Shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 17.150).
 - c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 17.189) in any manner.
 - e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Town Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)
 - f. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses. State Law Reference: Ch. 144, Subchapter IV, Wis. Stats.
 4. Parking Regulations: One space for each employee on the largest work shift.
- (f) *Composting Operation.* Description: Composting operations are any land uses devoted to the collection, storage, processing and or disposal of vegetation.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {RA-1-35ac, RA-2-35ac, OR-35ac, RR-35ac, HI}: (Am. #09-05)
 - a. Shall comply with all County, State and Federal regulations.

- b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by nonagricultural land uses (see [Section 17.150](#)).
- c. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
- d. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
- e. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes in any manner.
- f. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space for each employee on the largest work shift.

(6) *Transportation Land Uses.*

(a) *Off-Site Parking Lot.* Description: Off-site parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed and operative. See also [Section 17.174](#) for additional parking regulations.

- 1. Permitted Use Regulations: Not applicable.
- 2. Special Use Regulations {UC, CC, UI, HI}:
 - a. Access to an off-site parking lot shall only be permitted to a nonresidential collector or arterial street.
 - b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
 - c. Shall comply with [Section 17.224](#), procedures applicable to all special uses.

3. Conditional Use Regulations: Not applicable.

4. Parking Regulations: No requirement.

(b) *Airport/Heliport.* Description: Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport or heliport.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {RA-1-35ac, RA-2-35ac, OR-35ac, RR-35ac, EO, SO, SI, UI, HI}: (Am. #09-05)
 - a. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see [Section 17.150](#)).
 - c. Shall comply with [Section 17.225](#), standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

(c) *Freight Terminal.* Description: Freight terminals are defined as land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment.

- 1. Permitted by Right: Not applicable.
- 2. Special Use Regulations: Not applicable.
- 3. Conditional Use Regulations {HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see [Section 17.150](#)).
 - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per each employee on the largest work shift.

(d) *Distribution Center*. Description: Distribution centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Subsection 17.056(8)(m), below.

1. Permitted by Right {UI, HI}

2. Special Use Regulations: Not applicable.

3. Conditional Use Regulations {UC, SI}:

a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting residentially zoned property (see Section 17.150).

b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.

c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.

d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per each employee on the largest work shift.

(7) *Industrial Land Uses*.

(a) *Light Industrial Land Use*. Description: Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Subchapter 17-IX. Light industrial land uses may conduct retail sales activity as an accessory use provided that the requirements of Subsection (8)(m), below, are complied with.

1. Permitted by Right: Not applicable.

2. Special Use Regulations {SI, UI, HI}:

a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

b. Shall comply with Section 17.224, procedures applicable to all special uses.

3. Conditional Use Regulations: Not applicable.

4. Parking Regulations: One space per each employee on the largest work shift.

(b) *Heavy Industrial Land Use*. Description: Heavy industrial land uses are industrial facilities which do not comply with 1 or more of the following criteria: 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion). More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in Subchapter 17-IX. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

1. Permitted by Right: Not applicable.

2. Special Use Regulations {HI}:

a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned (HI) (see Section 17.150).

- b. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
 - c. Shall comply with Section 17.224, procedures applicable to all special uses.
3. Conditional Use Regulations: Not applicable.
 4. Parking Regulations: One space per each employee on the largest work shift.
- (c) *Communication Tower.* (Am. #2014-01) Description: A communication tower includes all free-standing broadcasting, receiving, or relay structures, and similar principal land uses and any equipment shelter directly related to the function of the tower. Communication towers include lattice towers, guyed towers and monopole towers. Communication towers shall be located so as to reduce the safety hazard and potential damage to adjacent properties from structural failure of the tower. All new communication towers must be engineered for purposed built communication or constructed to pre-engineered standards. Towers shall not be constructed at sites within the town where the proposed tower height, design, operation or location of the structure on the lot will have an adverse impact on the scenic quality of the community or be detrimental to the value, use and enjoyment of adjacent or nearby property.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Requirements {RA-I-35ac, RA-2-35ac, OR-35ac, RR-35ac, UC, SI}: (Am. #09-05)
 - a. Towers may be located on a lot owned by the firm that owns the communication tower or the tower may be located on property which the owner of the tower has a leasehold interest or an easement on the property.
 - b. The minimum lot width requirements of Section 17.094 shall be met for a communication tower located in a UC or SI zoning district. In RA-35ac, OR-35ac, and RR-35ac Districts there is no minimum lot width requirement but the communication tower site shall be accessible by an easement or street having a width of at least 33 feet.
 - c. Minimum Lot Area:
 1. For all zoning districts permitted as a conditional use, an area that is sufficient in size and shape so that the complete, horizontal collapse of the entire tower and any antennae plus 20 feet shall be contained within the boundaries of the parcel where the tower is located.
 2. For UC and SI Districts: In addition to the minimum lot area requirements above, UC and SI Districts shall comply with minimum lot area standards in Section 17.036; 16,000 square feet in a UC District and 20,000 square feet in a SI District.
 - d. Minimum Setbacks:
 1. A communication tower is not considered to be a building and therefore the building height and building setback provisions of Section 17.094 do not apply to the construction of a communication tower. At a minimum, a communication tower shall be set back a distance of 50 feet from any public street right-of-way; 100 feet from a lot line located in a residential zoning district and 25 feet from a lot line located in a nonresidential zoning district. For setback purposes, any guy wires shall be considered a part of the tower and the wires shall meet the same minimum setback requirements as the main structure of the tower. Setbacks shall be measured from the communication tower base or guy wire closest to the particular lot line being considered but no portion of a communication tower base or guy wire foundation may be closer than 25 feet to a lot line.
 2. A communication tower base shall be positioned on the lot so that the complete, horizontal collapse of the entire tower and any antennae plus 20 feet shall be contained within the boundaries of the parcel where the tower is located.
 3. The provisions of Section 17.094 apply to any equipment shelter or other building located on the lot.
 - e. The provisions of Section 17.056(8)(x) - Detached Energy Systems, shall apply to any detached energy system associated with the communication tower.
 - f. No signs shall be located on any communication tower and only lighting required by the Federal Aviation Administration for aviation safety purposes may be permitted on a tower. Federal Aviation Administration (FAA) shall be the determining entity for appropriate required lighting.

- g. The design of a communication tower and associated equipment shelters shall permit the placement of future antennas and equipment. A petitioner for a communication tower shall demonstrate a willingness to allow other companies to locate antenna equipment on the proposed tower. The intent of this provision is to reduce the unnecessary proliferation of communication towers in the community by encouraging the placement of multiple antennas on each tower.
 - h. The design of any equipment shelter shall be compatible with adjacent buildings and any equipment shelter shall be landscaped in accordance with the applicable provisions of Subchapter 17-VIII.
 - i. The petitioner shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
4. Exemptions:
- a. Mobile Service Towers. Purpose: The purpose of this Ordinance is to regulate by zoning permit: (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocations on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.
 - 1. *Definitions:*
 - a. All definitions contained in Wisconsin State Statute § 66.0404(1) are hereby incorporated by reference.
 - 2. *New Construction or Substantial Modification of Facilities and Support Structures*, which includes the following activities:
 - a. The siting and construction of a new mobile service support structure and facilities.
 - b. With regard to class 1 collocation, the substantial modification of an existing support structure and mobile service facilities:
 - 1. All requirements, processes and procedures contained in Wisconsin State Statute § 66.0404(2) are hereby incorporated by reference.
 - 2. Fee: The fee for a permit shall be pursuant with the Town of Rib Mountain adopted Annual Fee Schedule. Not to exceed \$3,000.00 per Wisconsin State Statute § 66.0404(4)(d).
 - 3. *Collocation on Existing Support Structures with regard to Class 2 Collocation.*
 - a. All requirements, processes and procedures contained in Wisconsin State Statute § 66.0404(3) are hereby incorporated by reference.
 - b. Fee: The fee for a permit shall be the same as "Commercial Tenant Remodel/Build-Out" as referenced in the Town of Rib Mountain adopted Annual Fee Schedule.
 - 4. *Limitations.*
 - a. All limitations, regulations and conditions imposed by the Town Planning Commission and/or Town Board shall be pursuant to Wisconsin State Statute § 66.0404(4).
- (d) *Extraction Use.* Description: Extraction uses include any land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approved on-site development or agricultural activities.
 - 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations {RA-1-35ac, RA-2-35ac}: (Am. #09-05)
 - a. Shall receive approval from Marathon County prior to action by the Town of Rib Mountain, and shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 17.150).
 - c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - d.

Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Town), shall be filed with the Town by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the Town for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies.)

e. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

4. Parking Regulations: One space per each employee on the largest work shift.

(8) *Accessory Land Uses.* (Am. #11-02; # 2022-03.) Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. Only those accessory uses listed in Table 17.053 shall be permitted within the Town of Rib Mountain. No cellar, basement, tent, or recreational trailer shall be used as a residence. A commercial apartment (see (a), below) is the only residential use that may be established as an accessory use. Accessory buildings located within a residential district shall be constructed or finished in a complimentary architectural style and with complimentary materials to the principal residential buildings in the neighborhood. Variations from this standard may be approved as conditional uses.

With the exception of fences (see Section 17.190) and drainage structures, no accessory structure shall be permitted within any portion of a front yard or street yard. The following accessory uses may be located in a front yard or street yard provided the location and operation of these uses does not present a safety hazard or otherwise have a detrimental impact on the public health and welfare: On-Site Parking Lot, Outdoor Display Incidental to Indoor Sales and Service, In-Vehicle Sales and Services, Filling, Lawn Care, Individual Septic Disposal System and photovoltaic systems as described below.

(a) *Commercial Apartment.* Description: Commercial apartments are dwelling units which are located above the ground floor of a building used for a commercial land use (as designated in Subsection (4), above) — most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.

1. Permitted by Right: Not applicable.

2. Special Use Regulations: Not applicable.

3. Conditional Use Regulations {NC, SC, UC, CC, EO, SO}:

a. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.

b. A minimum of one off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land uses on the site may be counted for this requirement with the approval of the Zoning Administrator.

c. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

(b) *On-Site Parking Lot.* Description: On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed and operative. Refer also to Section 17.174.

1. Permitted by Right: Not applicable.

2. Special Use Regulations {All Districts}:

a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.

b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

c. Shall comply with Section 17.224, procedures applicable to all special uses.

3. Conditional Use Regulations: Not applicable.

(c) *Reserved.*

(d) *Detached Private Residential Garage, Carport, or Utility Shed.* (Rep. & recr. #00-03; Am. # 19-07; Am. # 2022-01)

Description: A private residential garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of motorized and nonmotorized passenger and recreation vehicles, the storage of recreation equipment, the

storage of residential maintenance equipment and the storage of other household items. It shall be located on the same lot as a residential unit or units and the general requirements for all accessory uses as described in Section 17.056(8) shall be met. (See Section 17.099 for requirements applicable to legal, nonconforming garages.)

1. Permitted by Right in All Districts provided:
 - a. Only one of each type of the 3 structures listed above (garage, carport and utility shed) is constructed;
 - b. The total floor area of the garage, carport and utility shed, when added together, does not exceed 1,000 square feet of gross floor area; and
 - c. The sidewall of any detached garage, carport or utility shed shall not exceed 12 feet in height nor shall any door opening exceed 10 feet in height.
 - d. Maximum height of a detached garage, carport or utility shed shall not exceed that of the principal structure.
 - e. Interior plumbing fixtures shall be limited to one sink/wash basin.
 - f. Any permanent detached garage, carport, or utility shed shall be required to adhere to the applicable provisions of Wisconsin's Uniform Dwelling Code.
2. Special Use Regulations: {OR, RR, RA-1, RA-2, ER-1}
 - a. Construction of one of the structures listed above (garage, carport, utility shed) on a parcel without an existing principal structure.
 - b. The total floor area of the garage, carport, or utility shed shall not exceed 1,000 square feet.
 - c. Parcel shall not be located within in a platted subdivision.
 - d. Minimum parcel size of 5 acres.
 - e. Minimum setback requirements for said structure shall be equal to that of a principal structure within the given zoning district.
 - f. Interior plumbing fixtures shall be limited to one sink/wash basin.
3. Conditional Use Regulations {All Districts}:
 - a. Construction of more than one of each type of the 3 structures listed above (garage, carport and utility shed) may be approved as a conditional use;
 - b. Construction of garages, carports and utility sheds on parcels less than 5 acres when the total floor area of all of the structures will exceed 1,000 square feet of gross floor area may be approved as a conditional use; but said structure shall not exceed 1,500 square feet unless for an approved agricultural use. (Am. #08-11).
 - i. Minimum setback requirements for said structures shall increase to that of a principal structure within the given zoning district.
 - c. Construction of garages, carports and utility sheds on parcels equal to or greater than 5 acres when the total floor area of all of the structures will exceed 1,000 square feet of gross floor area may be approved as a conditional use; but said structure shall not exceed 2,000 square feet unless for an approved agricultural use.
 - i. Minimum setback requirements for said structures shall increase to that of a principal structure within the given zoning district.
 - d. Detached residential garages, carports or utility sheds with a sidewall height in excess of 12 feet and/or a door opening exceeding 10 feet in height may be approved as a conditional use;
 - e. Detached residential garages, carports or utility sheds exceeding the height of the principal structure may be approved as a conditional use.
 - f. Detached residential garages, carports or utility sheds with a basement of not more than 1,000 square feet may be approved as a conditional use.
 - i. Minimum setback requirements for said structures shall increase to that of a principal structure within the given zoning district.
 - ii. Any portion of the foundation which is exposed beyond 24 inches and facing and visible from the right-of-way

shall have a similar finish as the exposed foundation of the principal structure.

- iii. The additional area created under this subsection shall not be included in the calculation of the Gross Floor Area when applied to the above-listed subsections a., b., and c., unless the main floor is not accessible
 - iv. The sidewall height shall not exceed 12 feet and/or a door opening exceeding 10 feet in height. Subsections d. and e. listed above shall not apply with this subsection.
 - g. The request shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
- (e) *Private Residential Recreational Facility*. Description: This land use includes all active outdoor recreational facilities located on a private residential lot which are not otherwise listed in Table 17.053. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 footcandles (see Section 17.177). All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures. (See Subchapter 17-IV.) Common examples of these accessory uses include basketball courts, tennis courts, swimming pools, and recreation-type equipment.
- 1. Permitted by Right: {All districts}
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations: Not applicable.
- (f) *Private Residential Kennel*. (Am. #09-05) Description: A maximum of any combination of 3 dogs and/or cats (over 6 months of age) are permitted by right for any one residential unit. A maximum of any combination of 6 dogs and/or cats (over 6 months of age) are permitted by right for any 1 residential unit, in an ER, CR, RA-1, RA-2, OR-35ac, or RR-35ac District. Any residential property maintaining a number of dogs and or cats exceeding this number shall be considered a private residential kennel. Such a kennel shall require licensing by the Town of Rib Mountain. In addition to those requirements, a private residential kennel shall meet the following requirements:
- 1. Permitted by Right: All Districts for any combination of 3 (or fewer) dogs and/or cats over 6 months of age. ER, CR, and RA-1, RA-2, OR-35ac, or RR-35ac District for any combination of 6 (or fewer) dogs and/or cats over 6 months of age. (Am. #09-05)
 - 2. Special Use Regulations {RA-35ac}:
 - a. For any number over 3 animals, a maximum of one additional animal per 5 acres shall be permitted.
 - b. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property and shall be screened from adjacent properties.
 - c. Shall comply with Section 17.224, procedures applicable to all special uses.
 - 3. Conditional Use Regulations {CR-5ac, ER-1}:
 - a. Shall comply with regulations in 2., above.
 - b. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
- (g) *Private Residential Stable*. Description: A private residential stable is a structure facilitating the keeping of horses (or similar animals) on the same site as a residential dwelling.
- 1. Permitted by Right: Not applicable.
 - 2. Special Use Regulations: Not applicable.
 - 3. Conditional Use Regulations {RA-1-35ac, RA-2-35ac, OR-35ac, RR-35ac, CR-5ac}: (Am. #09-05)
 - a. A minimum lot area of 217,000 square feet (5 acres) is required for a private residential stable.
 - b. A maximum of one horse per 5 acres of fully enclosed, by fencing and/or structures, area is permitted.
 - c. The fence for outdoor containments for animals shall be located a minimum of 25 feet from the lot line of any adjacent residentially zoned property.
 - d. Any private residential stable shall be located a minimum of 200 feet from the lot line of any adjacent residentially zoned property and 100 feet from all other lot lines,
 - e.

Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

- (h) *Company Cafeteria*. Description: A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.
1. Permitted by Right: {EO, SO, SC, UC, CC, SI, UI, HI}
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: Not applicable.
- (i) *Company Provided On-Site Recreation*. Description: A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests. Facilities using activity night lighting shall be a conditional use.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {EO, SO, SC, UC, CC, SI, UI, HI}:
 - a. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
 - b. Shall comply with Section 17.224, procedures applicable to all special uses
 3. Conditional Use Regulations {EO, SO, SC, UC, CC, SI, UI, HI}:
 - a. Outdoor recreation facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 17.150). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - b. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
 - c. Shall comply with Section 17.224, procedures applicable to all special uses.
- (j) *Reserved*.
- (k) *In-Vehicle Sales and Services Incidental to On-Site Principal Land Use*. Description: See Subsection 17.056(4)(g), above.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {NC, SC, UC, CC}:
 - a. Shall comply with all conditions of Subsection (4)(g), above.
 - b. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
- (l) *Indoor Sales Incidental to Storage or Light Industrial Land Use*. Description: These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling or any light industrial land use, on the same site.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {SI, UI, HI}:
 - a. Adequate parking, per the requirements of Section 17.174, shall be provided for customers. Said parking shall be in addition to that required for customary light industrial activities.
 - b. The total area devoted to sales activity shall not exceed 15% of the total area of the buildings on the property or 5,000 square feet, whichever is less.
 - c. Shall provide restroom facilities directly accessible from retail sales area.
 - d. Retail sales area shall be physically separated by a wall from other activity areas.
 - e. Shall comply with Section 17.224, procedures applicable to all special uses.
 3. Conditional Use Regulations: Not applicable.

(m)

Light Industrial Activities Incidental to Indoor Sales or Service Land Use. Description: These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: {SC, NC, UC, CC}:
 - a. The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less.
 - b. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 17.179 for all adjacent properties.
 - c. Shall comply with Section 17.225, procedures applicable to all conditional uses.
- (n) *Drainage Structure.* Description: These include all improvements including, but not limited to ponds, swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {All Districts}:
 - a. Shall comply with Section 17.056(10) for the placement of drainage structures in permanently protected green space areas.
 - b. Shall comply with Section 17.056(10) regarding protection measures for drainageways.
 - c. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.
 - d. Shall comply with Section 17.224, procedures applicable to all special uses
 3. Conditional Use Regulations: Not applicable.
- (o) *Filling.* Description: Filling includes any activity in an area over 4,000 square feet or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations {All Districts}:
 - a. Shall comply with Section 17.054 regarding filling activities in permanently protected green space areas.
 - b. Shall comply with Subchapter 17-VII regarding protection measures for natural resources.
 - c. Shall not create drainage onto other properties.
 - d. Shall not impede on-site drainage.
 - e. Shall comply with provisions of the Subdivision and Platting Ordinance.
 - f. Shall comply with Section 17.224, procedures applicable to all special uses.
 3. Conditional Use Regulations: Not applicable.
- (p) *Lawn Care.* Description: Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover (including gardens) which complies with the Town of Rib Mountain Code of Ordinances. Lawn care is not permitted in certain permanently protected green space areas, see Section 17.119.
1. Permitted by Right {All Districts}
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: Not applicable.
- (q) *Individual Septic Disposal System.* Description: This land use includes any State-enabled, County-approved septic disposal system.
1. Permitted by Right: {All Districts, except within the Sanitary District, per County/ILHR 83.}

2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: {All Districts within the Sanitary District}
 - a. Minimum lot size of 0.5 acres.
 - b. Shall comply with Subchapter 17-VII regarding protection measures for natural resources.
 - c. Subject property shall not be located in a Sanitary District.
 - d. Development shall attach to public sewage disposal system within one year of its availability (as determined by the Sanitary District Director) to the subject property. Each building shall install and continually maintain a conventional sewage system tap-in line upon development, so as to facilitate hook-up to the public system upon its availability.
 - e. Shall comply with Section 17.224, standards and procedures applicable to all special uses.
- (r) *Exterior Communication Devices*. Description: In order to protect the aesthetic character of residential areas and to reduce the potential wind related safety hazards, satellite dishes, ham radio towers, t.v. antennas and similar exterior communication devices are regulated as follows:
1. Permitted by Right in all districts:
 - a. Any satellite dish with a diameter of 3 feet or less.
 - b. Any other exterior communication device which is attached to a building and does not extend more than 5 feet above the building roof immediately adjacent to where the device projects above said roof and the device and related supports cover an area of less than 9 square feet.
 2. Special Use Regulations: {Not Applicable}.
 3. Conditional Use Regulations: {All Districts}.
 - a. Devices that do not meet the permitted use criteria.
 - b. The proposed use shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
- (s) *Home Occupation*. Description: It is the intent of this Section to provide a means to accommodate a small home-based family or professional business without the necessity of rezoning a property from a residential to a commercial district. Approval of an expansion of a home occupation beyond the limits established in this Section is not anticipated; the business should instead relocate to an area that is appropriately zoned for the business use. Home occupations are economic activities performed within any single-family detached residence which comply with the following requirements. Examples include personal and professional services and handicrafts, which comply with all of the following requirements:
1. Permitted by right in all Districts except SI, UI and HI provided the following are met:
 - a. A permitted home occupation is restricted to service-oriented businesses and the manufacturing of handicrafts provided the activity meets all of the requirements of this section. The sale of items or products on the premises is prohibited. Examples of service-oriented businesses are computer programming, accounting, insurance agency and computer based consulting and clerical services.
 - b. Under no circumstances shall a vehicular repair or body work business qualify as a home occupation.
 - c. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage and not in any accessory building or detached garage or on any porch, deck, patio or other unenclosed or partially enclosed portion of the dwelling unit.
 - d. There shall be no exterior alterations which change the character of the dwelling unit nor shall there be any exterior evidence of the home occupation other than the sign permitted below.
 - e. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
 - f. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, electrical interference or any other nuisance not generally associated with the average residential use in the district.
 - g.

Only one sign, not to exceed 2 square feet, non-illuminated and flush, wall mounted only, may be used to advertise a home occupation. Said sign shall not be located within a right-of-way, and shall be of an appearance which is harmonious with nearby residential areas.

- h. The home occupation shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - i. The home occupation shall not involve the use of construction or other heavy equipment such as dump trucks, backhoes, graders, semi trailer trucks and front end loaders.
 - j. A permitted home occupation shall not occupy more than 30% of the floor area of the dwelling.
 - k. Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one nonresident employee.
 - l. In no instance shall a home occupation create a nuisance for neighboring properties. Said nuisance includes excessive traffic generated by the home occupation and excessive parking. The Zoning Administrator shall use his discretion in identifying and terminating any nuisances.
2. Special Use Regulation: Not Applicable.
 3. Conditional Use Regulations:
 - a. The Plan Commission may approve home occupations in residential districts which do not meet the requirements in subsection 1., above, as a conditional use. The proposed use shall comply with Section 17.225, standards and procedures applicable to all conditional uses.
 - b. Sale or transfer of the property, unauthorized expansion of the home occupation or failure to operate the home occupation according to the approved plan shall cause the conditional use to be null and void.
- (t) *On-Site Composting*. Description: Includes all collection, storage, and processing of vegetation wastes between 5 and 10 cubic yards.
1. Permitted by Right: Not applicable to facilities less than five cubic yards.
 2. Special Use Regulations {All Districts}
 - a. Shall be limited to no more than 10 cubic yards of total collection, storage and processing area, all of which shall be located a minimum of 5 feet from all property lines.
 - b. Shall not involve food scraps or other vermin-attracting materials.
 - c. Shall comply with Section 17.224, procedures applicable to all special uses.
 3. Conditional Use Regulations: Not applicable.
- (u) *Family Day Care Home (4 to 8 Children)*. Description: Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter.
1. Permitted by Right: All districts. (Am. #09-05)
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations: Not applicable.
- State Law Reference: §66.304(b)(2), Wis. Stats.
- (v) *Migrant Labor Camp*. Migrant labor camps include any facility subject to the regulation of §103.90, Wis. Stats.
1. Permitted by Right: Not applicable.
 2. Special Use Regulations: Not applicable.
 3. Conditional Use Regulations {RA-1-35ac, RA-2-35ac}: (Am. #09-05)
 - a. Shall be surrounded by a bufferyard with a minimum opacity of .60 along all property lines adjacent to all properties in residential, office or commercial zoning districts (see Section 17.150).
 - b. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership, which is located within the Town of Rib Mountain.
 - c. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

- (w) *Wood Piles*. Description: The following regulations are intended to protect the aesthetic character of the residential areas in the town:

Wood piles include all outdoor collections and piles of wood.

1. Permitted by Right: Cut and neatly stacked piles of wood less than 5 face cords are permitted in any zoning district. A single face cord measures 4 feet high by 8 feet long by 16 inches wide. Thus, the length of each individual cut piece of wood on these permitted piles shall not exceed 16 inches. Said piles shall be neatly stacked and shall not be located in the front yard and shall be located a minimum of 5 feet from all lot lines.
 2. Special Use Regulations: {All Residential Districts}
 - a. Wood piles shall be limited to no more than 10 full cords of total collection and storage area, all of which shall be located a minimum of 5 feet from all lot lines. A single cord measures 8 feet by 4 feet high by 4 feet wide. Wood piles larger than 10 full cords are not considered an accessory use and are not allowed except in association with certain agricultural, commercial or industrial land uses.
 - b. The wood piles shall not contain rotted wood.
 - c. The proposed use shall comply with Section 17.224, procedures applicable to all special uses.
 3. Conditional Use Regulations: Not applicable.
- (x) *Detached Energy Systems*. (Am. #13-01; #2014-02; # 2022-03) Any detached energy system, such as wood or other solid fuel burners, liquid fuel burners, boilers or furnaces, windmills, or generators, associated with the production of useable heat or energy, which are not located within the primary structure. All such uses shall be considered as an accessory use, under Section 17.225, conditional uses, due to the potential for undesirable impacts on nearby properties.
1. Outdoor Wood Burning Unit (OWU) or other solid fuel burners, boilers, or furnaces:
 - a. Permitted by Right: Not applicable.
 - b. Special Use Regulations: Not applicable.
 - c. Conditional Use Regulations: {CR-5ac, RA-1-35ac, RA-2-35ac, OR-35ac, RR-35ac}:
 - i. Minimum lot size shall be five acres.
 - d. OWU Setbacks and Minimum Requirements:
 - i. Minimum setbacks to side and rear yards shall be 200 feet.
 - ii. Minimum setback to an adjacent front yard or street residence shall be 200 feet.
 - iii. Minimum chimney stack height shall be 20 feet.
 - e. All OWU's are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing.
 2. Windmill structures, or similar freestanding poles, towers, or structures associated with energy production:
 - a. Permitted by Right: Not applicable.
 - b. Special Use Regulations: Not applicable.
 - c. Conditional Use Regulations: (All Districts).
 - d. Any windmill tower, pole or similar structure shall be erected at a setback distance equal or greater to the height of the tower plus 20 feet, from any property line.
 - e. Wind Energy Systems are also governed by Wis. Stats. § 66.0401 and shall conform to its regulations in addition to this section.
 3. Permanently placed generators, or similar energy producing devices: (Am. #2016-09)
 - a. Permitted by Right in All Districts provided the following conditions are met:
 - i. Generators shall meet the nuisance noise regulations as described in Rib Mountain Municipal Code Sections 9.21 and 17.179.
 - ii. All equipment shall be screened from visibility of adjacent property through the use of fences and/or landscaping.

- iii. Weekly test run periods may only occur between the hours of 8:00 am and 8:00 pm Monday through Friday.
 - iv. Generators shall not be located in the required Front or Street Side yards.
 - b. Special Use Regulations: Not applicable.
 - c. Conditional Use Regulations: (All Districts).
 - i. Any request falling outside the conditions identified in 17.056(8)(x)(3)(a).
 - d. Exemptions:
 - i. Conditional use exemptions are granted for any demonstrated medical need for emergency power as determined by the Zoning Administrator.
 - ii. The Town may not prohibit the placement of emergency power systems for Mobile Service Towers per Wisconsin State Statute § 66.0404 - Mobile Tower Siting Regulations. Also see Rib Mountain Municipal Code Section 17.056(7)(c)(4)(a).
- 4. Roof-Mounted or Building Integrated Photovoltaic Systems: (Cr. #2016-09)

Photovoltaic System: A device or power system designed to collect and convert useable solar energy to electricity.

Roof-Mounted, Photovoltaic System: A photovoltaic system that is structurally mounted to the roof of a building or structure.

Building Integrated, Photovoltaic System: A photovoltaic system that serves the dual function of building envelope material and energy collector. Ex: roofing, window glazing, or siding.

 - a. Permitted by Right: (All Districts).
 - i. Building structure must be designed to support the additional imposed loads.
 - ii. Panels shall not extend beyond the edges of the building or roof upon which it is mounted.
 - iii. Neighboring Property owners must be notified of intended to exercise solar access rights, per Wis. Stats. § 66.0403.
 - b. Special Use Regulations: Not applicable.
 - c. Conditional Use Regulations: (All Districts).
 - i. When the request falls outside the conditions of 17.056(8)(x)(4)(a).
- 5. Ground-Mounted Photovoltaic Systems: (Cr. # 2022-03)
 - a. Permitted by Right: (All Districts)
 - i. Shall meet all setback and bulk requirements as all other accessory structures within the district in which the system is to be installed.
 - ii. The gross area of the system shall count towards the allowed area of accessory structure permitted per lot
 - iii. All structural and foundational elements other than the structural system on which the panels would be fastened to shall be screened from view when visible from the property line.
 - iv. Neighboring Property owners must be notified of intended to exercise solar access rights, per Wis. Stats. § 66.0403.
 - b. Special Use Regulations: Not applicable.
 - c. Conditional Use Regulations (All Districts)
 - i. When the request falls outside the above-stated standards listed in subsection a.
- 6. All Other Detached Energy Systems: (Cr. #2016-09)
 - a. Permitted by Right: Not applicable.
 - b. Special Use Regulations: Not applicable.
 - c. Conditional Use Regulations: (All Districts). In reviewing any conditional use application, the Plan Committee shall consider:

- i. Impacts: No detached energy system shall create an undesirable impact upon adjacent property or otherwise create a public nuisance.
- (y) *Keeping of Farm Animals on Residential Lots.* (Cr. # 2021-06) The keeping of farm animals is clearly accessory to a principal residential use on the same parcel, as opposed to the husbandry use as described in Section 17.056(2)(b). The animals associated with this use may be kept for show, breeding, or products that are predominately consumed or used by the residents on the same parcel.
1. Permitted by Right {All residential and agricultural districts}.
 - a. Animals that are permitted under this section are specifically limited to chickens, ducks, pigeons (other similar fowl), or rabbits on lots that are a minimum of 15,000 square feet in area or larger.
 - b. A property may not contain more than 4 hens, ducks, pigeons (or other similar fowl) or 2 rabbits. For lots larger than a half-acre, then an additional 2 animals (1 additional animal for rabbits) may be permitted per additional quarter-acre of the lot with a maximum of 8 animals (4 animals for rabbits).
 - c. Roosters and geese are prohibited.
 - d. All animals and activities associated with this use shall be kept within the rear yard. Animals are not permitted to roam about the yard or right-of-way.
 - e. The area in which the animals are to be kept shall be fenced to contain said animals. All fencing standards in Section 17.190 shall apply.
 - f. Coops or other related structures shall meet the minimum setback of an accessory structure within the associated zoning district in which the activity is taking place. The wall height of coops or other structures used in association with this use shall not exceed 6 feet and shall not exceed a maximum overall height of 10 feet. All other accessory structure standards in Section 17.056(d) shall apply. All exterior materials used shall be in accordance with Section 17.059, Minimum Standards for Single-family Detached Dwellings and Duplexes.
 - g. The yard and all enclosures shall be kept in a safe and sanitary condition. All waste material standards in Section 17.186 shall apply.
 - h. The slaughtering of animals is prohibited on parcels zoned SR-2, SR-3, SR-4, MR-4, and UR-8. On properties zoned ER-1, CA-5, RR, OR, RA-1, and RA-2 slaughtering is allowed, but shall not occur in the front yard.
 - i. The use of mechanized farm equipment and on-site sale of food or fur is prohibited on residentially zoned properties. This use in conjunction with the Home Occupation use as described in Section 17.056(8)(s) is prohibited. This use in conjunction with the Private Residential Kennel as described in Section 17.056(8)(f) is prohibited in the ER-1 Zoning District.
 - j. Odor standards listed in Section 17.181 shall apply.
 - k. All properties shall be registered with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).
 - l. A permit is required and is subject to the fee listed in the Schedule of Fees. At the time of application, the permit shall include one accessory structure associated to the permit and/or a permit to construct a fence to contain the associated animals. Permits for the keeping of farm animals on a residential lot, specifically, are non-transferable.
 - m. Two or more violations of the above listed standards within a year period shall result in the revocation of the permit. Should the applicant wish to reapply or appeal the revocation, then the matter shall be heard before the Plan Commission. Upon reinstatement, the Plan Commission may add conditions to the permit at their discretion which address past violations. The non-refundable fee for a reapplication or appeal is \$100.00, plus the cost of the permit as listed in the Schedule of Fees.
 2. Special Use {Not Applicable}
 3. Conditional Use {Not Applicable}
- (9) *Temporary Land Uses.* The following land uses may be established as conditional uses for the maximum period of time as specified below for each use unless this time period is extended by the Town Board through the conditional use procedures of Section 17.225.

(a) *Contractor's Project Office {All Districts}*. Description: This use includes any structure used as an on-site construction management office for an active construction project.

1. Temporary Use Regulations:

- a. Any structure used as a contractor's project office shall not exceed 2,000 square feet in gross floor area.
- b. The structure shall be removed within 10 days of issuance of an occupancy permit for the structure or completion of the construction project as determined by the Zoning Administrator.
- c. The structure shall not be used for sales activity. (See subsection (c), below.)
- d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

(b) *Contractor's On-Site Equipment Storage Facility {All Districts}*. Description: This use includes any structure used for the on-site storage of construction equipment and/or materials for an active construction project.

1. Temporary Use Regulations:

- a. The structure shall be removed within 30 days of issuance of an occupancy permit for the structure under construction or completion of the construction project as determined by the Zoning Administrator.
- b. The structure shall be limited to a maximum area not exceeding 10% of the property's Gross Site Area.
- c. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

(c) *Model Homes {All Residential Districts}*. Description: Includes residential structures which serve as a sales office and display model for a residential development project.

1. Temporary Use Regulations:

- a. The model home shall be converted to a residential dwelling unit use within 2 years of the issuance of the conditional use permit.
- b. A temporary sales office may be located in the model home but shall not exceed 20% of the gross floor area of the structure.
- c. Signage shall comply with the requirements for temporary signs in Section 17.217(2).
- d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

(d) *Real Estate Sales Office {All Districts}*. Description: This use includes any structure which serves as a sales office for a development project.

1. Temporary Use Regulations:

- a. The structure shall not exceed 5,000 square feet in gross floor area.
- b. The structure shall be removed or converted to a permitted land use within 365 days of approval of establishment of this use or within 10 days of the completion of the sales activity, whichever occurs first.
- c. Signage shall comply with the requirements for temporary signs in Section 17.217(2).
- d. Shall comply with Section 17.225, standards and procedures applicable to all conditional uses.

(e) *Unclassified Uses*. (Cr. #05-02) In case of a question as to the classification of a proposed use, the question may be submitted to the Planning Commission for consideration as a conditional use. Uses already classified in any district are not eligible for a determination. The Planning Commission shall consider the impacts of the proposed temporary use, and specify the permitted length of time for any approvals recommended.

(10) *Natural Resource Disruption and Required Mitigation Standards*. For all land uses, disruption to natural resource areas shall comply with the requirements of the Subdivision and Platting Ordinance pertaining to drainage, grading and erosion control. All land uses located within Permanently Protected Green Space Areas shall comply with the following regulations:

(a) *Cultivation*.

1. Permitted as a Conditional Use: {Other permanently protected green space areas}:

- a. Permitted only if designated on the submitted site plan, and/or the recorded Plat or Certified Survey as an "Area which may be used for cultivation".

(b) *Passive Outdoor Public Recreational Area*.

1. Permitted as a Special Use: {All permanently protected green space areas}:
 - a. limited to a 20-foot wide area in permanently protected natural resource areas. Permitted in other permanently protected green space areas without restriction.
 - b. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20-foot wide area
 2. Permitted as a Conditional Use: Not applicable.
- (c) *Active Outdoor Public Recreational Area.*
1. Permitted as a Special Use {Other permanently protected green space areas}:
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
 2. Permitted as a Conditional Use: {Floodway Fringe}
- (d) *Outdoor Institutional*
1. Permitted as a Special Use {Other permanently protected green space areas}:
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
 2. Permitted as a Conditional Use: Not applicable.
- (e) *Lawn Care.*
1. Permitted as a Special Use {Other permanently protected green space areas}:
 - a. Non-native ground cover shall not be permitted to spread into permanently protected natural resource areas. Clearance of understory growth shall be permitted.
 2. Permitted as a Conditional Use {All permanently protected natural resource areas except wetlands}:
 - a. Only disturbance associated with the care of native vegetation is permitted, with the exception of a 20-foot wide access path which may be cleared for passive recreation purposes.
 - b. Each property abutting a natural resource area shall be limited to one such access path.
 - c. Non-native vegetation (such as domestic lawn grasses) shall not be introduced into natural resource areas beyond said 20-foot wide access path.
- (f) *Golf Course.*
1. Permitted as a Special Use {All permanently protected green space areas except wetlands}:
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
 2. Permitted as a Conditional Use {All permanently protected natural resource areas}:
 - a. Only disturbance associated with the care of native vegetation is permitted. Natural resource areas which are located within or adjacent to golf play areas shall be incorporated into the course design as out-of-bounds play hazards, and shall be maintained in their natural state.
- (g) *Any Permitted Temporary Use.*
1. Permitted as a Special Use: {Other permanently protected green space areas}
 - a. Activity shall in no manner encroach upon permanently protected natural resources areas. Party securing the temporary use permit shall be responsible for restoring all such natural resource areas to an undamaged state, or shall be considered in violation of the provisions of this Ordinance. (See [Section 17.226](#).)
 2. Permitted as a Conditional Use: Not applicable.
- (h) *Drainage Structure.*
1. Permitted as a Special Use: Not applicable.
 2. Permitted as a Conditional Use {All permanently protected green space areas}:
 - a. Structure shall be deemed necessary by the Town Engineer.
 - b. Natural vegetation shall be restored in disturbed areas.
- (i) *Filling.*

1. Permitted as a Special Use: Not applicable.
 2. Permitted as a Conditional Use {All permanently protected green space areas}:
 - a. Filling in the floodway shall be done only as required by a necessary road, bridge, utility, or other infrastructure facility which has been deemed necessary by the Department of Public Works.
 - b. Natural vegetation shall be restored in disturbed areas.
 - c. In no instance shall filling raise the base flood elevation.
- (j) *Individual Septic Disposal System.*
1. Permitted as a Permitted Use: {All Districts, per County/ILHR 83, except within the Sanitary District}
 2. Permitted as a Conditional Use {All Districts within the Sanitary District, only within Other Permanently Protected Open Space}:
 - a. Shall not locate closer than 30 feet to any other permanently protected natural resource area.
- (k) *Road and/or Bridge.*
1. Permitted as a Special Use: Not applicable.
 2. Permitted as a Conditional Use {All permanently protected green space areas}:
 - a. May locate in or across a natural resource areas only in conjunction with a boat landing, or when deemed essential by the Department of Public Works.
 - b. May locate in other permanently protected green space areas if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
 - c. In general, road networks shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.
- (l) *Utility Lines and Related Facilities.*
1. Permitted as a Special Use: Not applicable.
 2. Permitted as a Conditional Use {All permanently protected green space areas}:
 - a. May locate in or across a natural resource areas only when deemed essential by the Department of Public Works.
 - b. May locate in other permanently protected green space areas if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
 - c. In general, utility lines shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

Section 17.057 - Nonconforming Use Regulations.

- (1) *Definition:* A nonconforming use is an active and actual use of land or use of a structure, or both; legally established prior to the effective date of this Chapter, February 1, 1994, or subsequent amendments thereto and which would not be permitted under the current terms of this Chapter.
- (2) *Continuance of a Nonconforming Use:* Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Such nonconforming use shall not be expanded beyond the bulk of the structure it currently occupies. Where a conforming use and a nonconforming use occupy the same structure, the nonconforming use shall not be extended to occupy a larger proportion of the structure than it currently occupies. The nonconforming use of land may not be expanded beyond the area used prior to the effective date of this Chapter or subsequent amendments thereto.
- (3) *Change in a Nonconforming Use:* A nonconforming use shall not be changed to another nonconforming use, unless the new nonconforming use would have a more desirable effect in terms of implementing the purpose of this Chapter as determined by the Zoning Administrator. If such a modification is allowed by the Zoning Administrator, said new use shall still be considered a nonconforming use and shall not be modified back to the original nonconforming use or to any other nonconforming use which does not better implement the purpose of this Chapter as determined by the Zoning Administrator.
- (4)

Discontinuance of a Nonconforming Use: When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed to a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter including the performance standards established in Subchapter IX.

- (5) *Maintenance and Repair of a Structure Used for a Nonconforming Use:* Structural repairs or alterations of a nonconforming structure or a conforming structure, either of which contains a nonconforming use or is used in association with a nonconforming use, are regulated in Section 17.099.
- (6) *Nonconforming Lots, Structures and Signs:* See Sections 17.098, 17.099 and 17.219.

Section 17.058 - Group Developments.

- (1) *Definition:* A group development is any development containing either of the following:
- (a) Two or more buildings on the same lot with each building containing one or more principal land uses. For any group development of this type, all of the buildings on the lot must be developed for the same broad land use type such as residential land use, institutional land use, commercial land use, storage/disposal land use, transportation land use, or industrial land use; or
 - (b) Any single structure on a single lot which contains 5 or more dwelling units; or
 - (c) Any single structure on a single lot which contains either 2 or more different types of institutional land uses as listed in Section 17.056(3), or 2 or more different types of commercial land uses as listed in Section 17.056(4), or 2 or more different types of storage/disposal land uses as listed in Section 17.056(5), or 2 or more different types of transportation land uses as listed in Section 17.056(6), or 2 or more different types of industrial land uses as listed in Section 17.056(7). Common examples of group developments include 6-unit apartment buildings, apartment complexes, condominium complexes, a single building shopping center with different types of commercial land uses within the center, and a multiple-building office center. (One-building office structures, one-building indoor sales centers, and a 4-unit apartment building are not group developments.) Mixing different types of land uses such as residential and commercial or commercial and industrial uses on the same lot is not allowed as a group development but may be allowed through the establishment of a Unified Development District.
- (2) *Regulation of Group Developments:* Group developments are allowed as a conditional use in all zoning districts. Any land use that is allowed as a permitted or conditional use within the applicable zoning district in which the group development is proposed to be located may be allowed to locate within the proposed group development. If a group development is proposed to be located in more than one standard zoning district, only those uses which are allowed within each particular zoning district may be considered for establishment in the respective portion of the proposed group development. Uses within each zoning district must conform to the allowable uses for the district. The land use regulations of this Section, as well as Section 17.056 and all other applicable provisions of this Chapter shall apply to the group development. The requirements of Section 17.225 shall apply to the review of proposals for group developments.
- (3) *Specific Development Standards for Group Developments.*
- (a) All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.
 - (b) Each individual land use shall have a rear or side entrance that is accessible to a loading or service drive. Said service drive shall have a minimum width of 26 feet. Said service drive shall not be part of the vehicle circulation network used by customers.
 - (c) The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.
 - (d) No group development shall take access to a local residential street.
 - (e) All development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building envelopes which serve to demonstrate complete compliance with

said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).

- (4) *Discrimination Against Condominium Forms of Ownership.* It is not the intent of this Section, nor any other provision of this Chapter, to discriminate against condominium forms of ownership in any manner which conflicts with §703.27, Wis. Stats. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically identical forms of development.

Section 17.059 - Minimum Standards for Single-family Detached Dwellings and Duplexes.

- (1) *Residential Design.* To protect and enhance the quality of Rib Mountain's residential living environment a minimum level of residential design comparability is hereby established. The standards set forth in this section shall apply to all single-family detached dwellings and duplexes constructed after the effective date of this section of the zoning ordinance.
- (a) *Roof.* All dwellings shall have a roof with a pitch of at least 3 inches in height for each foot of width and an eave which extends at least 6 inches from the wall which supports the roof. All dwellings, accessory garages and carports shall have a roof surfaced with any of the following:
- (1) Wood shakes;
 - (2) Asphalt;
 - (3) Composition or wood shingles;
 - (4) Clay, concrete or metal tiles;
 - (5) Slate;
 - (6) Built-up gravel materials.
 - (7) Architectural standing seam metal roofing. (Cr. #2007-04)
- (b) *Siding.* The exterior sides of all dwellings, and accessory garages and carports, shall be covered with siding made of wood, masonry, concrete, stucco, masonite, vinyl or metal lap. The exterior siding shall extend to the top of the foundation. If the top of the foundation is below grade, the siding shall extend to the ground.
- (c) *Foundation.* All dwellings shall be placed on an enclosed permanent foundation which does not extend more than 24 inches above the exterior finished grade of the lot. Exception: When the grade of the lot slopes, only that portion of the foundation which is on the highest point of the lot must meet the requirements of this subsection.
- (d) *Minimum Width.* The side of any dwelling facing the front yard shall not be less than 24 feet in width. Attached garages, carports and open decks shall not be included in the measurement of the width of the front yard side of a dwelling.
- (e) *Ratio of Length to Width.* The ratio of a dwelling's length to its width shall be no greater than 5 to 2. A 24 foot long dwelling must be at least 9 feet 7 inches wide.
- (f) *Minimum Gross Floor Area.* Every dwelling shall contain a minimum gross floor area of not less than 800 square feet.
- (g) *Garage Construction Required.* All single-family detached dwellings and duplexes shall have constructed on the same lot as the dwelling, a garage, as defined in [Section 17.024](#), of at least 400 square feet of floor area for each dwelling unit.
- (2) *Waivers for New Construction and Building Additions.* One or more of the minimum design standards set forth herein may be waived through the conditional use process in [Section 17.225](#) upon a finding that the architectural style of the proposed structure provides compensating design features and that the proposed dwelling will be compatible and harmonious with other dwellings in the vicinity.
- (3) *Canopy/Tent-Like Structures.* (Cr. #2007-04) Canopy/tent-like structures are specifically prohibited, as not meeting the design standards of this section.

SUBCHAPTER 17-V: - DENSITY AND INTENSITY REGULATIONS

Section 17.071 - Purpose.

The purpose of this Subchapter is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site. The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development.

Rationale: This Subchapter regulates the development potential of all property within the Town. This Subchapter is designed to ensure the implementation of many goals and objectives of the Town of Rib Mountain Comprehensive Master Plan. (See also, [Section 17.005](#) of this Chapter.) Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such approaches provide for a minimum flexibility of site design options, which in turn results in land use inefficiencies, forced site planning, and/or the needless destruction of sensitive natural resources. The approach employed by this Subchapter, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district) results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals and objectives.

Section 17.072 - How to Use this Subchapter.

This Subchapter contains the standards which determine the maximum amount of development permitted on any given site. Prior to using the provisions of this Subchapter to determine the development potential of a given property, the guidelines provided by [Section 17.076](#)(1) through (3) should be reviewed. This Subchapter recognizes inherent differences between residential and nonresidential land uses, and thus regulates their development in slightly different manners. The description of the process addressing residential development in [Section 17.076](#)(1) and (2) refers to the requirements of [Section 17.074](#), Residential Density Standards. The description of the process addressing nonresidential development in [Section 17.076](#)(1) and (3) refers to the requirements of [Section 17.075](#), Nonresidential Intensity Standards.

Section 17.073 - Required Natural Resources Site Evaluation.

- (1) *Purpose.* An important goal of the Town of Rib Mountain Comprehensive Master Plan is the protection of natural resources which are sensitive to disruption caused by development and/or other land use activities. These resources include: Floodways, Floodway Fringes, Floodplain Conservancy Areas, Wetlands, Drainageways, Lakeshores, Steep Slopes, and Woodlands. (These resources are defined in Subchapter 17-VII.) These resources serve important functions which are lost when these areas are subject to development and/or other land use activities, in the absence of correct mitigation approaches. In many instances, these functions cannot be provided by other natural or man-made features. Specific broad categories of such functions include the: protection and enhancement of air, surface water, ground water, and soil quality; habitat provision and diversification; aesthetic diversification; and buffering effects.
- (2) *Mitigation.* In certain instances, natural features can accommodate development and/or other land use activities without a significant loss of their functional benefits if proper mitigation practices are employed. (Subchapter 17-VII Natural Resource Protection Regulations, provides detailed standards regarding permitted mitigation techniques and requirements.) [Section 17.073](#)(3) continues with the Natural Resources Site Evaluation Worksheet on the following page.

(3) *Natural Resources Site Evaluation Worksheet.*

(a) Determine the *Gross Site Area* (GSA) of the Site:

1. Total Site Area as determined by actual on-site survey: _____ acres
2. Subtract area located within proposed expanded rights-of-ways of existing roads, and within proposed boundaries of public facilities designated within the Town's Comprehensive Master Plan and/or required for dedication per Subdivision regulations: - _____ acres
3. Subtract land which although part of the same parcel is not contiguous to, or is not accessible from, the proposed road network serving the project. _____ - acres

4. Subtract land which is proposed for a different development option or a different zoning district. - _____ acres
5. Subtract area of navigable waters (lakes & streams). - _____ acres
6. Equals Gross Site Area (GSA) = _____ acres

(b) Determine the *Required Resource Protection Area* (RPA) of the Site:

1. Portion of Gross Site Area containing Floodways. _____ acres
2. Portion of Gross Site Area containing Floodway Fringes. + _____ acres
3. Add portion of Gross Site Area containing Wetlands. + _____ acres
4. Add portion of Gross Site Area containing Drainageways. + _____ acres
5. Add portion of Gross Site Area containing Lakeshores. + _____ acres
6. Add portion of Gross Site Area containing Woodlands. + _____ acres
7. Add portion of Gross Site Area containing Steep Slopes. + _____ acres
8. Portion of Gross Site Area containing Recharge Areas. + _____ acres
9. Subtract portions of natural resource areas ((b)1. through (b)8., above) to be made developable by using approved environmental mitigation techniques presented in Subchapter 17-VII, below. - _____ acres
10. Equals Required Resource Protection Area (RPA). = _____ acres

(c) Determine the *Net Developable Area* (NDA) of the Site:

1. Enter Gross Site Area (GSA) {from (1)f., above} _____ acres
2. Subtract Required Resource Protection Area (RPA) {from (b)10., above}. - _____ acres
3. Equals Net Developable Area (NDA). = _____ acres

Section 17.074 - Residential Density Standards.

KEY TO TABLE 17.074

ZONING DISTRICT	MAXIMUM GROSS DENSITY	MINIMUM LOT AREA
Regulates the type of uses permitted on the site. <u>Section 17.035</u> describes each Zoning District. Table <u>17.053</u> provides a detailed listing of all uses permitted in each Zoning District. Sections <u>17.055</u> and <u>17.056</u> provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map. (See <u>Section 17.033</u>).	Is the maximum number of dwelling units permitted on one acre of Gross Site Area in the specific Zoning District and Development Option. Gross Site Area is calculated in Subsection <u>17.073(3)(a)</u> .	is the minimum size lot permitted within the specified Zoning District and Development Option. This requirement limits the type of dwelling unit permitted. (Refer to <u>Section 17.053</u> to match minimum lot sizes with dwelling unit types.) Specific dwelling unit regulations are given in <u>Section 17.093</u> .

ZONING DISTRICT	DEVELOPMENT OPTION	MAXIMUM GROSS DENSITY	MINIMUM LOT AREA (MLA)	MINIMUM SITE AREA (MSA)

RURAL AG (RA-35ac)	Conventional	.03	35 acres	35 acres
COUNTRY-SIDE RESIDENTIAL (CR-5ac)	Conventional	.20	5 acres	5 acres

DEVELOPMENT OPTION	MINIMUM SITE AREA
Describes the maximum level of clustering and the minimum proportion of permanently protected green space area permitted on the site.	Is the minimum Gross Site Area (GSA) in which the specified Development Option is allowed.
(Refer to Subsection <u>17.056</u> for a full description of each development option and specific regulations which apply to its use.)	
(Refer to Table <u>17.053</u> to determine how each development option is regulated.)	

TABLE <u>17.074</u> TOWN OF RIB MOUNTAIN RESIDENTIAL DENSITY STANDARDS				
ZONING DISTRICT	DEVELOPMENT OPTION	MAXIMUM GROSS DENSITY (MGD)	MINIMUM LOT AREA (MLA)	MINIMUM SITE AREA (MSA)
RURAL AG (RA-35ac)	Conventional	.03	35 acres	35 acres
COUNTRY-SIDE RESIDENTIAL (CR-5ac)	Conventional	.20	5 acres	5 acres
ESTATE RESIDENTIAL (ER-1)	Conventional	1.00	40,000 sf	40,000 sf
SUBURBAN RESIDENTIAL (SR-2)	Conventional	2.00	20,000 sf	20,000 sf

SUBURBAN RESIDENTIAL (SR-3)	Conventional	2.60	15,000 sf	15,000 sf
SUBURBAN RESIDENTIAL (SR-4)	Conventional	4.30	10,000 sf	10,000 sf
MIXED RESIDENTIAL (MR-4)	Conventional	4.00	10,000 sf	10,000 sf
	Mobile Home Dev.	4.00	15,000/ 20,000 sf	10 acres
	Mobile Home Park	4.00	15,000/ 20,000 sf	10 acres
URBAN RESIDENTIAL (UR-8)	Conventional	8.00	3,600 sf	3,600 sf

Section 17.075 - Nonresidential Intensity Standards.

KEY TO TABLE 17.075

ZONING DISTRICT	MAXIMUM FLOOR AREA RATION (FAR)	MAXIMUM BUILDING SIZE
Regulates the type of uses permitted on the site. <u>Section 17.035</u> describes each Zoning District. Table <u>17.053</u> provides a detailed listing of all uses permitted in each Zoning District. Sections <u>17.055</u> and <u>17.056</u> provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map. (See <u>Section 17.033</u> .)	Is the maximum permitted ratio calculated by dividing the gross floor area of all buildings on a site by the Gross Site Area (GSA). "Gross Floor Area" is defined in <u>Section 17.024</u> .	The maximum total Gross Floor Area which a building is permitted to contain. "Gross Floor Area" is defined in <u>Section 17.024</u>

ZONING DISTRICT	MAX. NUMBER OF FLOORS (F)	MIN. LAND-SCAPE SURFACE RATIO (LSR)	MAX. FLOOR AREA RATIO (FAR)	MIN. LOT AREA (MLA)	MAX. BLDG SIZE (MBS)
-----------------	---------------------------	-------------------------------------	-----------------------------	---------------------	----------------------

NEIGHBORHOOD COMMERCIAL (NC)	1	.250	.250	5,000 sf	15,000 sf
	2	.300	.275	10,000 sf	15,000 sf
SUBURBAN COMMERCIAL (SC)	1	.250	.250	1 acre*	na
	2	.300	.275	2 acres	na
	3	.330	.290	3 acres	na
	4	.350	.300	4 acres	na

MAXIMUM NUMBER OF FLOORS	MINIMUM LANDSCAPE SURFACE AREA RATIO	MINIMUM LOT AREA
Is the maximum number of habitable floors a building is permitted to contain. "Full floors" is defined in Section 17.024 .	Is the minimum permitted portion of the Gross Site Area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the landscaped area of the site by the Gross Site Area (GSA). GSA is calculated in Section 17.073(3)(a) . "Landscaped area" is defined in Section 17.024 .	Is the minimum size floors a lot permitted in the specified Zoning District for a building with the listed number of floors.

ZONING DISTRICT	MAX. NUMBER OF FLOORS (F)	MIN. LANDSCAPE SURFACE RATIO (LSR)	MAX. FLOOR AREA RATIO (FAR)	MIN. LOT AREA (MLA)	MAX. BLDG SIZE (MBS)
RURAL AG (RA-35ac)	1	.700	.100	5 acres	na
COUNTRYSIDE RES. (CR-5ac)	1	.700	.100	5 acres	na
ESTATE RES. (ER-1)	1	.700	.100	5 acres	na
SUBURBAN RESIDENTIAL (SR-2)	1	.550	.150	3 acres	na
SUBURBAN RESIDENTIAL (SR-3)	1	.550	.150	3 acres	na
MIXED RESIDENTIAL (MR-4)	1	.400	.200	2 acres	na
	2	.450	.220	2 acres	na
URBAN RESIDENTIAL (UR-8)	1	.250	.250	1 acre	na
	2	.300	.275	1 acre	na
ESTATE OFFICE (EO)	1 or 2	.500	.250	10,000 sf	na
SUBURBAN OFFICE (SO)	1	.250	.250	1 acre*	na
	2	.300	.275	2 acres	na
	3	.330	.290	3 acres	na
	4	.350	.300	4 acres	na
NEIGHBORHOOD COMMERCIAL (NC)	1	.250	.250	5,000 sf	15,000 sf
	2	.300	.275	10,000 sf	15,000 sf
SUBURBAN COMMERCIAL (SC)	1	.250	.250	1 acre*	na
	2	.300	.275	2 acres	na
	3	.330	.290	3 acres	na
	4	.350	.300	4 acres	na
URBAN COMMERCIAL (UC)	1	.100	.300	16,000 sf	na
	2	.150	.340	16,000 sf	na
	3	.190	.345	16,000 sf	na
	4	.200	.350	16,000 sf	na

CENTRAL COMMERCIAL (CC)	1	.000	1.000	2,400 sf	na
	2	.000	2.000	2,400 sf	na
	3	.100	2.500	2,400 sf	na
	4	.200	3.000	2,400 sf	na
SUBURBAN INDUSTRIAL (SI)	1	.250	.700	1 acre*	na
	2	.300	.750	2 acres	na
	3	.330	.800	3 acres	na
	4	.350	.850	4 acres	na
URBAN INDUSTRIAL (UI)	1	.100	.800	10,000 sf	na
	2+	.200	1.000	10,000 sf	na
HEAVY INDUSTRIAL (HI)	1	.000	.850	4,800 sf	na
	2+	.000	1.000	4,800 sf	na

*Reduction in Lot Area from one acre to 20,000 square feet is permitted as a Conditional Use per Section 17.225 with site plan for end use of the property demonstrating full compliance with all of the requirements of this Chapter.

Section 17.076 - Detailed Instructions for Intensity and Density Regulations.

(1) *For Both Residential, and Nonresidential, Development:*

(a) *Check Planning Recommendations for the Subject Property.*

1. *Check Comprehensive Plan Recommendations.* The Town's Comprehensive Plan should be checked for implications related to the subject property, particularly the: Land Use and Transportation Plan Map. (Copies of the Comprehensive Plan are available at the Town's Zoning Administrator.) From time to time, the Comprehensive Plan may be amended. The Town's Zoning Administrator should be consulted regarding changes to the Comprehensive Plan which may effect the subject property or its environs.
2. *Check Official Map Recommendations.* The Town's Official Map should be checked for proposed capital facilities and dedication requirements including schools, parks, stormwater management facilities and street improvements) which may effect the subject property. The Official Map is on display at the Town's Zoning Administrator. From time to time the Official Map may be amended. The Town's Zoning Administrator should be contacted regarding changes to the Map which may effect the subject property or its environs.

(b) *Check the Zoning of the Subject Property.* The potential amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The subject property should be identified on the Town's Official Zoning Map (See Section 17.033.), and the current zoning designation should be compared with the description of that district provided in Section 17.035. The Official Zoning Map is on display at the Town Hall. From time to time, the Official Zoning Map may be amended. The Zoning Administrator should be contacted regarding potential changes in the Official Zoning Map which may effect the subject property or its environs.

(c) *Complete a Natural Resources Site Evaluation for the Site.* The effect of protected natural resources on the development potential of the subject property should be evaluated. All resources listed in Section 17.073, Required Natural Resources Site Evaluation, should be identified on the subject property, located on a map (or air photo) of the subject property, and the total area of the property (in acres) covered by those resources, known as Required Resource Protection Area (RPA) should be determined, as should the Gross Site Area (GSA) and the Net Developable Area (NDA) of the subject property. (Subsection 17.073(3) contains a worksheet to simplify these calculations.) The Zoning Administrator should be contacted if assistance is desired in completing these calculations.

(2) *For Residential Development.* (For Steps (a) through (c), see (1), above.)

(d) *Determine What Types of Dwelling Units are Permitted.* Page 1 of the Table of Land Uses (Section 17.053) should be checked to determine which types of dwelling units are permitted within the zoning district for the subject property. (Section 17.093 describes each dwelling unit type.)

(e) *Identify the Desired Permitted Development Option.* Page 1 of the Table of Uses (Section 17.053) should also be checked to determine which types of development options are permitted within the zoning district for the subject property. Each development option is described in detail in Subsection 17.056(1). The selection of a particular development option may be

related to the preponderance of sensitive natural resource areas on the site, or may reflect current or projected residential market conditions and the dwelling unit types they call for. After the desired permitted development option is identified, Section 17.074, Residential Density Standards, should be referred to for the selected development option in the identified zoning district(s).

- (f) *Check Minimum Site Area Requirement Against the Gross Site Area.* The required Minimum Site Area (MSA), given in Section 17.074 (Residential Density Standards) for the development option selected in (e), and in the zoning district identified in (b), should be compared with the Gross Site Area (GSA) required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the GSA is less than the MSA required by the selected development option, then a different development option must be selected, or additional property should be acquired.
 - (g) *Determine Maximum Gross Density Permitted on the Site.* The Maximum Gross Density (MGD), given in Section 17.074 (Residential Density Standards) for the development option selected in (e) and the zoning district identified in (b), above, should be noted. This number is used in Step (h), below.
 - (h) *Determine the Maximum Number of Units Permitted on the Site* The Maximum Gross Density (MGD), identified in (g), above, multiplied by the Gross Site Area (GSA) calculated in Step (c), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the selected zoning district. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.
 - (i) *Check the Minimum Permitted Lot Area Against Table 17.053* The Minimum Lot Area (MLA) requirement given in Section 17.074 (Residential Density Standards), is the smallest size lot permitted within the selected development option within the selected zoning district. The MLA must equal or be less than the lot size requirement for the type of dwelling unit proposed for the project in Step (d), above. If the MLA given in Section 17.053 is larger than the lot size requirement given in Step (d), then a dwelling unit type with a larger lot size must be selected (in which case, it may be advantageous to repeat Steps (d) through (i) using a different dwelling unit type and a different development option).
- (3) *Nonresidential Development.* For Steps (a) through (c), see (1), above. Section 17.075 contains a key to assist with the procedure described below.
- (d) *Determine What Types of Land Uses are Permitted.* The Table of Uses (Section 17.053) should be checked to determine which types of land uses are permitted within the zoning district present on, or proposed for, the subject property. A complete description of each land use is presented in Section 17.056.
 - (e) *Identify the Desired Development Option (Number of Floors).* Section 17.075 (Nonresidential Intensity Standards) presents a detailed listing of the development options available for nonresidential development in each zoning district. Each development option is based on a particular combination of Maximum Number of Floors (#F), Minimum Landscape Surface Ratio (LSR), and Maximum Floor Area Ratio (FAR). The selection of a particular development option may be related to the presence of sensitive natural resource areas on the site, or may reflect current or projected nonresidential market conditions and the types of buildings they call for.
 - (f) *Check Minimum Lot Area Requirement Against Gross Site Area Present on the Subject Property.* The required Minimum Lot Area (MLA), given in Section 17.075 (Nonresidential Intensity Standards) for the development option selected in (e), and in the zoning district identified in (b), should be compared with the Gross Site Area (GSA) required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the GSA is less than the MLA required by the selected development option, then additional property should be acquired. In other words, the GSA (from (c)) must be greater than or equal to the MLA (from (e)).
 - (g) *Check Minimum Landscape Surface Ratio Requirement Against the Required Resource Protection Area Present on the Subject Property.* The required Landscape Surface Ratio (LSR), given in Section 17.075 (Nonresidential Intensity Standards) for the development option selected in (c), and in the zoning district identified in (b), should be multiplied by the Gross Site Area (GSA) used in Step (f), above. The resulting product is the area of the site which must be permanently protected as green space. This area should be compared with the Required Resource Protection Area (RPA) required on the subject property as determined under the Natural Resource Site Evaluation in Step (c), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required in the selected development option, then a

development option requiring more floors may have to be used in order to approach maximum development potential on the site. In other words, if the RPA (from (c)) is greater than the LSR (from (5)), a taller development option may permit the development of more floor area on the subject property.

- (h) *Determine Maximum Floor Area Ratio Permitted on the Site.* The Maximum Floor Area Ratio (FAR), given in Section 17.075 (Nonresidential Intensity Standards) for the development option selected in (e) and the zoning district identified in (b), above, should be noted. This number will be used in Step (i), below.
- (i) *Determine the Maximum Floor Area Permitted on the Site.* The Maximum Floor Area Ratio (FAR), identified in (h), above, multiplied by the Gross Site Area (GSA) calculated in Step (c), above, equals the maximum square footage of gross floor area permitted on the subject property under that development option within that zoning district. The ability to actually develop this amount of floor area is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a smaller amount of area actually fitting on the site.
- (j) *Check the Maximum Building Size Requirement (NC District).* The Maximum Building Size (MBS) requirement given in Section 17.075, Nonresidential Intensity Standards, is the largest size building permitted within the selected development option within the Neighborhood Commercial (NC) District. The MBS must equal or be greater than the building size proposed for the project in Step (i), above. If the MBS given in Section 17.075 is smaller than the proposed building size calculated in Step (i) above, then a smaller building must be built, or the use of additional buildings should be considered.

Rationale: Each nonresidential zoning district permits a slight variation in maximum Floor Area Ratio (FAR) depending upon the type of development option used. As the minimum required Landscape Surface Ratio (LSR) increases within each zoning district (based on the development option selected), the FAR increases. This intensity incentive is based on 2 principles: First, the combinations of FAR and LSR requirements for the various development options within each zoning district are designed to result in a consistent community character of development within that district; second, the intensity incentive is designed to compensate for potential per square foot price reductions associated with smaller FARs in developments providing significant amounts of required green space. The Minimum Lot Area (MLA) requirements for each development option within each zoning district are used to ensure that a consistency of neighborhood character within each development option is maintained and that maximum permitted Floor Area Ratios (FARs) are approachable, if not completely attainable, under efficient site design practices. Finally, the Maximum Building Size (MBS) requirements ensure that development within the Neighborhood Commercial (NC) District retains a neighborhood function and maintains a scale which is compatible with nearby residential development.

SUBCHAPTER 17-VI: - BULK REGULATIONS

Section 17.091 - Purpose.

The purpose of this Subchapter is to indicate the requirements for building location and bulk in both residential and nonresidential developments. The provisions of this Subchapter interact closely with the provisions of Subchapter 17-V, Density and Intensity Regulations.

Section 17.092 - How to Use this Subchapter.

This Subchapter contains the standards which determine the location and height of buildings on any given site. Prior to using the provisions of this Subchapter to determine the potential layout of a given project, the recommendations provided below should be reviewed. This Subchapter recognizes inherent differences between residential and nonresidential projects, and thus regulates their development in slightly different manners. The description of the process addressing residential property in Subsections (1) and (2) below, refers to the requirements of Section 17.093, Residential Bulk Standards. The description of the process addressing nonresidential property in Subsections (1) and (3) below, refers to the requirements of Section 17.094, Nonresidential Bulk Standards.

- (1) *For Both Residential, and Nonresidential, Development.*
 - (a) *Identify the Zoning District and Development Option to Govern Development of the Subject Property.* For buildable lots, the Official Zoning Map should be consulted to determine the zoning of the subject property. For proposed developments, the operations required in Subchapter 17-V should be performed in order to identify the applicable zoning district and

development option. Section 17.076 contains a detailed step-by-step description of the recommended procedure for determining the applicable zoning district and development option.

- (b) *Note the Identified Zoning District and Development Option Applicable to the Subject Property.* The applicable zoning district and development option identified for the subject property per Subsection (a), above, should be noted. The development option for residential development determines the Minimum Lot Area (MLA) permitted within the development. This is the key item of information for determining residential bulk regulations. The development option for nonresidential development determines the Maximum Number of Floors (#F) permitted within the development. This is the key item of information for determining nonresidential bulk regulations.
- (2) *For Residential Development.* For Steps (a) and (b), see (1), above.
 - (c) *Determine the Dwelling Unit Type(s) to be Used.* Data for residential bulk standards are presented in a series of illustrations in Section 17.093, with each illustration pertaining to a specific dwelling unit type and its minimum lot size. The type(s) of dwelling unit(s) identified for use in Subsection (a), above, should be used to identify the pertinent subsections of Section 17.093.
 - (d) *Identify the Bulk Standards for Each Dwelling Unit Type.* Each page of Section 17.093 contains information for all bulk standards applicable to each dwelling unit type. All residential development within a proposed project must conform to the standards of Section 17.093, unless a variance is granted in accordance with Section 17.230 of this Chapter.
- (3) *For Nonresidential Development.* For Steps (a) and (b), see (1), above.
 - (c) *Determine the Type(s) of Development Options to be Used.* Data for all nonresidential bulk standards are presented in Table 17.094, with each row of the Table pertaining to a specific zoning district and development option. The type(s) of development option(s) identified for use in Subsection (a), above, should be used to identify the pertinent portions of Section 17.094.
 - (d) *Identify the Bulk Standards for Each Development Option.* Each row of Table 17.094 contains information for all bulk standards applicable to each development option. All nonresidential development within a proposed project must conform to the standards of Section 17.094, unless a variance is granted in accordance with Section 17.230 of this Chapter.

Section 17.093 - Residential Bulk Standards.

All residential lots created and dwellings constructed or expanded on these lots shall comply with the minimum standards of this Section. These minimum standards are related to the land uses allowed in each of the Standard Zoning Districts as described in Section 17.035. For purposes of enforcing the residential bulk standards, a story does not include a basement, cellar nor any other portion of a structure having all or part of its floor below the grade of the adjoining ground. (Continued on the next page.)

TABLE 17.093: SUMMARY OF TOWN OF RIB MOUNTAIN RESIDENTIAL BULK STANDARDS

RESIDENTIAL DISTRICT	DWELLING UNIT TYPE	MIN ⁶ LOT AREA (sq ft)	MIN LOT WIDTH (ft)	MINIMUM SETBACKS						MIN ⁷ DWELLING SEPARATION (ft)	MAX BUILDING HEIGHT (ft)	
				BLDG. TO FRONT/ STREET (ft)	BLDG. to SIDE LOT LINE abutting ¹		BLDG. to REAR LOT LINE abutting ²		LOT LINE to PAVEMENT (ft) ⁶		HOME (ft)	ACCESSORY BLDG. (ft)
					HOME (ft)	ACCESSORY BLDG. (ft)	HOME (ft)	ACCESSORY BLDG. (ft)				
RA-35	Single-Family	35 acres	150	35	40	10	35	10	5/10	80	50	25

CR-5	Single-Family	5 acres	150	35	35	10	35	10	5/10	70	50	25
ER-1	Single-Family	40,000	125	35	20	10	35	10	5/10	40	35	18
SR-2	Single-Family	20,000	100	35	10 or 15	10	35	10	5/10	20 to 30	35	18
SR-3	Single-Family	15,000	100	35 ⁸	10 or 12	10	35	10	5/10	20 to 24	35	18
SR-4/MR-4	Single-Family	10,000	66	35 ⁸	10 or 12	10	25	10	5/10	20 to 24	35	18
MR-4	Village House	5,000	50	35	10 or 12	10	25	10	5/10	20 to 24	35	18
MR-4	Twin/Duplex Hse	(10,000)	(50) ⁴	35	0 10 or 12	10	35	10	5/10	0 20 to 24	35	18
MR-4/UR-8	Two-Flat	(5,000)	100	35	10 or 12	10	35	10	5/10	20 to 24	35	18
MR-4/UR-8	Atrium House	3,600	35	35	0 or 10	10	35	10	5/10	0 or 10	18	18
MR-4/UR-8	Weak Link TH	2,800	30	35	0 or 12	10	35	10	5/10	0 or 24	18 ³ 35	18
MR-4/UR-8	Townhouse	2,400	20	35	0 or 12	10	35	10	5/10	0 or 24	35	18
MR-4/UR-8	Multiplex	na	60	35	0 10 or 12	10	35	10	5/10	0 20 to 24	35	18
MR-4/UR-8	Apartment	na	50	35	0 10 or 12	10	35	10	5/10	0 20 to 24	35	18
MR-4	Mobile Home	20,000/ 15,000	100	35	10 or 12	10	35	10	5/10	20 to 24	35	18

¹ Refer also to the requirements for bufferyards for the specific land use in Section 17.056 and for zoning districts in Section 17.150.

² Refer also to the requirements for bufferyards for the specific land use in [Section 17.056](#) and for zoning districts in [Section 17.150](#).

³ Each Weak-Link Townhouse Unit must have a one-story section.

⁴ Parentheses () indicate minimum lot area or minimum lot width per dwelling unit.

⁵ Measured from existing or officially mapped r-o-w line, whichever is farthest from the center line of the street. For lots located adjacent to a street with an officially mapped or existing r-o-w equal to 100 feet, an additional 10 feet of setback is required. (See [Section 17.095\(1\)\(a\)](#).)

⁶ Minimum of 5 feet from a side or rear yard (check bufferyard requirements also), minimum of 10 feet from a public street, except where driveway intersects public street.

⁷ As measured from a 1-story portion/or a 2-story portion of the structure. See standards for individual development types.

⁸ See [Section 17.095\(2\)](#) for adjustments.

- (1) *Single-Family Detached House 35 acre lot.* This dwelling unit type consists of a fully detached, single-family residence which is located on an individual lot or within a building envelope. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of [Section 17.074](#) (Residential Density Standards).

Bulk Standards (See [Table 17.093](#))

A: Minimum Lot Area 35 acres

B: Minimum Lot Width 150 feet

C: Maximum Floor Area Ratio (FAR) .02

D: Minimum Landscape Surface Ratio (LSR) .90

Minimum Setbacks: (See also Sections [17.146](#) and [17.150](#).)

E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially-Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially-Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 40 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage 80 feet

I: Rear Lot Line to House or Attached Garage 35 feet

J: Side Lot Line to Accessory Structure 10 feet

K: Rear Lot Line to Accessory Structure 10 feet

L: Peripheral Setback not applicable

M: Minimum Paved Surface Setback 5/10 feet; also see [Section 17.172\(9\)](#)

N: Minimum Dwelling Unit Separation 80 feet

O: Maximum Height of Dwelling Unit 50 feet

P: Maximum Height of Accessory Structure 25 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot

(Includes garage, drives, and all designated parking surfaces):

4 spaces if located on street with standard pavement width

8 spaces if located on street with reduced pavement width

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

- (2) *Single-Family Detached House 5 acre lot.* This dwelling unit type consists of a fully detached, single-family residence, which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential Density Standards).

Bulk Standards (See Table 17.093)

A: Minimum Lot Area 5 Acres

B: Minimum Lot Width 150 feet

C: Maximum Floor Area Ratio (FAR) .06

D: Minimum Landscape Surface Ratio (LSR) .85

Minimum Setbacks: (See also Sections 17.146 & 17.150)

E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 35 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage 70 ft.

I: Rear Lot Line to House or Attached Garage 35 feet

J: Side Lot Line to Accessory Structure 10 feet

K: Rear Lot Line to Accessory Structure 10 feet

L: Peripheral Setback not applicable

M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)

N: Minimum Dwelling Unit Separation 70 feet

O: Maximum Height of Dwelling Unit 50 feet

P: Maximum Height of Accessory Structure 25 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot

(Includes garage, drives, and all designated parking surfaces):

4 spaces if located on street with standard pavement width

8 spaces if located on street with reduced pavement width

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

- (3) *Reserved.*

- (4) *Reserved.*

- (5) *Single-Family Detached House 40,000 square foot lot.* This dwelling unit type consists of a fully detached, single-family residence, which located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential

Density Standards).

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area 40,000 square feet
- B: Minimum Lot Width 125 feet
- C: Maximum Floor Area Ratio (FAR) .15
- D: Minimum Landscape Surface Ratio (LSR) .75

Minimum Setbacks: (See also Sections 17.146 & 17.150)

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 20 feet
- H: Total of Both Sides, Lot Lines to House/Attached Garage 40 feet
- I: Rear Lot Line to House or Attached Garage 35 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback not applicable
- M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)
- N: Minimum Dwelling Unit Separation 40 feet
- O: Maximum Height of Dwelling Unit 35 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, and all designated parking surfaces):
 - 4 spaces if located on street with standard pavement width
 - 6 spaces if located on street with reduced pavement width
 Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

(6) *Reserved.*

(7) *Single-Family Detached House 20,000 square foot lot.* This dwelling unit type consists of a fully detached, single-family residence, which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential Density Standards).

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area 20,000 square feet
- B: Minimum Lot Width 100 feet
- C: Maximum Floor Area Ratio (FAR) .20
- D: Minimum Landscape Surface Ratio (LSR) .65

Minimum Setbacks: (See also Sections 17.146, 17.150 and 17.095(2) for adjustments)

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F:

Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 10 feet for one story or 15 feet for 2

H: Total of Both Sides, Lot Lines to House/Attached Garage 20 to 30 feet, per G

I: Rear Lot Line to House or Attached Garage 35 feet

J: Side Lot Line to Accessory Structure 10 feet

K: Rear Lot Line to Accessory Structure 10 feet

L: Peripheral Setback not applicable

M: Minimum Paved Surface Setback 5/10 feet; also see [Section 17.172\(9\)](#)

N: Minimum Dwelling Unit Separation 20 to 30 feet, per G

O: Maximum Height of Dwelling Unit 35 feet

P: Maximum Height of Accessory Structure 18 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot

(Includes garage, drives, & all designated parking surfaces): 4

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with [Section 17.174\(7\)\(e\)](#).

- (8) *Single-Family Detached House 15,000 square foot lot.* This dwelling unit type consists of a fully detached, single-family residence, which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of [Section 17.074](#) (Residential Density Standards).

Bulk Standards (See Table [17.093](#))

A: Minimum Lot Area 15,000 square feet

B: Minimum Lot Width 100 feet

C: Maximum Floor Area Ratio (FAR) .28

D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections [17.146](#) and [17.150](#).)

E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 10 feet for one story or 12 feet for 2

H: Total of Both Sides, Lot Lines to House/Attached Garage 20 to 24 feet, per G

I: Rear Lot Line to House or Attached Garage 35 feet

J: Side Lot Line to Accessory Structure 10 feet

K: Rear Lot Line to Accessory Structure 10 feet

L: Peripheral Setback not applicable

M: Minimum Paved Surface Setback 5/10 feet; also see [Section 17.172\(9\)](#)

N: Minimum Dwelling Unit Separation 20 to 24 feet, per G

O: Maximum Height of Dwelling Unit 35 feet

P: Maximum Height of Accessory Structure 18 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot

Includes garage, drives, & all designated parking surfaces): 4

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

- (9) *Single-Family Detached House 10,000 square foot lot.* This dwelling unit type consists of a fully detached, single-family residence, which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential Density Standards).

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area 10,000 square feet
- B: Minimum Lot Width 66 feet
- C: Maximum Floor Area Ratio (FAR) .30
- D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections 17.146, 17.150 and 17.095(2) for adjustments.)

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 10 feet for one story or 12 feet for 2
- H: Total of Both Sides, Lot Lines to House/Attached Garage 20 to 24 feet, per G
- I: Rear Lot Line to House or Attached Garage 25 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback not applicable
- M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)
- N: Minimum Dwelling Unit Separation 20 to 24 feet, per G
- O: Maximum Height of Dwelling Unit 35 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, and all designated parking surfaces): 3

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

SINGLE-FAMILY DETACHED HOUSE — General Illustrative Graphic for All Lot Sizes

- (10) *Reserved.*

- (11) *Village House 5,000 square foot lot.* This dwelling unit type consists of a fully detached, single-family residence, which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential Density Standards).

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area 5,000 square feet
- B: Minimum Lot Width 50 feet
- C: Maximum Floor Area Ratio (FAR) .40
- D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections [17.146](#) and [17.150](#).)

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 10 feet for one story or 12 feet for 2
- H: Total of Both Sides, Lot Lines to House/Attached Garage 20 to 24 feet, per G
- I: Rear Lot Line to House or Attached Garage 25 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback 30 feet
- M: Minimum Paved Surface Setback 5/10 feet; also see [Section 17.172\(9\)](#)
- N: Minimum Dwelling Unit Separation 20 to 24 feet, per G
- O: Maximum Height of Dwelling Unit 35 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, and all designated parking surfaces): 3

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with [Section 17.174\(7\)\(e\)](#).

VILLAGE HOUSE — 5,000 square foot lot

- (12) *Twin House 10,000 square foot lot (with each dwelling unit on its own lot) and Duplex House 20,000 square foot lot* (10,000 per each dwelling unit). These dwelling unit types consist of a single-family residence, which is attached on one side to another single-family residence. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The 2 residences may or may not be located on individual lots. The Twin House is distinguished from the Duplex House merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences. All units must be located within a development which conforms to the requirements of [Section 17.074](#) (Residential Density Standards).

Bulk Standards (See Table [17.093](#))

- A: Minimum Lot Area 10,000 square feet per dwelling unit
- B: Minimum Lot Width 50 feet
- C: Maximum Floor Area Ratio (FAR) .40
- D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections [17.146](#) & [17.150](#))

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot Adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 0 feet for zero lot line, 10 feet for one story or 12 feet for 2 stories
- H: Total of Both Sides, Lot Lines to House/Attached Garage 20 to 24 feet, per G
- I:

Rear Lot Line to House or Attached Garage 35 feet

J: Side Lot Line to Accessory Structure 10 feet

K: Rear Lot Line to Accessory Structure 10 feet

L: Peripheral Setback 10 feet

M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)

N: Minimum Dwelling Unit Separation (separate buildings) 0 feet, 20 to 24 feet, per G

O: Maximum Height of Dwelling Unit 35 feet

P: Maximum Height of Accessory Structure 18 feet

Q: Minimum Number of Off-Street Parking Spaces Required per Dwelling Unit

(Includes garage, drives, and all designated parking surfaces): 3

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

TWIN HOUSE — 10,000 square foot lot and DUPLEX HOUSE — 20,000 square foot lot

- (13) *Two-Flat House 10,000 square foot lot* (5,000 square feet per unit.) This dwelling unit type consists of a single-family residence, which has been converted into a two-family residence. The 2 residences are both located on the same lot or within the same group development. This dwelling unit type may not be split into additional residences. Where permitted, this use is a conditional use and must be approved through the procedures of Section 17.225.

Bulk Standards (See Table 17.093)

A: Minimum Lot Area 10,000 square feet (5,000 square feet per unit)

B: Minimum Lot Width 100 feet

C: Maximum Floor Area Ratio (FAR) .40

D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections 17.146 and 17.150)

E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage 10 feet for one story or 12 feet for 2

H: Total of Both Sides, Lot Lines to House/Attached Garage 20 to 24 feet, per G

I: Rear Lot Line to House or Attached Garage 35 feet

J: Side Lot Line to Accessory Structure 10 feet

K: Rear Lot Line to Accessory Structure 10 feet

L: Peripheral Setback not applicable

M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)

N: Minimum Dwelling Unit Separation 20 to 24 feet, per G

O: Maximum Height of Dwelling Unit 35 feet

P: Maximum Height of Accessory Structure 18 feet

Q: Minimum Number of Off-Street Parking Spaces Required per Dwelling

(Includes garage, drives, and all designated parking surfaces): 2.5

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

TWO-FLAT HOUSE — 10,000 square foot lot (5,000 square feet per unit)

- (14) *Atrium House 3,600 square foot lot.* This dwelling unit type consists of an attached, one-story, single-family residence, which has a private, individual access and is located on its own lot or within a group development. This dwelling unit can be considered a one-story townhouse. This dwelling unit type may not be split into additional residences. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. Each dwelling unit shall enclose its entire rear yard by an opaque fence which shall be a minimum of 6 feet high. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential Density Standards). No more than 6 and no less than 3 atrium house dwelling units may be attached per group. All atrium house units within a development shall be located a minimum of 30 feet from the boundary of the development.

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area 3,600 square feet
- B: Minimum Lot Width 35 feet
- C: Maximum Floor Area Ratio (FAR) .50
- D: Minimum Landscape Surface Ratio (LSR) .40

Minimum Setbacks: (See also Sections 17.146 and 17.150)

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 0 feet for zero lot line or 10 feet
- H: Total of Both Sides, Lot Lines to House/Attached Garage 0 feet or 10 feet, per G if unit located at end of attached row
- I: Rear Lot Line to House or Attached Garage 35 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback 30 feet
- M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)
- N: Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 feet, per G
- O: Maximum Height of Dwelling Unit 18 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, and all designated parking surfaces): 3

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

ATRIUM HOUSE — 3,600 square foot lot

- (15) *Weak-Link Townhouse 2,800 square foot lot.* This dwelling unit type consists of an attached, one-story and two-story, single-family residence which has a private, individual access and is located on its own lot or within a group development. This dwelling unit can be considered a townhouse with both a one-story, and a two-story, components. The one-story side of the unit shall be a

minimum of 10 feet wide, or 30% of the lot width, (whichever is greater). This dwelling unit type may not be split into additional residences. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. No more than 6 and no less than 3 weak-link townhouse dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of [Section 17.074](#) (Residential Density Standards). All weak-link townhouse units within a development shall be located a minimum of 30 feet from the development's boundary.

Bulk Standards (See Table [17.093](#))

- A: Minimum Lot Area 2,800 square feet
- B: Minimum Lot Width 30 feet
- C: Maximum Floor Area Ratio (FAR) .55
- D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections [17.146](#) & [17.150](#))

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 0 feet for zero lot line or 12 feet
- H: Total of Both Sides, Lot Lines to House/Attached Garage 0 feet, or 12 feet if unit is located at end of attached row, per G above
- I: Rear Lot Line to House or Attached Garage 35 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback 30 feet
- M: Minimum Paved Surface Setback 5/10 feet; also see [Section 17.172\(9\)](#)
- N: Minimum Dwelling Unit Separation (separate buildings) 0 feet or 24 feet, per G
- O: Maximum Height of Dwelling Unit 18/35 feet (each Weak-Link Townhouse must have a one-story section)
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, and all designated parking surfaces): 3

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with [Section 17.174\(7\)\(e\)](#).

WEAK-LINK TOWNHOUSE — 2,800 square foot lot

- (16) *Townhouse 2,400 square foot lot.* This dwelling unit type consists of an attached, two-story, single-family residence which has a private, individual access and is located on its own lot or within a group development. This dwelling unit type may not be split into additional residences. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. No more than 8 and no less than 3 townhouse dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of [Section 17.074](#) (Residential Density Standards). All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development.

Bulk Standards (See Table [17.093](#))

- A: Minimum Lot Area 2,400 square feet

- B: Minimum Lot Width 20 feet
- C: Maximum Floor Area Ratio (FAR) .60
- D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections [17.146](#) and [17.150](#))

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 0 feet for zero lot line or 12 feet
- H: Total of Both Sides, Lot Lines to House/Attached Garage 0 feet, or 12 feet if located at end of attached row, per G
- I: Rear Lot Line to House or Attached Garage 35 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback 30 feet
- M: Minimum Paved Surface Setback 5/10 feet; also see [Section 17.172\(9\)](#)
- N: Minimum Dwelling Unit Separation (separate buildings) 0 feet or 24 feet, per G
- O: Maximum Height of Dwelling Unit 35 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, and all designated parking surfaces): 3

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with [Section 17.174\(7\)\(e\)](#).

TOWNHOUSE — 2,400 square foot lot

- (17) *Multiplex.* This dwelling unit type consists of an attached, multi-family residence which has a private, individual access. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 6 and no less than 3 multiplex dwelling units may be attached per group. All units must be located within a development which conforms to the requirements of [Section 17.074](#) (Residential Density Standards). All multiplex units within a development shall be located a minimum of 30 feet from the boundary of the development.

Bulk Standards (See [Table 17.093](#))

- A: Minimum Lot Area not applicable
- B: Minimum Lot Width 60 feet
- C: Maximum Floor Area Ratio (FAR) .70
- D: Minimum Landscape Surface Ratio (LSR) .40

Minimum Setbacks: (See also Sections [17.146](#) and [17.150](#))

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot Adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 0 feet for zero lot line, 10 feet for one story or 12 feet for 2
- H: Total of Both Sides, Lot Lines to House/Attached Garage 0 feet, 20 to 24 feet, per G

- I: Rear Lot Line to House or Attached Garage 35 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback 30 feet
- M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)
- N: Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 to 24 feet, per G
- O: Maximum Height of Dwelling Unit 35 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required per Dwelling Unit:
(Includes garage and all designated parking surfaces):

Efficiency Unit: 1.5 spaces

One-Bedroom Unit: 2.0 spaces

Two-Bedroom+ Unit: 2.5 spaces

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

MULTIPLEX

- (18) *Apartment*. This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. A minimum one-hour fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 8 dwelling units and no less than 3 dwelling units, may be located in a building. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking, architectural elements, landscaping, and/or on-site recreational facilities. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential Density Standards). All apartment units within a development shall be located a minimum of 30 feet from the boundary of the development.

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area not applicable
- B: Minimum Lot Width 50 feet
- C: Maximum Floor Area Ratio (FAR) .70
- D: Minimum Landscape Surface Ratio (LSR) .40

Minimum Setbacks: (See also Sections 17.146 and 17.150)

- E: Front or Street Side Lot Line to House 35 feet, add 10 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Attached Garage 0 feet for zero lot line, 10 feet for one story or 12 feet for 2
- H: Total of Both Sides, Lot Lines to House/Attached Garage 0 feet or 20 to 24 feet, per G
- I: Rear Lot Line to House or Attached Garage 35 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback 30 feet

- M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)
- N: Minimum Dwelling Unit Separation (separate buildings) 0 feet or 20 to 24 feet, per G
- O: Maximum Height of Dwelling Unit 35 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required per Dwelling Unit:
(Includes garage and all designated parking surfaces): Efficiency Unit: 1.5 spaces

One-Bedroom Unit: 2.0 spaces

Two-Bedroom+ Unit: 2.5 spaces

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

APARTMENT

- (19) *Institutional Residential*. This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. All units must be located within a development which conforms to the requirements of Section 17.074 (Residential Density Standards). All institutional residential units within a development shall be located a minimum of 30 feet from the boundary of the development.

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area not applicable
- B: Minimum Lot Width 60 feet
- C: Maximum Floor Area Ratio (FAR) .70
- D: Minimum Landscape Surface Ratio (LSR) .40
- E: *Minimum Setbacks:*
 - Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to street with and officially mapped right-of-way equal to or exceeding 100 feet
 - F: Front or Street Side Lot Line to Attached Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - G: Side Lot Line to House or Attached Garage 10 feet for one story 12 feet for 2
 - H: Total of Both Sides, Lot Lines to House/Attached Garage 20 to 24 feet, per G
 - I: Rear Lot Line to House or Attached Garage 35 feet
 - J: Side Lot Line to Accessory Structure 10 feet
 - K: Rear Lot Line to Accessory Structure 10 feet
 - L: Peripheral Setback 30 feet
- M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)
- N: Minimum Dwelling Unit Separation (separate buildings) 20 to 24 feet, per G
- O: Maximum Height of Dwelling Unit 50 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage and all designated parking surfaces):

Varies, see Section 17.174 for detailed parking requirements

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

- (20) *Mobile Home.* (Also see Section 17.024, Definitions.) All units must be located within a Mobile Home Residential Development (See Section 17.056(1)(c)) or in a Mobile Home Park Residential Development (See Section 17.056(1)(d)) which conforms to the requirements of Section 17.074 (Residential Density Standards). Within 30 days of occupancy, the owner shall remove the axle and install skirting approved by the Building Inspector.

Bulk Standards (See Table 17.093)

- A: Minimum Lot Area 15,000 square feet on public sewer, 20,000 sf without
- B: Minimum Lot Width 100 feet
- C: Maximum Floor Area Ratio (FAR) .25
- D: Minimum Landscape Surface Ratio (LSR) .50

Minimum Setbacks: (See also Sections 17.146 & 17.150)

- E: Front or Street Side Lot Line to House 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F: Front or Street Side Lot Line to Garage 35 feet, add 10 more feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G: Side Lot Line to House or Garage 10 for one story or 12 feet for 2 stories
- H: Total of Both Sides, Lot Lines to House/Garage 20 to 24 feet, per G
- I: Rear Lot Line to House or Garage 35 feet
- J: Side Lot Line to Accessory Structure 10 feet
- K: Rear Lot Line to Accessory Structure 10 feet
- L: Peripheral Setback not applicable
- M: Minimum Paved Surface Setback 5/10 feet; also see Section 17.172(9)
- N: Minimum Dwelling Unit Separation 20 to 24 feet, per G
- O: Maximum Height of Dwelling Unit 35 feet
- P: Maximum Height of Accessory Structure 18 feet
- Q: Minimum Number of Off-Street Parking Spaces Required on the Lot
(Includes garage, drives, and all designated parking surfaces): 3

Parking spaces shall not be located closer than 10 feet to a lot line except those established in compliance with Section 17.174(7)(e).

Section 17.094 - Nonresidential Bulk Standards.

All nonresidential lots created and buildings constructed or expanded on these lots shall comply with the standards of this Section unless other bulk standards for the specific use are provided in Subchapter IV or in other provisions of this Chapter. The standards of this Section are related to the specific zoning district and development option used. Table 17.053 and Table 17.075 relate each use with each zoning district and development option.

The following table, 17.094, presents the standards for nonresidential bulk regulations.

Rationale: The maximum permitted height restriction of 35 feet is based upon the fire-fighting equipment available to the Fire Department as of the effective date of this Chapter. Should fire fighting equipment be made available to effectively fight fires in structures over 35 feet tall, this maximum limit could be raised.

Prior to such time, if a structure is proposed to exceed this maximum (under the provisions of Section 17.097), it should be equipped with internal fire fighting mechanisms which are approved by the Fire Department as part of the required Conditional Use review process.

TABLE 17.094: TOWN OF RIB MOUNTAIN NONRESIDENTIAL BULK STANDARDS

ZONING DISTRICT	MAX NUM FLOORS (#F)	MIN LOT WIDTH (ft)	MINIMUM SETBACKS ¹					MIN BLDG SEP. (ft)	MAX BLDG HEIGHT (ft)	
			BLDG. to FRONT/ STREET (ft)	BLDG. to SIDE LOT LINE abutting		BLDG. to REAR LOT LINE abutting				LOT LINE to PAVE- MENT (ft)
				RES (ft)	NON- RES (ft)	RES (ft)	NON- RES (ft)			
RURAL AG (RA-35ac)		300	100	100	50	100	50	5/10	50	35
C'SIDE RES. (CR-5ac)	1	200	100	100	50	100	50	5/10	50	35
ESTATE RES. (ER-1)	1	200	50	50	25	50	25	5/10	50	35
SUBURBAN RES. (SR-2)	1	200	50	50	25	50	25	5/10	50	35
SUBURBAN RES. (SR-3)	1	200	50	50	25	50	25	5/10	50	35
MIXED RES. (MR-4)	1	150	50	50	25	50	25	5/10	50	35
	2	150	50	60	25	60	25	5/10	50	35
URBAN RES. (UR-8)	1	130	50	50	25	50	25	5/10	50	35
	2	130	50	60	25	60	25	5/10	50	35
ESTATE OFFICE (EO)	1 or 2	80	35	10	10	25	25	5/10	20	35
SUBURBAN OFFICE (SO)	1	150	35	25	10	25	25	5/10	20	35
	2	150	35	30	10	30	25	5/10	20	35
	3	150	35	35	10	35	25	5/10	20	35
	4+	150	35	40	10	40	25	5/10	20	35
NEIGHBORHOOD COMMERCIAL (NC)	1	50	35	25	10	25	25	5/10	20	35
	2	50	35	30	10	30	25	5/10	20	35

SUBURBAN COMMERCIAL (SC)	1	150	35	25	10	25	25	5/10	20	35
	2	150	35	30	10	30	25	5/10	20	35
	3	150	35	35	10	35	25	5/10	20	35
	4+	150	35	40	10	40	25	5/10	20	35
URBAN COMMERCIAL (UC)	1	50	35	10	10	25	25	5/10	20	35
	2	50	35	15	10	30	25	5/10	20	35
	3	50	35	20	10	35	25	5/10	20	35
	4+	50	35	25	10	40	25	5/10	20	35
CENTRAL COMMERCIAL (CC)	1	25	0	0	0	20	20	0*	0	35
	2	25	0	0	0	20	20	0*	0	35
	3	25	0	0	0	20	20	0*	0	35
	4+	25	0	0	0	20	20	0*	0	35
SUBURBAN INDUSTRIAL (SI)	1	150	35	25	10	25	25	5/10	20	35
	2	150	35	30	10	30	25	5/10	20	35
	3	150	35	35	10	35	25	5/10	20	35
	4+	150	35	40	10	40	25	5/10	20	35
URBAN INDUSTRIAL (UI)	1	100	35	25	10	25	25	5/10	20	35
	2	100	35	30	10	30	25	5/10	20	35
	3+	100	35	35	10	35	25	5/10	20	35
HEAVY INDUSTRIAL (HI)	1	40	35	10	10	25	25	5/10	20	35
	2+	40	35	15	10	30	25	5/10	20	35

¹ Setback requirements may be increased by required Street Frontage Landscaping and/or Bufferyards. (See Sections [17.146](#) and [17.150](#).)

² Minimum of 5 feet from a side or rear yard (check bufferyard requirement also), minimum of 10 feet from a public street, except where a driveway intersects a public street.

³ Add 10 feet to setback if lot is adjacent to 100 foot wide existing or officially mapped right-of-way (see Section 17.095).

Section 17.095 - Yard Setback Adjustments.

(1) *Front Yard Setback Adjustment.*

- (a) For lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding 100 feet, an additional 10 feet of setback is required to address anticipated future conditions of noise and air quality.
- (b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 50 percent of the same type of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all same type principal structures on said block face or street face.

- (2) *Side Yard Setback Adjustment.* (Am. #10-01) The minimum required side yard setback listed for Single-Family Detached Houses of 20,000 and 15,000 square feet (Sections 17.093(7) and (8), respectively) are hereby reduced for lots of record existing as of the effective date of this Chapter. For existing lots of record for either dwelling unit type, required minimum side yards shall be 10 feet for both one-story dwellings and for two-story dwellings; and for both dwelling unit types, required side yards from streets shall be 25 feet for both one-story and two-story dwellings. Table 17.093, Minimum Dwelling Unit Separation, shall not apply to existing lots of record, adjacent to structures nonconforming due to a setback less than the required minimum interior side yard setback.

Section 17.096 - Intrusions into Required Yards.

The minimum setback requirements of Sections 17.093 and 17.094 establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- (3) In instances where the required bufferyard width (per Section 17.150) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.
- (4) *Permitted Intrusions Into Required Yards.* The following intrusions by buildings and structures are permitted into the specified required yards:
 - (a) *Permitted Intrusions Into Required Front or Street Yards:*
 1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than 2½ feet into the required yard.
 2. Statues, ornamental landscaping features, yard lights, ornamental lights, and nameplate signs for residential lots provided that they comply with the illumination requirements of Section 17.177 and provided they are not located closer than 5 feet from the front or street property line.
 3. Terraces, steps, uncovered porches, detached decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 15 feet from any street right-of-way.
 4. Fences on residential or nonresidential lots which do not exceed 4 feet in height; provided they do not locate closer than 2 feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 17.190(3).
 - (b) *Permitted Intrusions Into Required Rear or Side Yards:*
 1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than 2½ feet into the required yard.

2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Sections 17.149(4)(b) and 17.190.
 3. Fire escapes and stoops (on residential buildings) which do not extend more than 3 feet into the required yard.
 4. Exit platforms that do not extend more than 4 feet into the required yard and are no longer than 6 feet in length.
- (c) *Permitted Intrusions Into Required Rear Yards:*
1. Terraces, steps, uncovered porches, detached decks, stoops, or similar appurtenances to residential buildings which do not extend more than 3 feet above grade; provided they do not locate closer than 8 feet to the rear lot line.
 2. Balconies or similar appurtenances to residential buildings provided they do not extend more than 6 feet into the required rear yard.
- (5) *All Front Yard and Street Yard Areas.* With the exception of fences, no accessory structures shall be permitted within any portion of a front yard or street yard.

Section 17.097 - Exceptions to Maximum Height Regulations.

- (1) *Permitted Exceptions to Maximum Height Regulations.*
- (a) The maximum permitted number of floors listed for nonresidential uses in Section 17.075 and the maximum height regulations listed for residential uses and residential accessory structures in Section 17.093, and for nonresidential uses and nonresidential accessory structures in Section 17.094, are the maximum permitted number of floors and maximum heights for all buildings and structures, except those exempted by this Section, below.
 - (b) The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses. Such uses may exceed said maximum by more than 10 feet with the approval of a Conditional Use Permit.
 - (c) Any building or structure not otherwise accounted for by (b), above, may exceed said maximum number of floor regulations and/or said maximum height regulations with the granting of a Conditional Use Permit which specifically states the maximum permitted number of floors and/or maximum permitted height of the proposed building or structure.
- (2) *Required Procedure for Exceeding Maximum Height Regulations.* In order to secure permission to exceed the maximum height regulations of Sections 17.093 and/or 17.094, and/or the maximum number of floors regulations of Section 17.075, per (1)(c) above; the petitioner shall be granted a Conditional Use Permit per the standards and procedures of Section 17.225.

Section 17.098 - Nonconforming Lot Regulations.

- (1) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Lot Area (MLA) requirements of Section 17.093 or 17.075 or which does not meet the lot dimension requirements of Section 17.093 or 17.094. The size and shape of a lot shall not be altered so as to create or increase the degree of nonconformity of a structure or use. (Am. #04-06)
- (2) A lot of record existing upon the effective date of this Ordinance in a Residential District (see Section 17.032), which does not meet the Minimum Lot Area (MLA) requirements of Section 17.074 or which does not meet the lot dimension requirements of Section 17.093 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.
- (3) A lot of record existing upon the effective date of this Chapter and located in a nonresidential zoning district (see Section 17.032), which does not meet the Minimum Lot Area (MLA) requirements of Section 17.075 or which does not meet the lot dimension requirements of Section 17.094 shall not be developed for building purposes unless the lot is combined with an adjacent lot or the appropriate variances are approved by the Zoning Board of Appeals.

Section 17.099 - Nonconforming Structures. (Rep. & recr. #04-06)

The following regulations and any applicable County, State and Federal regulations, as administered by those units of government, apply to all nonconforming structures. Local regulation of nonconforming signs are governed by the provisions in Section 17.219. Nonconforming use regulations are covered in Section 17.057.

Description of intent of this Section: When many of the provisions in this Chapter were adopted in February 1994, it was recognized that there were a substantial number of dwellings in the community that were located on lots that did not meet the new minimum lot area, minimum lot width, minimum dwelling setback, minimum dwelling separation and other bulk requirements of this newly adopted Chapter. In adopting this Chapter, it was the intention of the Town Board to also establish regulations for the existing residential dwellings that would not meet the new bulk requirements of this Chapter. An explanation of the intention of these regulations is provided here to help clarify how the provisions of this Chapter are to be applied to dwellings that existed prior to February 1994 which do not meet the bulk regulations of this Chapter or amendments which have been adopted thereto. The provisions of this Chapter are intended:

- a) To allow all dwellings existing prior to February 1994 to continue to exist.
- b) To allow all dwellings existing prior to February 1994 to be expanded under the following circumstances:
 1. The dwelling must be located in an agricultural zoning district or in a residential zoning district, the dwelling cannot be located in a nonresidential district. Dwellings which are located in a nonresidential district shall not be expanded.
 2. The expansion must meet all applicable requirements of any County, State, or Federal regulation.
- c) To allow for the reconstruction of a residential dwelling on an existing lot that does not meet the minimum lot area and/or lot width requirements of this Chapter. The proposed reconstruction must also meet all of the applicable requirements of any County, State, or federal regulations as determined by the unit of government that has jurisdiction.
 - (1) Any structure lawfully existing upon the effective date of this Chapter or applicable amendment thereto, may be continued at the size existing upon such date, except as hereafter specified.
 - (2) Any structure lawfully existing, prior to its becoming nonconforming, such nonconformity due to a taking by the municipality, county, State, or Federal Government, may be continued at the size existing upon such date, except as hereafter specified.
 - (3) Nothing in this Chapter shall preclude the Zoning Administrator from remedial or enforcement actions when a nonconforming structure is declared unsafe.
 - (4) When any lawful nonconforming structure in any zoning district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure shall be in conformance with the provisions of this chapter.
 - (5) Whenever a lawful nonconforming structure has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the damage to said structure equals or exceeds 50% of its assessed value. In such cases, the use shall be limited to uses permitted by the provisions of this Chapter.
 - (6) Normal maintenance and repairs of a nonconforming structure including structural repairs or alterations are permitted under the following conditions:
 - (a) If the structure is used for a purpose that is a permitted use in the district in which it is located, there is no dollar limit on the value of the structural repairs or alterations that may be made to the structure.
 - (b) If the structure is used for a purpose that is not a permitted use in the district in which the structure is located the total value of the structural repairs or alterations shall not, during the life of the nonconforming use, exceed 50% of the assessed value of the structure unless the use of the structure is permanently changed to a use permitted in the district in which it is located. Where a nonconforming use occupies multiple structures on one lot, the structural repairs or alterations to each individual structure shall not exceed 50% of the assessed value of the particular structure in question.
 - (c) If the structure is used for a purpose that is a special use or a conditional use in the district in which it is located, the use shall be treated as a nonconforming use under paragraph (b), unless a conditional use for the activity was approved by the Town Board after February 1, 1994 under the provisions of Section 17.225. If a conditional use was

approved, the amount of structural repairs or alterations made to the structure shall be regulated under paragraph (a), above or as specifically authorized by the Town board when the conditional use was granted.

- (7) Alterations, additions and expansions which change the exterior dimensions of the structure and which conform to the dimensional rules of this chapter and other applicable regulations are allowed. Alterations, additions and expansions which change the exterior dimensions of the structure and which do not conform to this chapter, but which do not increase the dimensional nonconformity beyond what currently exists may be allowed provided that the improvements do not exceed 50% of the gross floor area of the existing structure over the life of the structure. No alterations, additions, or expansions may occur which will increase the dimensional nonconformity.
- (8) A legal, nonconforming garage may be expanded or replaced provided the following requirements are met:
 - (a) That the proposed garage replacement or expansion does not encroach farther into required setback(s) than the current legal, nonconforming structure;
 - (b) That the proposed garage replacement or expansion is not located closer to an existing dwelling on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required dwelling setback (on said adjacent parcel);
 - (c) That the proposed garage replacement or expansion meets the provisions of Section 17.056(8)(d)(1) unless a conditional use is granted in accordance with the provisions of 17.056(8)(d)(3); and
 - (d) That precautions, as determined on a case-by-case basis by the Zoning Administrator, are taken to reduce the possibility of fire damage to nearby structures.

SUBCHAPTER 17-VII: - NATURAL RESOURCE PROTECTION REGULATIONS

Section 17.111 - Purpose.

The purpose of this Subchapter is to set forth the requirements for the mandatory protection of natural resources and permanently protected green space areas within the Town of Rib Mountain. The provisions of this Subchapter interact closely with the provisions of Section 17.054 (Uses Permitted in Other Permanently Protected Green Space Areas), Subsection 17.056(10) (Natural Resource Disruption and Required Mitigation Standards), Section 17.073 (Required Natural Resources Site Evaluation), and Sections 17.074 and 17.075 which provide residential and nonresidential development standards. Section 17.076 provides a complete overview of the interrelationship between the above-listed Sections. In part, the provisions of this Subchapter are designed to ensure the implementation of the Town of Rib Mountain Comprehensive Master Plan and State of §60.61, Wis. Stats.

Section 17.112 - How to Use this Subchapter.

This Subchapter contains the standards which govern the protection, disturbance, and mitigation of disruption of all natural resource and other permanently protected green space areas. The provisions of this Subchapter are intended to supplement those of the Town of Rib Mountain, Marathon County, the State of Wisconsin, and the Federal Government of the United States which pertain to natural resource protection. Prior to using the provisions of this Subchapter to determine the permitted disruption of such areas, the requirements provided below should be reviewed. This Subchapter recognizes the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of the following sections is oriented to each natural resource type, and is designed to accomplish several objectives:

- (1) First, a definition of the natural resource is provided.
- (2) Second, the specific purposes of the protective regulations governing each natural resource type are provided.
- (3) Third, the required method of identifying and determining the boundaries of the natural resource area is given.
- (4) Fourth, mandatory protection requirements are identified.

NOTE: Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented in Subsection 17.056(10).

Section 17.113 - Flood Plain Zoning.

Staff of the Marathon County Zoning Department establish and administer flood plain zoning in the Town of Rib Mountain.

Section 17.114 - Wetland Overlay District. (Am. #2009-01)

- (1) *Purpose.* The purpose of the Wetland District is to maintain safe and healthful conditions, prevent water pollution, protect wildlife habitat, preserve cover and natural beauty and control building and development shall occur in a manner that minimizes adverse impacts upon the wetland. These provisions shall apply in all wetlands in the Wetland District.
- (2) *Permitted Uses.* The following uses shall be allowed, subject to all applicable county, State, and federal law:
- (a) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:
1. Hiking, fishing, trapping, hunting, swimming and boating.
 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 3. The practice of silviculture, including the planting, thinning and harvesting of timber.
 4. The pasturing of livestock and the construction and maintenance of fences.
 5. The cultivation of agricultural crops.
 6. The construction and maintenance of duck blinds.
 7. The construction and maintenance of piers, docks and walkways, including those built on pilings.
 8. The maintenance, repair, replacement and reconstruction of existing Town and county highways, and bridges and pedestrian trails/walkways.
- (b) Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling or excavating to the extent specifically provided below:
1. Temporary water level stabilization measures in the practice of silviculture, which are necessary to alleviate abnormally wet or dry condition that would have an adverse impact on the conduct of silvicultural activities if not corrected.
 2. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries.
 3. Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
- (c) The following uses are allowed upon issuance of a zoning permit or special use permit. If the proposed use is located in a Wetland District which is regulated by the shoreland-wetland provisions of the Marathon County Zoning Ordinance, a zoning permit or special exception permit must be obtained from the county. A Town permit is not required.
- Construction of Town, county highways, bridges and pedestrian trails/walkways.
- (d) If the proposed use is located in a wetland that is not regulated under the Marathon County Zoning Ordinance, a Town zoning permit or a conditional use permit is required. A zoning permit may be issued by the Town Building Inspector if the proposed use does not involve an earth disturbance exceeding 5,000 square feet in area. A Conditional Use Permit in accordance with [Section 17.225](#) is required if the earth disturbance exceeds 5,000 square feet in area.
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland.
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - 1) The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities.
 - 2) Road construction activities are carried out in the immediate area of the roadbed only.
 - 3)

Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.

2. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - a. Any such building does not exceed 500 square feet in area.
 - b. No filling, flooding, draining, dredging, ditching, tiling or excavating is to be done.
3. The establishment and development of public and private parks and recreation areas, pedestrian trails/walkways, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that:
 - a. Any private recreation or wildlife habitat area must be used exclusively for that purpose.
 - b. No filling is to be done.
 - c. Ditching, excavation, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas, but only for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - d. The owner of a new private recreation or wildlife area in a wetland shall notify the Town Building Inspector in writing before beginning construction.
4. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines and related facilities, by public utilities and cooperative associates organized for the purpose of producing or furnishing heat, light, power, or water to their members provided that:
 - a. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland.
 - b. Any filling, excavating, ditching or draining that is to be done must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
5. The construction and maintenance of railroad lines, provided that:
 - a. The railroad lines cannot as a practical matter be located outside the wetland.
 - b. Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

(3) *Procedure.* The procedure for zoning a district as a Wetland District shall be according to Section 17.223 of this Chapter.

(4) *Standards for Rezoning.* A wetland or a portion thereof in the Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (a) Storm and floodwater storage capacity.
- (b) Maintenance of dry season stream flow, the discharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
- (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
- (d) Fish spawning, breeding, nursery or feeding grounds.
- (e) Wildlife habitat and wildlife.
- (f) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(5) *Setbacks.* Setback for any structure not specifically permitted above, shall be 10 feet from the edge of the delineated wetlands.

Section 17.115 - Lakeshore Overlay District.

(1) *Definition.* Lakeshores are the land margins of navigable waters as defined by State of Wisconsin Statutes. Lakeshores are all areas within 75 feet of the ordinary high water mark of such features. Decorative water features shall not be considered "navigable waters" for the purposes of this Section. This meaning of "lakeshores" shall remain distinct from the meaning of the term as

employed by the State of Wisconsin Statutes and the DNR.

- (2) *Purpose of Lakeshore Protection Requirements.* Lakeshores serve to protect land/water margins from erosion due to site disruption. Because of regular contact with wave action, currents, and runoff, such areas are highly susceptible to continuous, and in some cases, rapid erosion. Lakeshore protection also provides a natural vegetation buffer which serves to reduce water velocities and wave energy, and filters significant amounts of water-borne pollutants and sediments. Lakeshores also promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin.
- (3) *Determination of Lakeshore Boundaries.* General lakeshore boundaries are depicted on USGS Topographic Maps covering the Town. Upon the proposal of development activity on any property which contains a lakeshore depicted on said maps, the petitioner shall prepare a detailed site analysis per the requirements of Section 17.120. This analysis shall depict the location of all lakeshore areas on the subject property as related to the provisions of Subsection (1), above.
- (4) *Mandatory Lakeshore Protection Requirements.* Lakeshores shall remain in an undisturbed state, except for the land uses permitted in Section 17.054 per the requirements of Subsection 17.056(10). All Marathon County regulations pertaining to Shorelands shall be applicable, as administered by the County Zoning Department.

Section 17.116 - Drainageway Overlay District.

- (1) *Definition.* Drainageways are non-navigable, above-ground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following:
 - (a) All areas within 75 feet of the ordinary high water mark of a "perennial stream" as shown on USGS maps covering the Town of Rib Mountain;
 - (b) All areas within 50 feet of the ordinary high water mark of an "intermittent stream" or "open channel drainageway" as shown on USGS maps covering the Town of Rib Mountain.
- (2) *Purpose of Drainageway Protection Requirements.* Drainageways serve in the transporting of surface runoff to downstream areas. As such, drainageways serve to carry surface waters, supplement floodplain, wetland, and lakeshore water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.
- (3) *Determination of Drainageway Boundaries.* General drainageway boundaries are depicted on USGS Topographic Maps covering the Town of Rib Mountain. Upon the proposal of development activity on any property which contains a drainageway, the petitioner shall prepare a detailed site analysis per the requirements of Section 17.120. This analysis shall depict the location of all drainageway areas on the subject property as related to the provisions of Subsection (1), above.
- (4) *Mandatory Drainageway Protection Requirements.* Drainageways shall remain in an undisturbed state except for the land uses permitted in Section 17.054 per the requirements in Subsection 17.056(10). Vegetation clearing to maintain drainageway functions is permitted with the written approval of the Town Engineer. All areas designated as drainageways shall be located within a public easement or dedication for maintenance purposes to preserve proper drainage flow.

Section 17.117 - Woodland Overlay District.

- (1) *Definition.* Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on the most recent air photos covering the Town of Rib Mountain.
- (2) *Purpose of Woodland Protection Requirements.* Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.
- (3)

Determination of Woodland Boundaries. General woodland boundaries are depicted on the most recent air photos covering the Town of Rib Mountain. Upon the proposal of development activity on any property which contains a woodland, the petitioner shall prepare a detailed site analysis per the requirements of [Section 17.120](#). This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of Subsection (1), above.

- (4) *Mandatory Woodland Protection Requirements.* Woodlands shall remain in an undisturbed state except for the land uses permitted in [Section 17.054](#) per the requirements of Subsection [17.056\(10\)](#) and areas subject to the following mitigation requirements. Selective cutting operations are permitted as a Special Use in all woodland areas (per the requirements of [Section 17.056\(2\)\(f\)](#)). Clear cutting is permitted as a Conditional Use in all woodland areas (per the requirements of [Section 17.056\(2\)\(g\)](#)).

Section 17.118 - Steep Slope Overlay Zoning District.

- (1) *Definition.* Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10-foot elevation change in a distance of 83 feet or less), as shown on USGS Topographic Maps (or more detailed site specific topographic information) covering the Town of Rib Mountain.
- (2) *Purpose of Steep Slope Protection Requirements.* Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Beyond adversely effecting the environmental functions of these resources areas, such sedimentation also increases flood hazards by reducing the flood water storage capacity of hydrological system components, thus elevating the flood level of the drainage system in effected areas. Beyond these threats to the public safety, disruption of steep slopes also increases the likelihood of slippage and slumping—unstable soil movements which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.
- (3) *Determination of Steep Slope Boundaries.* General steep slope boundaries are depicted on USGS Topographic Maps (or more detailed site specific topographic information) covering the Town of Rib Mountain. Upon the proposal of development activity on any property which contains a steep slope, the petitioner shall prepare a detailed site analysis per the requirements of [Section 17.120](#). This analysis shall depict the location of all steep slope areas on the subject property as related to the provisions of Subsection (1), above.
- (4) *Mandatory Steep Slope Protection Requirements.* Steep slopes shall remain in an undisturbed state except for the land uses permitted in [Section 17.054](#) per the requirements of Subsection [17.056\(10\)](#).

Section 17.120 - Detailed Site Analysis.

- (1) *Purpose.* The detailed site analysis required by this Subchapter is designed to provide the clear identification of permanently protected green space areas on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans (see [Section 17.228](#)) for any and all properties containing permanently protected natural resource areas.
- (2) *Description.* The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Subchapter, and as located by an on-site survey. The detailed site analysis shall meet the following requirements:
- (a) *Scale:* A minimum scale of one inch equals 200 feet shall be used.
- (b) *Topography:* Topographic information is not required for any property which does not contain steep slopes (as designated on USGS topographic maps covering the Town in excess of 12%). For such properties, topographic information with a minimum contour interval of 2 feet is required.
- (c) *Specific Natural Resources Areas:* All natural resource areas which require protection under the provisions of this Chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one another.
- (d) *Development Pads:*
- 1.

All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.

2. Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding 3 inches, whose canopies are located adjacent to disturbed areas, which die within a period of 5 years following site disruption shall be replaced by the property owner with a 3-inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge;

(e) *Mitigation Areas:* All mitigation areas related to the provisions of this Chapter shall be depicted on the detailed site analysis map with notations provided which describe the mitigation techniques employed.

(3) *Required Procedure for Submission and Review.*

(a) *Required Timing of Submission:* The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed development does not involve a land division, then submittal is required as an attachment to a required site plan (see [Section 17.228](#)). A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map, however, in no way does the acceptance and/or general approval of the concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property which has been previously approved by Town Staff, may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.

(b) *Review by Town Staff:* Town staff shall review the submitted detailed site analysis map for general compliance with the following data sources:

1. Air photos of the subject property;
2. USGS Quads and other sources of topographic information;
3. Applicable FEMA and related floodplain maps;
4. Applicable Federal and State Wetland Inventory Maps;
5. The Town of Rib Mountain Comprehensive Master Plan; and
6. Site visits and/or certified on-site survey information.

The Zoning Administrator shall provide the petitioner with a written evaluation of the submitted detailed site analysis map which shall indicate the acceptance by Town Staff; or the need for further analysis work, discussion with the petitioner and/or Staff-recognized experts, or a joint site visit.

(c) *Modification of Detailed Site Analysis Map.* If necessary, as determined by Town Staff, revised detailed site analysis maps shall be prepared and submitted for review by Town Staff, until a version is deemed acceptable. Staff review of the detailed site analysis map may be appealed to the Board of Zoning Appeals as a matter of Ordinance Interpretation (see [Section 17.254](#)).

(d) *Acceptance of Detailed Site Analysis Map.* Upon notification of acceptance by Town Staff, (or in case of appeal, by determination of the Board of Zoning Appeals), the petitioner may proceed with the submittal of necessary development documents.

(4) *Integration of Detailed Site Analysis Information with Required Development and/or Land Division Documents.* Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a Building Permit) and on any proposed Plat of Subdivision or Certified Survey Map. (See also, [Section 17.228](#) regarding required site plans.)

SUBCHAPTER 17-VIII: - LANDSCAPING & BUFFERYARD REGULATIONS

Section 17.141 - Purpose.

The purpose of this Subchapter is to protect and enhance Rib Mountain's environmental, economic and aesthetic resources thereby promoting the public health, safety and general welfare of the citizens and contributing in a positive manner to the quality of life in the town. This Subchapter establishes minimum standards for the design and amount of landscaping for all land uses in the community other than agricultural and single-family and two-family residential. These minimum landscaping requirements are intended to improve the appearance of the community, reduce soil erosion and storm water runoff, help recharge groundwater resources, help absorb carbon dioxide and supply oxygen, provide shade for cooling, screen noise, trap dust, reduce glare, and help to preserve, protect and enhance the natural environment. These regulations are also intended to reduce the potential conflicts between abutting land uses.

Section 17.142 - How to Use this Subchapter.

- (1) This Subchapter contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This Subchapter recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Master Comprehensive Plan.
- (2) Each section of this Subchapter is oriented to a specific category of required landscaping. These include Landscaping Requirements for Foundations (Section [17.144](#)), Landscaping Requirements for Developed Lots (Section [17.145](#)) Landscaping Requirements for Street Frontages (Section [17.146](#)), Landscaping Requirements for Paved Areas (Section [17.147](#)), Landscaping Requirements for Permanently Protected Green Space Areas (Section [17.148](#)), Landscaping Requirements for Reforestation (Section [17.149](#)), and Landscaping Requirements for Bufferyards (Section [17.150](#)).
- (3) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. [Section 17.143](#) presents sample landscape point combination alternatives used by this Ordinance. At the end of this Subchapter, [Section 17.151](#) provides a listing of plant species fitting into the "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and "non-contributory plants" used by this Ordinance. [Section 17.152](#) provides requirements for the installation and maintenance of required landscaping, and [Section 17.153](#) describes the procedure for calculating landscaping requirements for this Subchapter.

Section 17.143 - Landscaping Points, Sample Landscaping Schemes and Measurement for Landscaping Requirements.

- (1) All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. A different number of points is awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are outlined in the table on the following page.

LANDSCAPING POINTS AND MINIMUM INSTALLATION SIZES		
Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Climax Tree	35	2" Caliper
Tall Deciduous Tree	30	1½" Caliper
Medium Deciduous Tree	15	6' Tall

Low Deciduous Tree	10	4' Tall
Tall Evergreen Tree	30	5' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	3' Tall
Tall Deciduous Shrub	5	36" Tall
Medium Deciduous Shrub	3	24" Tall
Low Deciduous Shrub	1	18" Tall
Medium Evergreen Shrub	5	18" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Non-Contributory Plants	0	n/a

Source: [A Guide to Selecting Landscape Plants for Wisconsin](#), E.R. Hasselkus, UW-Extension Publication: A2865.

- (2) *Depiction of Sample Landscaping Schemes*: Illustration [17.143](#), shown on the following pages, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in [Section 17.151](#).

Alternative A:

Best Suited for
Building Foundations

Alternative B:

Best Suited for
Developed Lots

Alternative C:

Best Suited for
Street Frontages

Alternative D:

Best Suited for
Paved Areas

Alternative E:

Best Suited for
Reforestation

Alternative F:
 Best Suited for
 Bufferyards

- (3) *Measurement for Landscaping Requirements:* A minimum amount of landscaping points, based upon the zoning district, is required for the linear feet Building Foundations, the gross floor area of buildings on Developed Lots, the linear feet of Street Frontage, and the total combined area of Paved Areas. The following diagram illustrates the measurement techniques used to determine these requirements:

Section 17.144 - Landscaping Requirements for Building Foundations.

- (1) This Section requires that certain buildings constructed after the effective date of this Ordinance (See [Section 17.011](#).) be accented by a minimum amount of landscaping placed near the building foundation. The intent of this section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes.)
- (2) Landscaping required by this Section shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under Sections [17.145](#) through [17.149](#), of this Subchapter. See [Section 17.143\(2\)\(A\)](#) for a suggested scheme.
- (3) For each 100 feet of building foundation perimeter, the following number of landscaping points (as described in [Section 17.143](#)) shall be provided on a prorated basis, and installed and permanently maintained per [Section 17.152](#):
- (4) Climax Trees and Tall Trees shall not be used to meet this requirement.

TABLE 17.144: BUILDING FOUNDATION LANDSCAPING REQUIREMENTS
 Minimum Required Landscaping Points per 100 linear feet of Building Foundation

Zoning District	Land Use (see Section 17.056)		
	All Other Land Uses	Single-Family Residential (per 17.093(1)–(9))	Agricultural (per 17.056(2))
Rural/Agricultural (RA-35ac)	40	0	0
Countryside Residential (CR-5ac)	100	0	0
Estate Residential (ER-1)	90	0	0
Suburban Residential (SR-2)	80	0	0
Suburban Residential (SR-3 and SR-4)	80	0	0
Mixed Residential (MR-4)	60	0	0
Urban Residential (UR-8)	40	0	0
Estate Office (EO)	90	0	0

Suburban Office (SO)	80	0	0
Neighborhood Commercial (NC)	80	0	0
Suburban Commercial (SC)	80	0	0
Urban Commercial (UC)	40	0	0
Central Commercial (CC)	20	0	0
Suburban Industrial (SI)	80	0	0
Urban Industrial (UI)	40	0	0
Heavy Industrial (HI)	20	0	0

Section 17.145 - Landscaping Requirements for Developed Lots.

- (1) This Section requires that certain lots developed after the effective date of this Ordinance (see [Section 17.011](#)) contain a minimum amount of landscaping. The intent of this section is to require the establishment of yard shade and create visual variety and interest in the area located between a building and adjacent paved areas.
- (2) Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under Sections [17.145](#) through [17.150](#), of this Subchapter. See [Section 17.143\(2\)\(B\)](#) for a suggest landscaping scheme.
- (3) The following number of landscaping points (as described in [Section 17.143](#)) shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of [Section 17.152](#):

TABLE 17.145: DEVELOPED LOT LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 1,000 Square Feet of Gross Floor Area			
Zoning District	Land Use (see Section 17.056)		
	All Other Land Uses	Single-Family Residential (per 17.093(1)-(9))	Agricultural (per 17.056(2))
RA-35ac	20	0	0
CR-5ac	60	0	0
ER-1	50	0	0
SR-2	40	0	0
SR-3 and SR-4	40	0	0
MR-4	40	0	0

UR-8	40	0	0
EO	40	0	0
SO	30	0	0
NC	30	0	0
SC	20	0	0
UC	10	0	0
CC	10	0	0
SI	20	0	0
UI	10	0	0
HI	10	0	0

Section 17.146 - Landscaping Requirements for Street Frontages.

- (1) This Section requires that street frontages on certain lots developed after the effective date of this Ordinance (see [Section 17.011](#)) contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street. The intent of this section is to establish a visual buffer between the street and the abutting parking lot, building and any other abutting site improvements.
- (2) All landscaping used to meet this requirement shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. See [Section 17.143\(2\)\(C\)](#) for a suggested landscaping scheme. Landscaping shall not impede vehicle or pedestrian visibility.
- (3) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points (as described in [Section 17.143](#)) shall be provided on a prorated basis, and installed and maintained per the requirements of [Section 17.152](#).
- (4) Shrubs shall not be used to meet this requirement. A minimum of 50% of all points shall be devoted to climax and tall trees and a minimum of 30% of all points shall be devoted to medium and low trees.

TABLE 17.146: STREET FRONTAGE LANDSCAPING REQUIREMENTS			
Minimum Required Landscaping Points per 100 Linear Feet of Street Frontage			
Zoning District	Land Use (see Section 17.056)		
	All Other Land Uses	Single-Family Residential (per 17.093(1)-(9))	Agricultural (per 17.056(2))
RA-35ac	40	0	0
CR-5ac	100	0	0
ER-1	90	0	0

SR-2	80	0	0
SR-3 and SR-4	80	0	0
MR-4	60	0	0
UR-8	40	0	0
EO	90	0	0
SO	80	0	0
NC	80	0	0
SC	80	0	0
UC	40	0	0
CC	40	0	0
SI	80	0	0
UI	40	0	0
HI	40	0	0

Section 17.147 - Landscaping Requirements for Paved Areas.

- (1) This Section requires that paved areas on certain lots developed after the effective date of this Ordinance contain a minimum amount of landscaping within, or within 10 feet of, the paved area. The intent is to require a continuous visual screen of paved areas, from public rights-of-way, at a minimum height of 40".
- (2) A minimum of 360 square feet of landscaped area, located within 10 feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area—sample configurations are depicted in [Section 17.143](#), above. Plants used to fulfill this requirement shall be used to visually screen parking, loading and circulation areas from view from public streets.
- (3) All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum 4 inch tall curb, which is constructed of concrete, asphalt, timber or like material approved by the Director of Public Works.
- (4) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the following number of landscaping points (as described in [Section 17.143](#)) shall be provided on a prorated basis, and installed and maintained per the requirements of [Section 17.152](#). A minimum of 30% of all points shall be devoted to medium and low trees and a minimum of 40% of all points shall be devoted to shrubs.

TABLE 17.147: PAVED AREA LANDSCAPING REQUIREMENTS
 Minimum Required Landscaping Points per 10,000 Square Feet of Paved Area or 20 Parking Stalls

Zoning District	Land Use (see <u>Section 17.056</u>)		
	All Other Land Uses	Single-Family Residential (per <u>17.093(1)-(9)</u>)	Agricultural (per <u>17.056(2)</u>)
RA-35ac	80	0	0
CR-5ac	200	0	0
ER-1	180	0	0
SR-2	160	0	0
SR-3 and SR-4	160	0	0
MR-4	120	0	0
UR-8	80	0	0
EO	190	0	0
SO	160	0	0
NC	160	0	0
SC	160	0	0
UC	80	0	0
CC	40	0	0
SI	160	0	0
UI	80	0	0
HI	40	0	0

Section 17.148 - Landscaping Requirements for Other Permanently Protected Green Spaces.

- (1) This Section requires that each acre of other permanently protected green space (See Section 17.054) approved after the effective date of this Ordinance (See Section 17.011) be planted with a minimum amount of landscaping.
- (2) For every one acre of other permanently protected green space in a development, 200 landscaping points (as described in Section 17.143) shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

Section 17.149 - Landscaping Requirements for Required Reforestation.

- (1) This Section requires that each area required to be reforested, be reforested and maintained in a manner appropriate to site conditions.
- (2)

A detailed reforestation plan shall be submitted by the property owner and approved by the Town prior to clear cutting. This plan shall be reviewed by a reforestation consultant chosen by the Town, with funding for consulting services provided by the Petitioner to the Town.

Rationale: The provisions of this Section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide. (See [Section 17.117](#).)

Section 17.150 - Landscaping Requirements for Bufferyards.

- (1) *Purpose.* This Section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this Ordinance. (See [Section 17.011](#).) A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

Rationale: One of zoning's most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the Town of Rib Mountain, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses were located next to one another long before the effective date of this Ordinance. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

- (2) *Required Locations for Bufferyards.* Bufferyards shall be located along (and within) the outer perimeter of a lot wherever 2 different zoning districts abut one another. Bufferyards may be located in required setback areas. In such instances, the one-half of the bufferyard requirements of this Section shall be used instead of the street frontage landscaping required in [Section 17.146](#), if such requirements of this Section are greater. (In such instances, the width of the right-of-way may be counted as contributing to the width requirements for a bufferyard, however, the minimum width required along the street frontage by [Section 17.146](#) shall be provided in all cases.) Bufferyard plantings or structures shall not be located on any portion of any existing, dedicated, or officially mapped right-of-way.
- (3) *Determination of Required Bufferyard.* The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using Table [17.150\(4\)\(a\)](#). Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by this Table is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this Subsection indicate the minimum requirements for bufferyards located along zoning district boundaries.
- (a) *Identification of Required Level of Opacity.* Table [17.150\(4\)\(a\)](#) shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the Table at which the column heading along the top row of the Table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the Table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.
- (b) *Identification of Detailed Bufferyard Requirements.*
1. If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in Table [17.150\(4\)\(a\)](#).
 2. For each level of opacity listed in Table [17.150\(4\)\(a\)](#), a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in Table [17.150\(4\)\(b\)](#). The requirements listed in Table [17.150\(4\)\(b\)](#) pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every 100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. [Section 17.143](#) describes the various available landscaping point alternatives. [Section 17.151](#) provides a listing of tree and shrub species which correspond the landscaping point descriptions.
- (4) *Tables for Required Bufferyards:* See following pages for Tables [17.150\(4\)\(a\)](#) and (b).

Notes for Table [17.150\(4\)\(a\)](#): For properties zoned in the Rural Holding District (RA-35ac), refer to the Master Comprehensive Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal. *Caution:* The required opacity levels listed in Table [17.150\(4\)\(a\)](#) are generally different on either side of any given

zoning district boundary.

TABLE 17.150(4)(a): REQUIRED BUFFERYARD OPACITY VALUES																
	Adjacent Property's Zoning District															
	Subject Property's Zoning District															
	RA-35ac	CR-5ac	ER-1ac	SR-2	SR-3	MR-4	UR-8	EO	SO	SC	NC	UC	CC	SI	UI	HI
RA-35ac																
CR-5ac		.0 ¹	.1 ¹	.2 ¹	.2 ¹	.3 ¹	.4 ¹	.4	.5	.5	.5	.6	.8	.5	.6	1.0
ER-1ac			.0 ¹	.1 ¹	.1 ¹	.2 ¹	.3 ¹	.3	.4	.4	.4	.5	.6	.4	.5	1.0
SR-2				.0 ¹	.1 ¹	.1 ¹	.2 ¹	.3	.4	.4	.4	.5	.6	.4	.5	1.0
SR-3					.0 ¹	.1 ¹	.2 ¹	.3	.4	.4	.4	.5	.6	.4	.5	1.0
MR-4						.0 ¹	.1 ¹	.2	.3	.3	.3	.4	.5	.3	.4	1.0
UR-8							.0 ¹	.1	.2	.2	.2	.3	.4	.2	.3	1.0
EO									.1	.2	.2	.3	.4	.2	.3	.6
SO										.1	.1	.2	.3	.1	.2	.6
SC											.1	.2	.3	.1	.2	.6
NC												.1	.2	.1	.1	.6
UC													.1		.1	.6
CC															.1	.6
SI															.2	.6
UI																.5
HI																

¹ For any non-residential use (such as a church or a school) within this Zoning District, provide an additional 0.1 level of opacity to the minimum required opacity level listed below for any and all borders shared with a residential land use.

² For properties zoned in the Rural Agriculture District (RA-35ac), refer to the Comprehensive Master Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

TABLE 17.150(4)(b) DETAILED BUFFERYARD REQUIREMENTS

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.05	00	10'+	min. 44" picket fence*
	00	10'+	min. 4' wood rail fence*
	40	10'	-
	36	15'	-
	33	20'	-
	31	25'	-
	29	30'+	-
0.10	00	10'+	min. 44" picket fence*
	38	10'+	min. 4' wood rail fence*
	91	10'	-
	80	15'	-
	73	20'	-
	68	25'	-
	65	30'	-
	62	35'+	-
	00	35'+	min. 4' berm

0.20	00	10'+	min. 6' solid fence*
	84	10'+	min. 44" picket fence*
	133	15'+	min. 4' wood rail fence*
	198	15'	-
	173	20'	-
	158	25'	-
	149	30'	-
	140	35'	-
	10	35'+	min. 4' berm
	135	40'+	-
	00	40'+	min. 5' berm
	0.30	00	10'+
198		15'+	min. 44" picket fence*
320		20'	-
240		20'+	min. 4' wood rail fence*
276		25'	-
252		30'	-
235		35'	-
104		35'+	min. 4' berm
223		40'	-
44		40'+	min. 5' berm
215		45'	-
209		50'+	-
00		50'+	min. 6' berm

0.40	53	10'+	min. 6' solid fence*
	330	20'+	min. 44" picket fence*
	440	25'	-
	362	25'+	min. 4' wood rail fence*
	385	30'	-
	349	35'	-
	208	35'+	min. 4' berm
	327	40'	-
	148	40'+	min 5' berm
	310	45'	-
	299	50'+	-
	56	50'+	min. 6' berm
	0.50	135	15'+
564		30'	-
405		30'+	min. 44" picket fence*
492		30'+	min. 4' wood rail fence*
499		35'	-
319		35'+	min. 4' berm
454		40'	-
261		40'+	min. 5' berm
422		45'	-
405		50'	-
160		50'+	min. 6' berm
388		55'	-
374		60'+	-

0.60	221	20'+	min. 6' solid fence*
	433	35'+	min. 4' berm
	541	35'+	min. 44" picket fence*
	630	35'+	min. 4' wood rail fence*
	626	40'	-
	379	40'+	min. 5' berm
	570	45'	-
	525	50'	-
	270	50'+	min. 6' berm
	500	55'	-
	480	60'+	-
0.80	415	30'+	min. 6' solid fence*
	655	40'+	min. 4' berm
	627	45'+	min. 5' berm
	873	45'+	min. 44" picket fence*
	910	50'	-
	505	50'+	min. 6' berm
	809	50'	min. 4' wood rail fence*
	804	55'	-
	744	60'	-
	710	65'	-
	677	70'+	-

1.00	636	40'+	min. 6' solid fence*
	732	50'+	min. 6' berm
	751	50'+	min. 5' berm
	867	55'+	min. 4' berm
	1091	60'+	min. 44" picket fence*
	1136	60'+	min. 4' wood rail fence*
	1083	65'	-
	994	70'	-
	934	75'	-
	892	80'+	-

*Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

Section 17.151 - Classification of Plant Species.

For the purpose of this Ordinance, plant materials are classified into 13 groupings: "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and non-contributory plants. Species suitable for landscaping use and compatible with Marathon County climate and soil factors are listed in Table 17.151, below. The Zoning Administrator (see Section 17.252) shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

The Appendix to this Ordinance lists additional information that may be helpful in selecting appropriate plants.

^{RF} refers to reforestation. Marked species are native to Wisconsin, and recommended for reforestation efforts by the Wisconsin DNR (see Section 17.149).

TABLE 17.151: CLASSIFICATION OF PLANTS

Climax Trees (35 Landscaping Points)	
Botanical Name	Common Name
* <i>Acer saccharum</i> ^{RF}	Sugar Maple
	'Green Mountain'

* <i>Carya ovata</i> ^{RF}	Shagbark Hickory
<i>Ginkgo biloba</i>	Ginko
'Fastigiata'	'Sentry Ginkgo'
<i>Juglans nigra</i> ^{RF}	Walnut
	Eastern Walnut
	Black Walnut
* <i>Quercus alba</i> ^{RF}	White Oak
* <i>Quercus bicolor</i> ^{RF}	Swamp White Oak
* <i>Quercus macrocarpa</i> ^{RF}	Bur Oak
	Mossycup Oak
* <i>Quercus palustris</i>	Pin Oak
* <i>Quercus rubra</i> ^{RF}	
(<i>Quercus Borealis</i>)	Northern Red Oak
	Red Oak

Tall Deciduous Trees (30 Landscaping Points)

Botanical Name	Common Name
<i>Acer nigrum</i>	Black Maple
<i>Acer platanoides</i>	Norway Maple
	'Cleveland'
	'Columnare'
	'Crimson King'
	'Harlequin'
	'Emerald Queen'
	'Globe'

	'Greenlace'
	'Royal Red'
	'Schwedleri'
	'Summershade'
* <i>Acer rubrum</i> ^{RF}	Red Maple
	Scarlet Maple
	Swamp Maple
	'Armstrong'
	'Autumn Flame'
	'Bowhall'
	'Red Sunset'
	'Schlesingeri'
* <i>Acer saccharinum</i> ^{RF}	Silver Maple
	Soft Maple
	White Maple
	River Maple
	'Blair'
	'Pyramidale' (Upright)
	'Silver Queen' (Seedless)
	'Wieri' (Cutleaf)
<i>Aesculus hippocastanum</i>	Horsechestnut
<i>Alnus glutinosa</i>	European Alder
	Black Alder
<i>Betula lutea</i> ^{RF}	Yellow Birch
<i>Catalpa speciosa</i>	Northern Catalpa

<i>*Celtis occidentalis^{RF}</i>	Common Hackberry
<i>*Fagus grandifolia^{RF}</i>	American Beech
<i>Fagus sylvatica</i>	European Beech
<i>*Fraxinus americana^{RF}</i>	White Ash
	'Autumn Purple'
	'Rosehill'
<i>Fraxinus excelsior</i>	European Ash
	'Aurea' (Golden)
	'Hessei' (Hesse)
<i>Fraxinus nigra^{RF}</i>	Black Ash
<i>Fraxinus pennsylvanica^{RF}</i>	Green Ash
	Red Ash
	'Marshall's Seedless'
	'Summit'
<i>*Gleditsia triacanthos inermis</i>	Thornless honeylocust
	'Imperial'
	'Shademaster'
	'Skyline'
	'Sunburst'
<i>*Gymnocladus dioica</i>	Kentucky
	Coffeetree
<i>Juglans cinerea^{RF}</i>	Butternut
<i>Larix decidua</i>	European Larch
	'Pendula'
<i>Larix kaempferi</i>	Japanese Larch

<i>Larix laricina</i> ^{RF}	American Larch
	Tamarack
<i>Liriodendron tulipifera</i>	Tuliptree
* <i>Platanus occidentalis</i>	Sycamore
	American
	Planetree
<i>Populus alba</i>	White Poplar
	'Pyramidalis'
<i>Populus deltoides</i> ^{RF}	Eastern Poplar
	'Robusta'
	'Siouxland'
	'Cottonless'
<i>Populus grandidentata</i> ^{RF}	Bigtooth Aspen
* <i>Prunus serotina</i> ^{RF}	Black Cherry
<i>Taxodium distichum</i>	Baldcypress
* <i>Tilia americana</i> ^{RF}	American Linden
	Basswood
	Linden Tree
	Linn Tree
<i>Tilia cordata</i>	Littleleaf Linden
	'Chancellor'
	'Greenspire'
<i>Tilia x euchlora</i>	Redmond Linden
	'Redmond'

Medium Deciduous Trees (15 Landscaping Points)	
Botanical Name	Common Name
<i>Aesculus x carnea</i>	Ruby Horsechestnut
	'Briotii'
<i>Aesculus glabra</i>	Ohio Buckeye
<i>Alnus glutinosa</i>	European Alder
* <i>Betula nigra</i> ^{RF}	River Birch
* <i>Betula papyifera</i> ^{RF}	Paper Birch
<i>Betula pendula</i>	Cutleaf European Birch
	'Gracilis'
<i>B. platyphylla</i> <i>japonica</i>	Japanese White Birch
<i>Cercidiphyllum</i> <i>japonicum</i>	Katsuratree
<i>Cladrastis lutea</i>	American Yellowwood
<i>Magnolia acuminata</i>	Cucumbertree
* <i>Nyssa sylvatica</i>	Black Gum
<i>Phellodendron</i> <i>amurense</i>	Amur Corktree
<i>Prunus maackii</i>	Amur Chokecherry
<i>Prunus padus commutata</i>	Harbinger
	European Bird Cherry
* <i>Prunus</i> <i>pennsylvanica</i> ^{RF}	Pin Cherry
<i>Prunus sargentii</i>	Sargent Cherry
<i>Salix alba tristis</i>	Golden Weeping Willow

<i>Ulmus parvifolia</i>	Chinese Elm
-------------------------	-------------

Low Deciduous Trees (10 Landscaping Points)

Botanical Name	Common Name
<i>Acer ginnala</i>	Amur Maple
* <i>Alnus rugosa</i>	Speckled Alder
* <i>Amelanchier arborea</i> ^{RF}	Downy Serviceberry
<i>Amelanchier x grandiflora</i>	Apple Serviceberry
* <i>Amelanchier laevis</i>	Allegheny Serviceberry
* <i>Carpinus caroliniana</i> ^{RF}	American Hornbeam
<i>Cercis canadensis</i>	Eastern Redbud
* <i>Cornus alternifolia</i>	Pagoda Dogwood
* <i>Crataegus crus-galli</i>	Thornless Cockspur Hawthorn
	'Inermis'
<i>Crataegus laevigata</i>	Paul's Scarlet Hawthorn
	'Paulii'
	'Superba' (Crimson Cloud)
<i>Crataegus x lavalleyi</i>	Lavalle Hawthorn
* <i>Crataegus mollis</i>	Downy Hawthorn
<i>Crataegus phaenopyrum</i>	Washington Hawthorn
* <i>Crataegus punctata</i>	Dotted Hawthorn
<i>Crataegus x</i>	Toba Hawthorn
	'Toba'
<i>Elaeagnus angustifolia</i>	Russianolive
<i>Magnolia x loebneri</i>	Dr. Merrill Magnolia

	'Merill'
<i>Magnolia x soulangiana</i>	Saucer Magnolia
<i>Malus species & cultivars</i>	Flowering Crabapples
<i>M. 'Adams'</i>	Adams F.C.
<i>M. baccata jackii</i>	Jack F.C.
<i>M. 'Bob White'</i>	Bob White F.C.
<i>M. 'Candied Apple'</i>	Weeping Candied Apple F.C.
<i>M. 'David'</i>	David Flowering Crabapple
<i>M. 'Dorothea'</i>	Dorothea F.C.
<i>M. 'Indian Summer'</i>	Indian Summer F.C.
<i>M. 'Profusion'</i>	Profusion F.C.
<i>M. 'Red Jewel'</i>	Red Jewel F.C.
<i>M. 'Robinson'</i>	Robinson F.C.
<i>M. 'Sentinel'</i>	Sentinel F.C.
<i>M. 'White Cascade'</i>	White Cascade F.C.
* <i>Ostrya virginiana</i> ^{RF}	Hophornbeam
* <i>Prunus americana</i> ^{RF}	American Plum
<i>Prunus cerasifera</i>	
'Newportii'	Newport Plum
* <i>Prunus virginiana</i> ^{RF}	Chokecherry
	'Canada Red' or 'Shubert'
	Shubert Chokecherry
<i>Pyrus calleryana</i>	Callery Pear
<i>Saliz matsudana</i>	Corkscrew Willow
<i>Saliz pentandra</i>	Laurel Willow

<i>Sorbus alnifolia</i>	Korean Mountainash
<i>Sorbus aucuparia</i>	European Mountainash
* <i>Sorbus decora</i>	Showy Mountainash
<i>Syringa reticulata</i>	Japanese Tree Lilac

Tall Evergreen Trees (30 Landscaping Points)	
Botanical Name	Common Name
<i>Abies concolor</i>	White Fir
<i>Picea abies</i>	Norway Spruce
* <i>Picea glauca</i> ^{RF}	White Spruce
<i>Picea omorika</i>	Serbian Spruce
<i>Picea pungens glauca</i>	Blue Colorado Spruce
<i>Pinus cembra</i>	Swiss Stone Pine
<i>Pinus nigra</i>	Austrian pine
* <i>Pinus resinosa</i> ^{RF}	Red Pine
* <i>Pinus strobus</i> ^{RF}	Eastern White Pine
<i>Pinus sylvestris</i>	Scots Pine
<i>Pseudotsuga menziesii</i>	Douglasfir
* <i>Tsuga Canadensis</i> ^{RF}	Canada Hemlock

Medium Evergreen Trees (20 Landscaping Points)	
Botanical Name	Common Name
* <i>Thuja occidentalis</i> ^{RF}	American Arborvitae

Low Evergreen Trees (12 Landscaping Points)	
Botanical Name	Common Name
<i>Juniperus chinensis</i>	Keteleer Juniper
	Mountbatten Juniper
* <i>Juniperus virginiana</i> ^{RF}	Eastern Redcedar
'Burkii'	Burke E.R.
'Canaertii'	Canaert E.R.
'Glauca'	Silver E.R.
'Hillii'	Hill Dundee E.R.
* <i>Picea glauca</i> ^{RF} Densata	Black Hills Spruce
<i>Taxus cuspidata</i>	Japanese Yew
* <i>Thuja occidentalis</i> ^{RF}	Pyramidal Arborvitae
'Fastigiata'	
'Techny'	

Tall Deciduous Shrubs (5 Landscaping Points)	
Botanical Name	Common Name
* <i>Amelanchier sp.</i> (see low trees)	Serviceberry
<i>Caragana arborescens</i>	Siberian Peashrub
<i>Chionanthus virginicus</i>	Fringetree
* <i>Cornus alternifolia</i>	Pagoda Dogwood
<i>Cornus mas</i>	Corneliancherry Dogwood
* <i>Cornus racemosa</i>	Gray Dogwood
* <i>Cornus sericea</i>	Redosier Dogwood

	baileyi	Bailey R.D.
<i>Cotoneaster multiflora</i>		Manyflowered Cotoneaster
<i>Elaeagnus umbellata</i>		Autumnolive
<i>Euonymus alata</i>		Winged Euonymus
* <i>Euonymus atropurpurea</i>		Eastern Wahoo
<i>Euonymus europaea</i>		Spindletree of European Euonymus
'Aldenhamensis'		Aldenham E.E.
'Redcap'		Redcap E.E.
<i>Exochorda racemosa</i>		Pearlbush
* <i>Hamamelis virginiana</i>		Common Witchhazel
<i>Hydrangea paniculata</i>		Peegee Hydrangea
'Grandiflora'		
<i>Kolkwitzia amabilis</i>		Beautybush
<i>Ligustrum amurense</i>		Amur Privet
<i>Ligustrum vulgare</i>		Cheyenne Privet
'Cheyenne'		
<i>Lonicera x bella</i>		White Belle Honeysuckle
'Candida'		
<i>Lonicera tatarica zabelii</i>		Zabel Honeysuckle
<i>Magnolia stellata</i>		Star Magnolia
* <i>Physocarpus opulifolius</i>		Eastern Ninebark
<i>Prunus tomentosa</i>		Manchu Cherry
<i>Prunus triloba</i>		Double Flowering Plum
<i>Rhamnus frangula</i>		Tallhedge Glossy Buckthorn

<i>*Rhus glabra</i>	Smooth Sumac
<i>Rhus typhina</i>	Staghorn or Shredleaf Sumac
<i>Salix caprea</i>	Goat W. or French Pussy Willow
<i>Shepherdia argentea</i>	Buffaloberry
<i>*Staphylea trifolia</i>	American Bladdernut
<i>Syringa x chinensis</i>	Chinese Lilac
<i>Syringa x hyacinthiflora</i>	Hyacinth Lilacs
<i>Syringa x prestoniae cvs.</i>	Preston Lilacs
<i>Syringa reticulata</i>	Japanese Tree Lilac
<i>Syringa vulgaris cvs.</i>	Common Lilac
<i>Tamarix ramosissima</i>	Tamarisk
<i>Viburnum dentatum</i>	Arrowwood Viburnum
<i>Viburnum lantana</i>	Wayfaringtree V.
<i>*Viburnum lentago</i>	Nannyberry V.
<i>*Viburnum prunifolium</i>	Blackhaw Viburnum
<i>Viburnum sieboldii</i>	Siebold Viburnum
<i>*Viburnum trilobum</i>	American Cranberrybush Viburnum

Medium Deciduous Shrubs (3 Landscaping Points)

Botanical Name	Common Name
<i>Aronia arbutifolia</i>	Red Chokeberry
<i>Cornus alba</i>	Creamedge Dogwood
<i>*Corylus americana</i>	American Filbert or Hazelnut
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster

<i>Euonymus alatus</i>	Dwarf Winged Euonymus
<i>Forsythia x intermedia</i>	Border Forsythia
<i>Forsythia ovata</i>	Early Forsythia
<i>Forsythia suspensa</i>	Weeping Forsythia
* <i>Ilex verticillata</i>	Winterberry
<i>Ligustrum obtusifolium</i>	Regel's Border Privet
<i>Malus sargentii</i>	Sargent Crabapple
'Tina'	
<i>Myrica pensylvanica</i>	Bayberry
<i>Philadelphus x virginalis</i>	Glacier Mockorange

Medium Deciduous Shrubs (3 Landscaping Points)

Botanical Name	Common Name
<i>Prunus x cistena</i>	Purple-leaved Sand Cherry
<i>Rhodotypos scandens</i>	Jetbead
<i>Rosa hugonis</i>	Father Hugo Rose
<i>Rosa rugosa cvs.</i>	Rugosa Rose
* <i>Rosa setigera</i>	Prairie Rose
<i>Spiraea prunifolia</i>	Bridalwreath Spirea
<i>Spiraea thunbergii</i>	Thunberg Spirea
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea
<i>Syringa meyeri 'Palibin'</i>	Palibin Lilac
<i>Viburnum carlesii</i>	Koreanspice Viburnum
* <i>Viburnum cassinoides</i>	Witherod Viburnum

<i>Weigela florida</i>	Old-fashioned Weigela
<i>Weigela x 'Vanicekii'</i>	Vanicek Weigela

Low Deciduous Shrubs (1 Landscaping Point)	
Botanical Name	Common Name
<i>Acanthopanax siebold.</i>	Fiveleaf Aralia
* <i>Amelanchier stolonifera</i>	Running Serviceberry
* <i>Aronia melanocarpa</i>	Black Chokeberry
<i>Berberis thunbergii</i>	Japanese Barberry
'Atropurpurea'	Redleaf J.B.
	Crimson Pygmy J.B.
<i>Buxus microphylla</i>	Korean Littleleaf Box
<i>Chaenomeles japonica a.</i>	Dwarf Japanese Floweringquince
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster
<i>Deutzia x lemoinei</i>	Compact Lemoine
* <i>Diervilla lonicera</i>	Dwarf Bushhoneysuckle
<i>Forsythia viridissima</i>	Bronx Forsythia
<i>Hydrangea arborescens</i>	Annabelle Hydrangea
'Grandiflora'	Snowhill Hydrangea
* <i>Hypericum kalmianum</i>	Kalm's St. Johnswort
<i>Lonicera x xylosteoides</i>	'Clavey's Dwarf Honeysuckle

<i>Lonicera xylosteum</i>	Emerald Mound Honeysuckle
<i>Mahonia aquifolium</i>	Mayhan Oregongrape
<i>Philadelphus coronarius</i>	Golden Mockorange
<i>Philadelphus x lemoinei</i>	Mont Blanc Mockorange
<i>Physocarpus opulifolius</i>	Dwarf Common Ninebark
* <i>Potentilla fruticosa cvs.</i>	Bush Cinquefoil
<i>Prunus glandulosa</i>	Pink Dwarf Floweringalmond
<i>Rhododendron x k.</i>	Mollis Hybrid Azaleas
<i>Rhododendron x</i>	PJM Hybrid Rhododendron
* <i>Rhus aromatica</i>	Fragrant Sumac
<i>Ribes alpinum</i>	Alpine Currant
<i>Rosa virginiana</i>	Virginia Rose
<i>Salix repens argentea</i>	Silver Creeping Willow
<i>Spiraea x arguta</i>	Compact Garland Spirea
<i>Spiraea x billiardii</i>	Billiard Spirea
<i>Spiraea x bumalda</i>	Anthony Waterer Spirea
'Froebelii'	Froebel Spirea
<i>Spiraea japonica alpina</i>	Daphne Spirea
'Snowmound'	Snowmound Spirea
<i>Symphoricarpos rivularis</i>	Snowberry
<i>Symphoricarpos orb.</i>	Indiancurrant Coralberry
<i>Viburnum opulus</i>	Compact European Cranberrybush

<i>Viburnum opulus</i>	Dwarf European Cranberrybush V.
------------------------	---------------------------------

Tall - Med. Evergreen Shrubs (5 Landscaping Pts.)	
Botanical Name	Common Name
<i>Juniperus chinensis</i>	Ames Juniper
'Blaauw'	Blaauw Juniper
'Herzii'	Herz Blue Juniper
'Maney'	Maney Juniper
'Old Gold'	Old Gold Juniper
'Pfitzerana'	Pfitzer Juniper
'Pfitzerana Glauca'	Blue Pfitzer J.
* <i>Juniperus communis d.</i>	Oldfield Common Juniper
<i>Juniperus sabina</i>	Von Ehren Savin Juniper
<i>Juniperus squamata</i>	Meyer Singleseed Juniper
<i>Picea glauca</i> ^{RF} 'Conica'	Dwarf Alberta Spruce
<i>Pinus mugo</i>	Mugo Pine
<i>Taxus cuspidata</i>	Spreading Japanese Yew
'Nana'	Dwarf Japanese Yew
<i>Taxus x hunnewelliana</i>	Hunnewell Yew
<i>Taxus x media cvs.</i>	Anglojapanese Yew
<i>Thuja occidentalis</i> ^{RF}	Ware American Arborvitae
'Woodwardii'	Woodward Globe Arborvitae

Low Evergreen Shrubs (3 Landscaping Points)	
Botanical Name	Common Name

<i>Juniperus chinensis p.</i>	Japanese Garden Juniper
<i>Juniperus chinensis s.</i>	Sargent Juniper
* <i>Juniperus horizontalis</i>	Creeping Juniper
'Bar Harbor'	Bar Harbor Juniper
'Douglasii'	Waukegan Juniper
'Plumosa'	Andorra Juniper
'Prince of Wales'	Prince of Wales Juniper
'Wiltonii'	Blue Rug Juniper
'Youngstown'	Youngstown Juniper
<i>Juniperus sabina</i>	Arcadia Savin Juniper
'Broadmoor'	Broadmoor Savin Juniper
'Skandia'	Skandia Savin Juniper
'Tamariscifolia'	Tamarix Savin Juniper

Non-Contributing Species (0 Points)

Botanical Name	Common Name
<i>Acer negundo</i>	Boxelder
	Crown Vetch
* <i>Crataegus crus-galli</i>	Cockspur Hawthorn
* <i>Gleditsia triacanthos</i>	Common Honeylocust
<i>Lonicera x bella</i>	Belle Honeysuckle
<i>Lonicera tatarica</i>	Tatarian Honeysuckle
<i>Lonicera morrowi</i>	Morrow Honeysuckle
Purple Loosestrife	
<i>Rhamnus cathartica</i>	Common Buckthorn

Rhamnus frangula

Glossy Buckthorn

The following sources were used in compiling the preceding lists of plant species:

Department of Natural Resources. Forest Trees of Wisconsin: How to Know Them. Madison, Wisconsin: Department of Natural Resources, 1987.

Hasselkus, E.R. A Guide to Selecting Landscape Plants for Wisconsin. Madison, Wisconsin: College of Agricultural and Life Sciences University of Wisconsin - Extension, Cooperative Extension Programs, 1982.

Hightshoe, Gary L. Native Trees, Shrubs, and Vines for Urban and Rural America: A Planting Design Manual for Environmental Designers. New York: Van Nostrand Reinhold, 1988.

Iowa State University. Landscape Plants for Iowa. Ames, Iowa: Iowa State University Cooperative Extension Service, May 1984.

Section 17.152 - Requirements for the Installation, Maintenance & Use of Landscaped and Bufferyard Areas.

(1) *Installation:*

(a) Any and all landscaping and bufferyard material required by the provisions of this Chapter shall be installed on the subject property, in accordance with the approved site plan (see Section 17.228) within one year after the date of issuance of an Occupancy Permit for any building on the subject property.

(b) *Surety:*

1. As a condition of the issuance of an Occupancy Permit, the property owner shall file, subject to approval by the Zoning Administrator, a bond, certificate of deposit, irrevocable letter of credit, or a certified check with the Town Treasurer in an amount equal to 110% of the estimate of landscaping materials and installation costs. This surety shall constitute an agreement to comply with this subchapter and security to assure compliance before and after occupancy of the property. An enforceable contract for all work on the subject property required under the provisions of this subchapter, from a qualified contractor, shall be used to determine the amount of surety.
2. If compliance with this subchapter has been accomplished as of the time of the issuance of the Occupancy Permit, no surety shall be required.
3. Any surety filed under the provisions of this section shall be returned to the property owner not sooner than 12 months, nor later than 24 months, from the date of issuance of an Occupancy Permit for any building on the subject property, unless violations of this subchapter occur within that time. The timing of the return of the surety to the property owner shall be in the sole discretion of the Zoning Administrator.
4. If the Zoning Administrator determines that a violation of this subchapter exists, notice shall be given to the owner or the owner's representative. The Zoning Administrator may cause part or all of the surety amount to be forfeited if compliance with this subchapter has not been accomplished within 30 days after the date of written notice by certified or registered mail to that effect by the Zoning Administrator of the violation to the owner or the owner's representative.
5. If the property is a part of a plat of subdivision approved pursuant to the requirements of this Chapter, the surety amount may be split into amounts which are applicable to phases of the plat approved pursuant to the requirements of the Town Land Division Ordinance.
6. A governmental unit to which these surety provisions apply may, in lieu of posting the required surety, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this subchapter.
7. The surety provisions of this section shall not apply to one-family or two-family residential building projects.

(c) Existing plant material which meets the requirements of Section 17.143 and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping requirements.

(d) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

(e)

The exact placement of required plants and structures shall be the decision of each property owner within the requirements of this Subchapter, except that the following requirements shall be met:

1. Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.
 2. Where a combination of plant materials, and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 3. A property owner may establish through a written agreement, recorded with the Register of Deeds Office, that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an immediately adjacent portion of their land, thereby exempting the developer from providing all or a portion of the required bufferyard on his property.
 4. In no manner shall landscaping or bufferyard materials be selected and/or located in a manner which results in the creation of a safety or visibility hazard (see [Section 17.173](#)).
 5. The restrictions on types of plants listed in Sections [17.144](#) through [17.147](#) shall apply.
- (2) *Maintenance*: The continued and continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this Chapter and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of this Chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. Upon failure to comply with these provisions, the Town may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this Chapter, and shall be subject to any and all applicable enforcement procedures and penalties (see [Section 17.256](#)).
- (3) *Use of Required Bufferyard and Landscaped Areas*: Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that: no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this Chapter are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation used be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display of storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.
- (4) *Utility Easements*: Landscaping materials, fences and berms which are located within a duly recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscaping requirement. However, the width of such areas may be counted as part of a landscaping requirement.

Section 17.153 - Calculating Landscaping and Bufferyard Requirements.

In calculating the number of required landscaping points under the provisions of this Subchapter, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this Subchapter (for example 23.3 canopy trees) shall be rounded up to the nearest whole plant (24 canopy trees).

Section 17.154 - Depiction on Required Site Plan.

Any and all proposed landscaping on the subject property, required to meet the standards of this Chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property. (Refer to [Section 17.228](#).)

SUBCHAPTER IX: - PERFORMANCE STANDARDS

Section 17.171 - Purpose.

The purpose of this Subchapter is to indicate the requirements for access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this Title (see [Section 17.009](#)).

Section 17.172 - Access Standards.

- (1) *Purpose:* The purpose of this Subsection is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- (2) *Permit Required:* Each access point onto a public street or right-of-way shall have a permit issued by the Director of Public Works per Ch. 86, Wis. Stats.
- (3) *Number of Access Points:*
 - (a) Each nonresidential lot shall have not more than 2 access points on any street frontage adjacent to any lot. Said access shall require approval by the Zoning Administrator and the Director of Public Works.
 - (b) In no instance shall any lot be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
 - (c) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.
 - (d) For residential uses, 2 access points serving the same street frontage may be approved as a Conditional Use.
- (4) *Residential Uses:* Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- (5) *Nonresidential Uses:* Nonresidential uses shall not have access points onto a residential collector street or a local residential street unless such street has the only available frontage.
- (6) *Access Near Street Intersections:* At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any 2 street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
- (7) *Distance Between Access Drives:* The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the Director of Public Works, present or projected traffic factors warrant a greater distance.
- (8) *Angle of Intersection with Public Right-of-Way:* All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- (9) *Distance from Property Line:* The distance from an access drive to the property line of an adjacent property shall not be less than 5 feet, as measured along the right-of-way line unless the driveway is shared with the adjacent property in which case the driveway may be located on the property line or the driveway may straddle the property line. Driveways serving a corner lot shall not be located closer than 35 feet from the intersection of the right-of-way of the 2 intersecting streets.
- (10) *Width of Driveways:* All access drives shall have a minimum width of 10 feet for one-family and two-family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 25 feet for all residential uses, and 35 feet for all non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of 5 additional feet.
- (11) *Traffic Control:* The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving 6 or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Works.
- (12)

Depiction on Required Site Plan: Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

- (13) *Paving of Access:* All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface (concrete or asphalt), and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way.
- (14) All nonconforming access drives shall be modified to conform to the provisions of this Chapter within 6 months of issuance of a building permit which would allow for expansion of the existing use or expansion of the bulk of an existing building or construction of a new building on the lot which contains the nonconforming access drives. Where a hardship may exist, the owner may seek a conditional use to retain the existing access drives or modify the existing access drives in a manner contrary to the provisions of this Chapter. The conditional use request shall be made in compliance with Section 17.225, standards and procedures applicable to all conditional uses.

Section 17.173 - Visibility Standards.

- (1) *Purpose:* The purpose of this Subsection is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility at intersecting streets and where commercial driveways enter upon a street.
- (2) *Requirement:* In order to provide a clear view for motorists at intersecting streets, both public and private, and at locations where commercial driveways enter upon a street, there shall be a vision clearance triangle established. Said triangle shall be bounded by the intersecting street right-of-way lines and a line connecting points on the 2 perpendicular street right-of-way lines. The points so connected shall be measured from the intersection of the right-of-way lines, or the edge of a driveway pavement, in the case of a commercial driveway, a distance as determined by the Zoning Administrator. Generally, the following standards shall apply:

VISION CLEARANCE TRIANGLE STANDARDS	
Right-of-Way Width	Distance from R-O-W Intersection
less than 50 feet	50 feet
50 feet	50 feet
51-60 feet	40 feet
61-66 feet	34 feet
67 feet-82.5 feet	15 feet
greater than 82.5 feet	15 feet

Within said triangular area, no signs, parking spaces, structures, or earthwork in excess of 30 inches, and no vegetation, fencing, nor other such obstructions between 30 inches and 8 feet in height which exceeds an opacity of 0.2 (see Section 17.150(4)(b)) shall be permitted which exceeds 30 inches in height above either of the centerline elevations of said 2 streets.

- (3) *Depiction on Required Site Plan:* Any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.

Section 17.174 - Off-Street Parking and Traffic Circulation Standards.

(Am. # 2020-03)

- (1) *Purpose:* The purpose of this Subsection is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites.
- (2) *Depiction on Required Site Plan:* Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. Each and every parking space designed to serve as required parking shall not be located farther than 500 feet from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.
- (3) *Use of Off-Street Parking Areas:* The use of all required off-street parking areas shall be limited to the parking of operable vehicles which are not for lease, rent, or sale. Within residential zoning districts, said parking spaces shall only be used by operable cars and trucks.
- (4) *Traffic Circulation and Traffic Control:* Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
- (5) *Maintenance of Off-Street Parking and Traffic Circulation Areas:* All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area.
- (6) *Off-Street Parking and Traffic Circulation Design Standards.*
 - (a) *Surfacing and Marking:* All off-street parking and traffic circulation areas (including all residential driveways—except those within the A/R District) shall be paved with a hard, all-weather surface (blacktop or concrete), to the satisfaction of the Zoning Administrator. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
 - (b) *Reserved.*
 - (c) *Lighting:* All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An outdoor illumination level of between 0.4 and 1.0 foot candles is required for said areas.
 - (d) *Access:* Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without backing or maneuvering a vehicle into a public right-of-way. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 35 feet. (See also Table 17.174(6)(j))
 - (e) *Fire Lanes:* A fire lane shall be required to provide access to any portion of any structure equal to or less than 40 feet tall which is more than 150 feet from the nearest street right-of-way, and to any portion of any structure greater than 40 feet tall which is more than 50 feet from the nearest street right-of-way. The Zoning Administrator may also require the provision of a fire lane or lanes to any part of any structure upon a determination that the distance of the structure from the nearest hydrant, the configuration of development on the site, or other special characteristics of the site otherwise inhibit effective fire extinguishment. All fire lanes shall: provide clear, unobstructed access for vehicles and apparatus at all times through a combination of pavement marking and signage; shall be a minimum of 18 feet wide; and shall be surfaced as an all-weather roadway.
 - (f) *Signage:* All signage located within, or related to, required off-street parking or traffic circulation shall comply with the Sign Regulations.
 - (g)

Handicapped Parking Spaces: Parking for the handicapped shall be provided at a size, number, location, and with signage per State and Federal regulations.

- (h) *Parking Space Design Standards:* Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of Table 17.174(6)(j). The minimum required length of parking spaces shall be 17.0 feet, plus an additional 1.5 foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least 7 feet.
- (i) *Snow Storage:* Required off-street parking and traffic circulation areas shall not be used for snow storage.
- (j) *Parking Lot Design Standards:* Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 17.174(6)(j), and shown on the following page.
- (k) *Bicycle Parking.* Except for reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before September 1, 2020 which serves a single-use non-residential, multi-use non-residential, and multi-family development, a number of off-street bicycle parking spaces shall be provided equal to five percent of the automobile parking space requirement, with no fewer than two bicycle parking spaces provided for all uses requiring 20 or more vehicular parking spaces. The site plan approval authority shall make the determination of what counts as bicycle parking; examples of acceptable bicycle parking would range from non-permanent bike racks to permanent inverted 'U' fixtures. All bicycle parking shall be on a hard-surfaced area in a location accessible to building entrances.
- (l) *Pedestrian Facilities.* Except for reconstruction, resurfacing, reconfiguration, or restriping of a parking lot, driveway, or vehicle circulation area legally constructed before September 1, 2020 which serves non-residential, multi-use non-residential, and multi-family development, the following shall apply:
 1. The site shall provide for safe, ADA compliant pedestrian and bicycle access to all uses, and connections to existing and/or planned public pedestrian and bicycle facilities as shown on the Official Map and facilities located on adjacent properties as described herein.
 2. Pedestrian walkways shall be provided from all building entrances to existing or planned public sidewalks and/or pedestrian/bike facilities. The minimum width for sidewalks adjacent to buildings shall be five feet.
 3. Sidewalks other than street sidewalks or building aprons shall provide landscaping adjacent to said sidewalk at a rate of 10 points per 25 feet with a minimum of 10 points provided.
 4. Crosswalks shall be distinguished from driving surfaces to enhance pedestrian safety by using different materials, or colors, or textures, or raised surfaces and signage.

(7) *Calculation of Minimum Required Parking Spaces.*

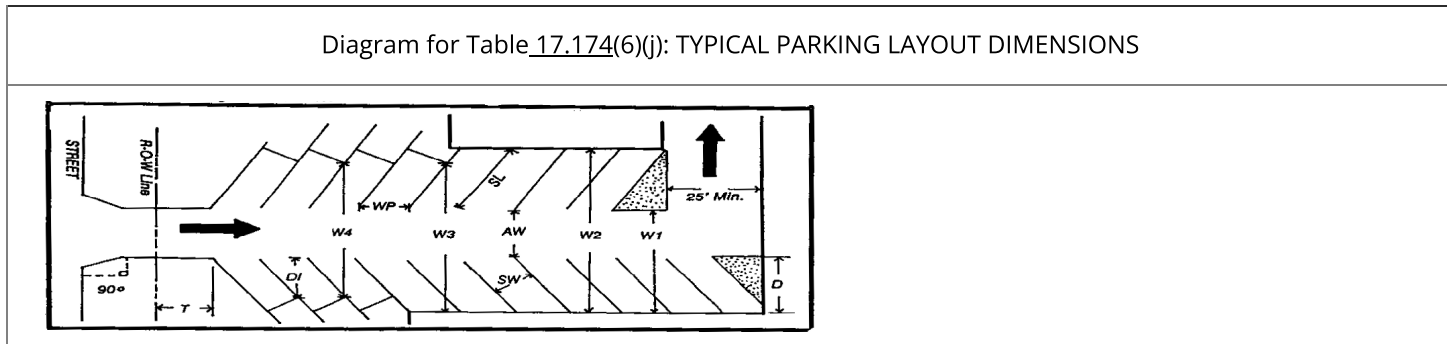
(a) *General Guidelines for Calculating Required Parking Spaces:* The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Title, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

Table <u>17.174(6)(j)</u> : PARKING LAYOUT DIMENSIONS					
Minimum Permitted Dimensions	Parking Angle in Degrees (°)				
	0°(parallel)	45°	60°	75°	90°
Stall Width at Parking Angle (<i>SW</i>)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (<i>WP</i>)	24.0'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (<i>D</i>)	9.0'	17.5'	19.0'	19.5'	18.5'

Stall Depth to Interlock (<i>DI</i>)	—	15.3'	17.5'	18.8'	—
Stall Length (including 1.5' curb overhang) (<i>SL</i>)	18.5'	18.5'	18.5'	18.5'	18.5'
Aisle Width (<i>AW</i>)	12.0'*	12.0'*	16.0'*	23.0'*	26.0'*
Throat Length (right-of-way to parking area) (<i>T</i>)	Refer to Requirements in Table 17.174(7)(f).				
Parking Module Width (<i>PMW</i>):					
Wall to Wall (Single-Loaded) (<i>W1</i>)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double Loaded) (<i>W2</i>)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double Loaded) (<i>W3</i>)	—	44.8'	52.5'	61.3'	—
Interlock to Interlock (Double Loaded) (<i>W4</i>)	—	42.6'	51.0'	60.6'	—

*This dimension represents (*AW*) for one-way traffic. For two-way traffic, add 8.0 feet to (*AW*), up to a maximum (*AW*) of 26.0 feet.

Diagram for Table 17.174(6)(j): TYPICAL PARKING LAYOUT DIMENSIONS



(b) *Joint Parking Facilities.*

1. Parking facilities which have been approved by the Director of Public Works to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
2. Each parking space designed to serve as joint parking shall not be located farther than 500 feet from the access to all of the various areas it is designated to serve.
3. The applicant(s) for approval of a joint parking facility shall demonstrate to the satisfaction of the Director of Public Works, that there is no substantial conflict in the demand for parking during the principal operating hours of the 2 of more uses for which the joint parking facility is proposed to serve.
4. Pedestrian and vehicular cross-connections between participating uses shall be required as specified by the Zoning Administrator.
5. A legally binding instrument, approved by the Zoning Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the Town Clerk. A fee shall be required to file this instrument.

(c) *Minimum Off-Street Parking Requirements for Land Uses.* The off-street parking requirements for each land use are listed within [Section 17.056](#).

(d) *Provision of Fee-in-Lieu of Parking Spaces Development.* Within any zoning district, the conditional use process may be used by a Petitioner to provide the Town with a parking space development fee-in-lieu of parking space provision for all spaces required by development of change of land use occurring after the affective date of this Ordinance. Said fee shall be in the amount of \$2,000.00 per required parking space (or as increased by the Town Board as part of the conditional use process). Through the conditional use process, Town Board has the right to deny all, or part, of request related to this subsection.

(e) *Locational Prohibitions for Off-Street Parking Areas.* To maintain a high level of aesthetics in residential areas and to reduce yard clutter as viewed from a street, the location of parking spaces in residential areas is closely regulated. For any single-family detached house, no more than 4 off-street parking spaces may be located between the principal structure on a

residential lot and a street right-of-way unless the proposed parking area is reviewed by the Plan Commission and found not (to) be contrary to the purpose of this Chapter as described in Section 17.005. These 4 allowed parking spaces may be located within residential driveways or parking lots designated on the approved site plan.

The location of off-street parking spaces for other residential dwelling unit types shall be reviewed and approved by the Plan Commission as part of the site plan review process.

No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way unless the parking is specifically authorized by the Town Board.

(f) *Minimum Permitted Throat Length*. The table on the following page shall be used to determine the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive:

SUMMARY TABLE <u>17.174</u> (7)(f): MINIMUM PERMITTED THROAT LENGTH				
LAND USE	TYPE	SCALE OF DEVELOPMENT	TYPE OF ACCESS STREET	
			COLLECTOR	ARTERIAL
RESIDENTIAL	Any Residential	0—100 dwelling units	25 feet	
		101—200 dwelling units	50 feet	75 feet
		201+ dwelling units	75 feet	125 feet

COMMERCIAL	Office	0—50,000 gross sq. ft.	25 feet	50 feet	
		50,000—100,000 gross sq. ft.	25 feet	75 feet	
		100,001—200,000 gross sq. ft.	50 feet	100 feet	
		200,001+ gross sq. ft.	100 feet	150 feet	
	In-Vehicle Sales	0—2,000 gross sq. ft.	25 feet	75 feet	
		2,001+ gross sq. ft.	50 feet	100 feet	
	Indoor Entertainment	0—15,000 gross sq. ft.	25 feet	50 feet	
		15,001+ gross sq. ft.	25 feet	75 feet	
	Commercial Lodging	0—150 rooms	25 feet	75 feet	
		151+ rooms	25 feet	100 feet	
	Other Commercial Uses	0—25,000 gross sq. ft.	25 feet	50 feet	
		25,001—100,000 gross sq. ft.	25 feet	75 feet	
		100,001—500,000 gross sq. ft.	50 feet	100 feet	
		500,001+ gross sq. ft.	75 feet	200 feet	
	INDUSTRIAL	All Industrial Uses	0—100,000 gross sq. ft.	25 feet	50 feet
			100,001—500,000 gross sq. ft.	50 feet	100 feet
501,001+ gross sq. ft.			50 feet	200 feet	
ALL OTHER LAND USES:	6+ parking spaces		25 feet	50 feet	

Section 17.175 - Off-Street Loading Standards.

- (1) *Purpose:* The purpose of this Subsection is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) *Applicability:* Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Subsection.
- (3) *Location:* All loading berths shall be located 25 feet or more from the intersection of 2 street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Subsection 17.175(5). All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.
- (4) *Size of Loading Area:* The first required loading berth shall be designed in accordance with Table 17.175(4). All remaining required loading berths shall be a minimum of 25 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

Table <u>17.175(4)</u> : Loading Standards						
Design Vehicle	Length in Feet (L)	Dock Angle (°)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65

WB-50	55	90°	55	10	77	132	
				12	72	127	
				14	67	122	
		60°	48		10	55	103
					12	51	99
					14	46	94
		45°	39		10	45	84
					12	40	79
					14	37	76

- (5) *Access to Loading Area:* Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Subsection 17.172, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (6) *Surfacing and Marking:* All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.
- (7) *Use of Required Loading Areas:* The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (8) *Lighting:* All loading areas shall be lit so as to not to create undue glare or ambient light.
- (9) *Signage:* All signage located within, or related to, loading areas shall comply with the requirements of this Ordinance.
- (10) *Depiction on Required Site Plan:* Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property.
- (11) *Calculation of Required Loading Spaces.*
 - (a) *Indoor Institutional Land Uses:* One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, 2 loading berths shall be required.
 - (b) *Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses:* One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
 - (c) *Office Land Uses:* One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

Section 17.176 - Exterior Storage Standards.

- (1) *Purpose:* The purpose of this Section is to control the use of residential, office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Section 17.056.

(2) *Requirements for Exterior Storage in Residential Zoning Districts:*

- (a) In all residential zoning districts (See [Section 17.032](#) for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or street yard (required or excess yard, except for vehicles in designated parking spaces) and shall be stored a minimum of 5 feet from any and all property lines: firewood, construction materials, landscaping materials storage and related equipment connected with on-site construction, and off-street parking.
 - (b) In all residential zoning districts, recreational equipment including, but not limited to, boats, snowmobiles, all terrain vehicles, travel trailers, pop-up campers, and motor homes, shall be permitted if said equipment is stored or parked a minimum of 5 feet from any and all property lines and shall not be located within any front yard or any required street side yard (except for designated parking spaces) unless screened from the street with a bufferyard with a minimum of 0.30 opacity (see [Section 17.150\(4\)\(b\)](#)).
 - (c) Said equipment storage shall not be located in a minimum required parking space during said equipment's off-season. Motor homes which are used on a year-round basis shall be permitted in said areas on a year-round basis. (Winterization of such vehicles shall be a conclusive indication of non-use.)
 - (d) Temporary utility hook-ups shall be permitted for a period not to exceed 72 hours for loading and unloading purposes; and an aggregate of 14 days in any 30-day period for sleeping quarters if the recreational vehicle is owned by the occupant or a guest of the occupant of the residence, subject to the conditions above.
 - (e) At no time shall a recreational vehicle be used for permanent living, sleeping, materials storage or other purpose. No recreational vehicle shall be permanently connected to water, gas, electric, or sanitary sewer service.
- (3) *Requirements for Exterior Storage in Office and Commercial Districts.* In all office and commercial zoning districts (see [Section 17.032](#) for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of 5 feet from any and all property lines: screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.
- (4) *Inoperative Motor Vehicles and Junk:* Refer to the Town Code of Ordinances.

Section 17.177 - Exterior Lighting Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and to prevent the creation of nuisances.
- (2) *Applicability:* The requirements of this Section apply to all private exterior lighting within the Town of Rib Mountain, except for lighting within public rights-of-way and/or lighting located on public property.
- (3) *Depiction on Required Site Plan:* Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to [Section 17.228](#).)
- (4) *Requirements:*
 - (a) *Orientation of Fixture:* In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is encouraged so as to facilitate compliance with this requirement.
 - (b) *Intensity of Illumination:* In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles.
 - (c) *Location:* Light fixtures shall not be located within required bufferyards.
 - (d) *Flashing, Flickering and other Distracting Lighting:* Flashing, flickering and/or other lighting which may distract motorists are prohibited. (Refer to [Section 17.214\(1\)\(c\)](#).)
 - (e) *Minimum Lighting Standards:* All areas designated on required 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 footcandles.
 - (f) *Nonconforming Lighting:* All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal nonconforming uses, (see [Section 17.057](#)).

(g) *Special Events Lighting:* Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. (Refer to [Section 17.226.](#))

Section 17.178 - Vibration Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the creation of vibration which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- (3) *Depiction on Required Site Plan:* Any activity or equipment which create detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property. (Refer to [Section 17.228.](#))
- (4) *Requirements:*
 - (a) No vibration shall be produced which is discernible through the air or through the ground without the aid of instruments at any point beyond the boundaries of the subject property.
 - (b) No earthborne vibration in excess of the displacement values set forth in this Subsection. Said vibration shall comply with all 3 of the given maximum permitted displacement levels. Vibration shall be measured for displacement, with an instrument capable of simultaneously measuring in 3 mutually perpendicular directions. The maximum vector resultant shall be less than the maximum level of permitted displacement. Said maximum permitted displacement levels shall be determined by the following formula:

D = K/F	D = displacement in inches
	K = a constant (given below)
	F = the frequency of the vibration transmitted through the ground, as measured in hertz

Constant K by Type of Vibration:		
Type	Timing	K
Continuous Vibration	less than 1 second between pulses	.003
Impulsive Vibration	at least 1 second between pulses which do not exceed 1 second duration	.006
Pulse Vibration	for less than 8 pulses per 24-hour period	.015

Section 17.179 - Noise Standards.

- (1) *Purpose:* The purpose of this Section is to supplement the noise regulations in [Section 9.21](#) of the Rib Mountain Municipal Code.
- (2) *Applicability and Requirements:* This Section establishes noise limits for the zoning districts which are not covered by Table I of [Section 9.21](#) including the RA-35ac, SC, SI, UC, CC, UI, and HI Districts and any Unified Development District. All of the other requirements and provisions of [Section 9.21](#) apply within the aforementioned districts.

Table 17.179(3)(a): Maximum Permitted Noise Level*	
Zoning District	Sound Pressure Decibels re 0.0002 dyne/cm ²
RA-35ac	65
SC, SI, UC, CC	70
UI, HI	75

*If the noise is not smooth and continuous or is present only during day time hours, one or more of the corrections, in Table 17.179(3)(b) below, shall be added to or subtracted from each of the decibel levels given above in Table 17.179(3)(a).

Table 17.179(3)(b) Adjustment Factors for Maximum Noise Levels	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (Hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5

*Apply one of these corrections only.

Section 17.180 - Air Pollution Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the creation of air pollution which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) *Standards:*
 - (a) The emission, from all sources within any lot, of particulate matter containing a particle diameter larger than 44 microns is prohibited.
 - (b) Emission of smoke or particulate matter of density equal to, or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.

- (c) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
- (d) All applicable state and federal standards.

Section 17.181 - Odor Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the creation of odor which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.
- (3) *Standards:* Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, office, commercial zoning district, or the Suburban Industrial (SI) District. (See [Section 17.032.](#))

Section 17.182 - Electromagnetic Radiation Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the creation of electromagnetic radiation which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities.
- (3) *Standards:* It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

Section 17.183 - Glare and Heat Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the creation of glare or heat which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) *Standards:* No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line of the subject property shall be permitted. (See also, [Section 17.177.](#)) Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar systems regulated by §66.03, Wis. Stats., shall be entitled to the protection of its provisions.

Section 17.184 - Fire and Explosion Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely effect adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities.
- (3) *Standards:* Any use involving materials which could decompose by detonation shall locate such materials not less than 400 feet from any residential or office zoning district (see [Section 17.032](#)), except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin.

Section 17.185 - Toxic or Noxious Material Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the handling of toxic or noxious material which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities.
- (3) *Standards:*
 - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
 - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with State and Federal regulations.

Section 17.186 - Waste Material Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the handling of waste material which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities.
- (3) *Standards:*
 - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
 - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

Section 17.187 - Drainage Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the creation of drainage which adversely effects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities.
- (3) *Standards:* No land shall be developed and no use shall be permitted that results in water runoff which causes property damage, a nuisance, and/or erosion on adjacent properties. Such runoff shall be properly conveyed to a public storm drain, drainageway or other such public drainage facility per the approval of the Zoning Administrator.

Section 17.188 - Exterior Construction Material Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the use of certain exterior construction materials creation so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and property value of certain zoning districts.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities.
- (3)

Standards for All Residential, Office and Commercial Zoning Districts: Except for exposed foundations not to exceed 3 feet in height (except for instances of "walk-out" or "drive-out" basements), no buildings or structures located within a residential, office, or commercial zoning district (see [Section 17.032](#)) shall employ non-decorative exterior construction materials. Examples of such non-decorative exterior construction materials include but are not limited to: non-decorative concrete block; non-decorative cinder block; non-decorative corrugated metal siding; non-decorative sheet metal siding; sheet plywood; sheet particle board; sheet pressboard; or any related material as determined by the Zoning Administrator, on its visible exterior in the following portions of the structure or building:

- (a) Any portion of the building or structure visible from adjacent residentially zoned property;
- (b) Any portion of the building or structure located within 50 feet of a public right-of-way; or,
- (c) Any other portion of the building or structure situated at an angle of 60 degrees or less: from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the 2 outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).

Section 17.189 - Hazardous Materials Standards.

- (1) *Purpose:* The purpose of this Section is to provide information to the Town regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) *Applicability:* The requirements of this Section apply to all land uses and activities involving any one or more of the following:
 - (a) *Micro-Organism Cultures* subject to §94.65, Wis. Stats.;
 - (b) *Pesticides* subject to §94.67(25), Wis. Stats.;
 - (c) *Biological Products* subject to §95.39, Wis. Stats.;
 - (d) *Hazardous Substances* subject to §100.37(1)(c), Wis. Stats.;
 - (e) *Toxic Substances* subject to §101.58(2)(j), Wis. Stats.;
 - (f) *Infectious Agents* subject to §101.58(2)(f), Wis. Stats.; or
 - (g) Any material for which the State of Wisconsin requires notification of a local fire department
 - (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.
- (3) *Standards:* All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal (see [Section 17.228](#)).

Section 17.190 - Fencing Standards.

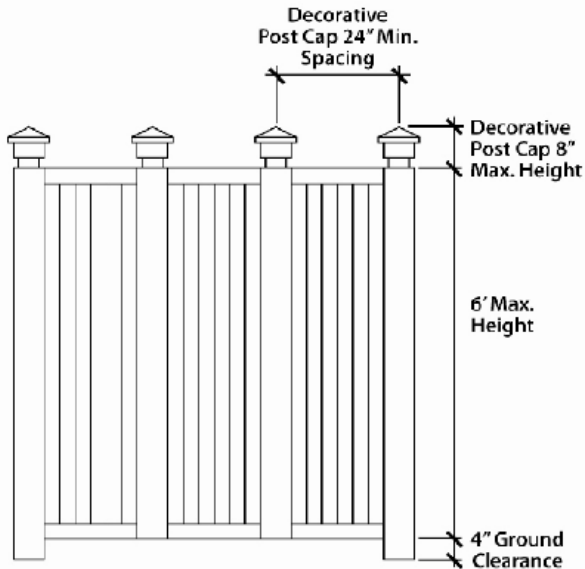
(Am. # [2021-02](#).)

- (1) *Purpose:* The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.
- (3) *Standards:*
 - (a) *Materials:*
 1. *Residential Districts:* Acceptable materials for constructing fencing, landscape walls, and decorative posts include, wood, stone, brick, wrought iron, prefabricated vinyl panels, chain link, and wire mesh, except that chain link or wire mesh fencing is not permitted within required front yard or street yard areas, and that barbed wire and/or above-ground electric fencing is not permitted anywhere in residential districts. Other comparable material may be approved by the Zoning Administrator. The following shall always apply:
 - a) Fence material, design, and color shall be compatible with other structures on the property.
 - b) Fence material and design shall be in harmony with adjacent parcels as well as the overall neighborhood.
 - 2.

Nonresidential Districts: Acceptable materials for constructing fencing, landscape walls, and decorative posts include, wood, stone, brick, wrought iron, prefabricated vinyl panels, chain link, and wire mesh. Barbed wire fencing is permitted on security fences at heights equal to or greater than 5½ feet (66"). Other comparable material may be approved by the site plan approval authority. The following shall always apply:

- a) Fence material, design, and color shall be compatible with other structures on the property.
- b) Fence material and design shall be in harmony with adjacent parcels as well as the overall neighborhood.
3. *Temporary Fencing:* Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted.
4. *Snow Fences:* Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences and used on a seasonal basis only. (Am. #12-05)
- (b) *Location:* On all properties, no fence, landscape wall, or decorative post shall be located closer than 2 feet to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.
- (c) *Maximum Height:* The maximum height of any fence, landscape wall, or decorative post shall be the following:
 1. 4 feet when located within a required front yard or required street yard on any property;
 2. 6 feet when located on any residentially zoned property, but not within a required front yard or a required street yard; and
 3. 6 feet when located on any non-residentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height.
 4. Height Exceptions: (Am. #12-05; #2016-02)
 - a) Decorative posts at a minimum spacing of 24 inches may extend 8 inches over the maximum height (see Figure 2).
 - b) Up to 4 inches of ground clearance shall be allowed to accommodate slope and/or lawn maintenance (Figure 2). This will not contribute to the measurement of maximum height.
 5. The location and maximum heights listed for Subsections (c)1.—4., above, may be exceeded or varied with the approval of a conditional use permit per Section 17.225. The following conditions (at a minimum) shall be established for such requests: (Cr. #2016-02; Am. #12-05)
 - a) The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;
 - b) The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side;
 - c) The fence shall be set back from the property line beyond the requirement of Subsection (3)(b) above, such distance as appropriate to contain adequate landscaping per Subsection (5)(b) above, and so as to maintain an attractive relationship to fence's external side.
- (d) *Orientation:* Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- (e) *Maintenance:* Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
- (f) *Swimming Pools:* Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available at the Town Hall. The Zoning Administrator may approve alternative pool cover enclosures which are designed to meet recognized standards. (Am. #12-05)
- (4) *Permit and Fee Required:* An accessory use zoning permit and fee is required for these structures. (Cr. #2016-02)

Figure 2: Measuring Maximum Fence Height



Section 17.191 - Administration and Enforcement of Performance Standards.

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Title that:
- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the Town or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
 - (b) Where technical complexity or extraordinary expense makes it unreasonable for the Town to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
 1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
 2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Title. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Title will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the Town.
- (2) Enforcement of the provisions of this Subchapter shall be per Section 17.256.

SUBCHAPTER X: - SIGNAGE REGULATIONS

Section 17.211 - Purpose.

The purpose of this Subchapter is to establish most of the signage regulations for properties within the Town of Rib Mountain. Additional signage requirements are established in other elements of this Chapter.

Rationale: This Subchapter establishes most of the regulations for the location, type, size, and height of signage within the Town of Rib Mountain. This Subchapter is designed to ensure the implementation of the Comprehensive Master Plan of the Town of Rib Mountain, particularly in regard to the implementation of the desired overall character of the community, and its constituent zoning districts.

Section 17.212 - Sign Permits.

- (1) The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by Table 17.216(6).
 - (a) Address numerals and identification signs not exceeding one square foot in area.
 - (b) Legal notices.
 - (c) Signs established by, or by order of, any governmental agency.
 - (d) Memorial signs and tablets displayed in cemeteries.
 - (e) On-premises directional signs and warning signs which bear no advertising.
 - (f) Neighborhood Watch signs and related government-authorized signs located within a public right-of-way.
 - (g) Temporary signs which conform to the requirements of Section 17.217.
- (2) *Community information signs* shall be permitted only as a conditional use within all zoning districts and upon any property within the Town of Rib Mountain. As such, the review of a request for the erection of a community information sign shall comply with the requirements of Section 17.225. The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the Town of Rib Mountain may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this Chapter. Such action shall proceed per the requirements of Section 17.225(8). Upon revocation, the owner of said sign shall have 30 days to remove the sign at the owner's expense.
- (3) Except as provided in Subsections (1) and (2) above, no sign shall be erected, altered, or relocated within the Town of Rib Mountain unless a sign permit has been issued in accordance with Section 17.227.

Section 17.213 - Definitions and Regulations Specific to Certain Signs. (Am. #2014-04)

The following definitions shall be used by this Subchapter to assist in the establishment of clear cut signage regulations. In general, Sign Purposes refers to where or how a sign is used. Sign Configurations refers to the style of the sign, and Sign Measurement explains how the dimensions of a sign are determined.

Sign: any object, device, display, structure, or part thereof, situated outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Definitions of particular functional, locational, and structural types of signs are listed in this Section. (Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this Chapter.)

- (1) *Sign Purposes*.
 - (a) *Advertising sign*: A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards (Refer to Subsection 17.214(1)(g)).
 - (b) *Auxiliary sign*: A sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, menu boards, and signs which list prices of gasoline (Refer to Subsection 17.216(5)).
 - (c) *Business sign*: a sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located (Refer to Section 17.216 and Table 17.216(6)).

- (c-1) *Changeable message sign*: A sign which is electronically, manually capable of altering its color, appearance, or message. (Cr. #09-02; Am. #2016-10)
- (c-2) *Electronic message sign*: A sign whose informational content can be changed or altered on a fixed display screen composed of electronically illuminated parts. Electronic message signs use changing lights to form a message in text form wherein the sequence of the text and rate of change is electronically programmed and can be modified by electronic processes. (Cr. #2016-10)
- (d) *Community information sign*: An officially designated sign which is limited to the display of information of interest to the general community regarding scheduled public events and public activities (Refer to Subsection 17.212(2)).
1. Such sign shall only display information regarding events and information of general interest to the residents of Rib Mountain. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited.
 2. Such sign may be located on private or public property (including right-of-way).
 3. Such sign shall conform to the visibility requirements of Section 17.173.
 4. Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per Section 17.216(6).
- (e) *Directional sign, off-premises*: A sign which indicates only the name, direction, and/or distance of a business or activity. It may contain a business logo if the logo is under one square foot in area. (Refer to Subsections 17.214(1)(f) and (g)). Counts against the permitted business sign area and requires a conditional use permit per Section 17.225.
- (f) *Directional sign, on-premises*: A sign which indicates only the name or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located. For each permitted or required parking area that has a capacity of more than 5 cars, one sign, not more than 2 square feet in area, designating each entrance and/or exit; and one sign, not more than 9 square feet in area, designating the conditions of use of the parking area. It may contain a business logo if the logo is under one square foot in area. On-premises directional signs shall not exceed 4 square feet in area. No lot shall contain more than 3 such signs.
- (g) *Group sign*: A sign displaying the collective name of a group of uses such as the title of a shopping center, office park, or industrial park and its tenants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be permitted within developments serving 5 or more nonresidential tenants, and shall limit information to the name of the development (Refer to Table 17.216(6)).
- (h) *Identification sign*: A sign indicating the name and/or address of the tenant of the unit or manager of the property located upon the residential premises where the sign is displayed (Refer to Sections 17.215, and 17.216(1) and (2)).
- (i) *Temporary sign*: A sign or advertising display intended to be displayed for a certain period of time (as permitted by Section 17.217). Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose.
- (j) *Unique sign*: A sign which, in the opinion of the Zoning Administrator, does not fall into any of the above categories.
- (k) *Residential nameplate sign*: A freestanding sign indicating the name of the tenant and/or address of the premises. This type of sign may be attached to a mailbox, yard light, ornamental light or erected as a freestanding sign on posts. Except for those attached to a mailbox, this type of sign shall not be located closer than 5 feet from the front or street side lot line per Section 17.096(4)(a)2. (Am. #2016-10)
- (2) *Sign Configurations*.
- (a) *Freestanding sign*: A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes pylon and monument signs. The base or support(s) of any and all freestanding signs shall be securely anchored to a concrete base or footing. The footing and related supporting structure of a freestanding sign

including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs (Refer to Sections 17.213(3)(b)1. and 17.216(3)).

- (b) *Marquee sign:* An overhanging sign providing a canopy of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events (Refer to Section 17.213(3)(b)1.
- (c) *Mobile or portable sign:* Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operation of the business. These signs are prohibited.
- (d) *Projecting sign:* A sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face. The bottom edge of such sign shall be located a minimum of 10 feet from the ground level directly under the sign. Such sign shall be mounted directly to a building. The sign must be located in an Urban Commercial District (UC).
- (e) *Pylon & Monument Signs:* Freestanding signs resting on or supported by means of poles, pylons, standards, or any other type of base on the ground. The base or support(s) of any and all pylon and monument signs shall be securely anchored to a concrete base or footing. The height of pylon and monument signs shall be measured from the ground grade adjacent to the sign to the top of the sign, and shall not exceed 10 feet in height. Pylon and monument signs shall be erected so that they do not obstruct vision triangles for street and/or driveway intersections, or impede visibility for safe pedestrian and/or vehicular circulation. (Refer to Sections 17.214(2)(g) and Table 17.216(6).) The footing and related supporting structure of a pylon or monument sign, including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs (Refer to Section 17.173 and Table 17.216(6)).

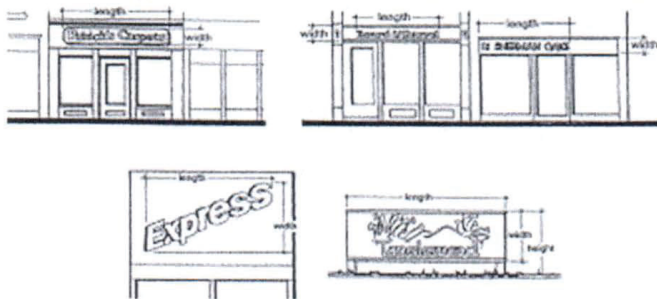
1. *Exceptions:*

- a. Pylon and monument sign height may exceed the permitted maximum height through a conditional use approval, if located within the areas described in (e)1.c. of this section; subject to, but not limited to, the conditions listed in (e)1.d. through (e)1.k. of this section.
- b. Findings of Fact. As part of the conditional use review process of the proposed pylon or monument sign exceeding 10 feet in height, the Plan Commission shall make explicit findings specifically in regards to one or more of the following:
 - 1. The proposed sign is needed for highway visibility due to topography variations created by the I-39/USH-51 highway;
 - 2. The proposed sign is needed for highway visibility due to line-of-site obstructions from adjacent properties;
 - 3. The proposed sign is needed for highway visibility due to on-site specific conditions that obstruct or create difficulty for highway visibility.
- c. Areas where pylon and monument signs may exceed the permitted maximum height through a conditional use approval are described in the following areas:
 - 1. Buffer area consisting of the 200 feet directly adjacent to the East of the East I-39/USH-51 Right-of-Way boundary, including exit/entrance ramps; from the North line of the S ½ S ½ Section 3 T28N R7E (Northern boundary line of buffer area), to the intersection of the North Right-of-Way line of Lilac Avenue and Lakeshore Drive (Southern boundary line of buffer area lying due East and West);
 - 2. Properties West of the West Right-of-Way boundary line of I-39/USH-51, which defines the Eastern boundary, to the Western Right-of-Way boundary line of County Road R (Hummingbird Road), which defines the Western Boundary; From the centerline of County Road NN (North Mountain Road), which defines the northern Boundary, to the intersection of the Western Right-of-Way boundary line of County Road R (Hummingbird Road) and the South Right-of-Way Boundary line of Park Road, which defines the southern boundary lying due East; This area description does not include any property or parcel to the West of County Road R (Hummingbird Road).
- d. No more than one pylon or monument sign over the permitted maximum height of 10 feet may be approved for any single parcel.

- e. Sign height shall not exceed 35 feet from ground level.
 - f. Any portion of the pylon or monument sign shall be set back from all property lines a minimum of 10 feet. and must be set back from a property line abutting a residentially zoned property a minimum of 35 feet.
 - g. Shall not obstruct vision triangles for street and/or driveway intersections, or impede visibility for safe pedestrian and/or vehicular circulation (Refer to Sections 17.214(2)(g) and Table 17.216(6)).
 - h. Maximum pylon or monument signage area sizes shall be reviewed on a case-by-case basis in regards to demonstrated on-site specific needs, and shall count against the maximum allowed signage area on any parcel.
 - i. Shall not be located within a residentially zoned district.
 - j. Shall comply with Rib Mountain Municipal Code Section 17.039 — USH 51 and STH 29 Overlay District.
 - k. Applicant must obtain all other required State and Federal permits.
- (f) *Wall sign:* A sign mounted parallel to a building facade or other vertical building surface. Wall signs shall not extend beyond the edge of any wall or other surface to which they are mounted, nor shall they project more than 18 inches from its surface. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted.

(3) *Sign Measurement.*

- (a) *Ground level:* The average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.
- (b) *Sign area* shall be measured in the following manner:
 1. In the case of a sign placed within a frame, marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a sign has 2 display faces, the combined total area of one face or the largest face shall be considered the sign face area.
 2. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
 3. In the case of a sign whose message is applied to a background which provides no border or frame, sign face area shall be the area of the smallest rectangle which can encompass all words, letters, figures, emblems, and other elements of the sign message.
 4. Signs less than one square foot in area are not regulated by this Ordinance.
 5. The following illustrations demonstrate how sign face area shall be determined.



Section 17.214 - General Signage Regulations.

The regulations contained in this Section apply to signs in all districts.

(1) *Sign Prohibitions and Limitations.*

- (a) *No sign* shall use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
- (b) *No fluttering, undulating, swinging, rotating, or otherwise moving signs, pennants or other decorations* shall be permitted.

- (c) *No illuminated flashing signs* shall be permitted. Flashing signs are those which change their appearance more than once in every 30 seconds. (Am. #09-02)
- (d) *No illuminated sign* shall be permitted unless the illumination of the sign is so designed that the lighting element is not visible from any property within a residential zoning district (per [Section 17.032](#)). All illuminated signs shall comply with the State Electrical Code, and limited to the hours of customer access.
- (e) *No mobile or portable signs* shall be permitted.
- (f) *No off-premises directional signs* shall be permitted for non-governmental or non-institutional uses or for any use outside of a public right-of-way except with the granting of a Conditional Use Permit per [Section 17.213\(1\)\(e\)](#). However, such signs are permitted within a public right-of-way per Subsection (2)(e), below, for governmental and institutional uses.
- (g) *No advertising signs* shall be permitted, except for specific information signs as provided within public rights-of-way per the State of Wisconsin Department of Transportation.

Rationale: The adoption of Subsection (g), above, reflects a formal finding of fact on the part of the Town of Rib Mountain Plan Commission and Town Board that the prohibition of advertising signage furthers 2 compelling government interests: 1) the general public interest of reducing visual clutter caused by advertising signage which the Town has determined is a significant cause of unsafe traffic conditions; and 2) the public interest served by furthering the implementation of the purposes of this Chapter and the Town of Rib Mountain Comprehensive Master Plan in terms of limiting the further spread of strip commercial development—of which advertising signs are a primary contributor. Furthermore, the Town of Rib Mountain advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayable on such advertising signs—namely distributed print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit said prohibition to commercial speech on exterior signage.

(2) *Sign Location Requirements.*

- (a) *No sign* shall be erected or maintained at any location where by reason of its position, proximity to the street right-of-way, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any *authorized traffic control sign, signal or device*.
- (b) *No sign* shall be erected or maintained at any location where by reason of its position, proximity to the street right-of-way, wording, illumination, size, shape, or color creates a safety hazard for pedestrians or the operators of motor vehicles.
- (c) *No sign* shall be located within a *required bufferyard* or within a permanently protected green space area (see [Section 17.055](#)).
- (d) *No sign* shall be mounted on a *roof*.
- (e) *No sign*, temporary or otherwise, shall be affixed to a *tree or utility pole* unless otherwise authorized by the Director of Public Works.
- (f) *Private signs* shall not be allowed within any street *right-of-way*.
- (g) *Projecting signs* located over a *vehicle circulation area* shall not be permitted.
- (h) *Pylon signs* are not permitted in any *residential district* (See [Section 17.032](#))
- (i) *No signs* shall be located within the USH 51/STH 29 Overlay District unless a conditional use is granted in compliance with [Section 17.225](#), standards and procedures applicable to all conditional uses.
- (j) *No sign* shall be erected which does not comply with the visibility standards of [Section 17.173](#).

(3) *Electronic Message Sign Requirements:* (Cr. #2016-10)

- (a) Electronic message signs are only permitted through issuance of a conditional use permit per [Section 17.225](#) and may only be installed as an integral and subordinate portion of a monument or pylon sign configurations (and not a wall, projecting, window or any other sign configuration).
- (b) Electronic message signs may be permitted as a conditional use, per [Section 17.225](#), within the UC, SC, and SR-3 zoning districts, or part of an approved UDD project. (Am. #19-05)
- (c) No electronic message signs shall be permitted within 100 feet of a neighboring residential zoning district within the UC, SC, SR-3 and UDD zoning districts or 150 feet within the SO district. (Am. #19-05)
- (d)

Electronic message signs shall only display static messages. Messages shall not contain animation, effects simulating animation, or video. Messages shall not contain text or images that dissolve, fade, scroll, travel, flash, spin, revolve, shake, or include any other form of movement or motion during the message interval.

- (e) The message interval, or the minimum amount of time a message is required to be displayed, shall not be less than the following:
 - 1. 10 seconds for properties within the USH 51 and STH 29 Overlay District (per Section 17.039).
 - 2. 30 seconds for properties outside of the USH 51 and STH 29 Overlay District.
- (f) The electronic message sign area or display face shall be included in the calculation of sign measurement and shall not exceed 50 percent of total sign area (per Section 17.213(3)(b)(l) - Sign Measurement).
- (g) Electronic message signs shall be equipped with a sensor or other device programmed to automatically determine the ambient light level and adjust or dim the message board light level to not exceed a maximum brightness level of 0.3 foot-candles above ambient light conditions during both daylight hours (i.e., sunrise to sunset) and night time hours (i.e., sunset to sunrise).
- (h) The electronic message sign shall be programmed or set in such a manner that the display face will turn dark and emit no light in case of a malfunction.

Section 17.215 - Sign Regulations Applicable to Residential Districts.

In all residential zoning districts (see Section 17.032), signage shall be permitted per the requirements of Sections 17.211—17.214 and 17.216—17.219 and per the following:

- (1) *Wall, residential nameplate and monument signs* are permitted in residential zoning districts. Other sign configurations are prohibited. Monument signs shall be located a minimum of 12 feet from the public right-of-way and are limited to the institutional land uses described in Section 17.056(3), and no more than one per street frontage. (Am. #09-02)
- (2) For each single-family lot, or multi-family lot containing 4 or fewer dwellings units, one *residential nameplate sign*, not to exceed one and one-half square feet in area, and one *identification sign*, not to exceed 2 square feet in area, are permitted for each lot.
- (3) For each multi-family lot with a structure containing more than 4 dwelling units, one *residential nameplate sign*, not to exceed 1½ square feet in area, and one wall sign that may only be an *identification sign*, not to exceed 12 square feet in area, are permitted.
- (4) *Permanent subdivision identification signs* may be approved as a conditional use per the procedures in Section 17.225. Such sign shall comply with the visibility standards of Section 17.173.
- (5) For any permitted principal use other than those specified in (2)—(4), above, one sign, not to exceed 32 square feet in area, is permitted. The sign shall indicate nothing more than the name and address of the premises and the schedule of services or other information relevant to the operation of the premises. Requests for more than one sign or for signs larger than 32 square feet may be approved as a conditional use per the procedures in Section 17.225.
- (6) *Temporary Signs*, including rummage or garage sale signs, are permitted per the requirements of Section 17.217.

Section 17.216 - Sign Regulations Applicable to Nonresidential Districts.

In all nonresidential zoning districts (see Section 17.032), signs shall be permitted per the requirements of Sections 17.211—17.215 and 17.217—17.219 and per the following:

- (1) The owners of multi-tenant properties will be allowed to allocate sign size to each business up to a specified maximum for the entire property. This would allow the owner to allocate much of the allowed sign area to one business and none to another business if he or she saw fit to do so.
- (2) The total surface area of all *business and identification signs* on a lot shall not exceed the maximum permitted by Table 17.216(6), using any one of the 3 calculation methods:
 - (a) The listed ratio of sign area in square feet to linear feet of building frontage on a public street; or

- (b) The listed ratio of sign area in square feet to linear feet of street frontage along public streets; or
 - (c) The listed ratio of sign area in square feet to square feet of building facade facing a public street.
- (3) The number of *business and group signs* for a business use shall not exceed the number shown in Table 17.216(6).
 - (4) Only one *freestanding sign* shall be permitted to be erected within the required yard for each street frontage of a lot. Such sign may be either a business sign or a group sign. No lot shall be permitted more than 2 freestanding signs, including no more than one pylon sign. All signs shall be located so that no part of the sign shall extend over the lot line or impede visibility (refer to Section 17.173).
 - (5) *Auxiliary signs* may only be permitted when specifically approved as part of the site plan review process. Said signage shall be calculated independently of the requirements of Subsection (1) above, and shall not exceed 50% of the maximum permitted area.
 - (6) *Maximum sign sizes* for non-residential districts shall be permitted per the requirements of the Table of Maximum Sign Sizes (see Table 17.216(6) on the following page).
 - (7) *Temporary signs* are permitted per the requirements of Section 17.217.
 - (8) *Other signs or unique signs*: Any other type of sign may be permitted which is approved by the Town Board as a conditional use due to unique or special circumstances. As a condition of approving a sign under this paragraph, when *any element of the approved sign is altered* including the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting; the message on the sign (except for approved marquee signs) including the name of the product or service advertised on the sign or changing the name of the business shown on the sign; or changing the symbols, color, material, height, or location of the sign, the sign shall be removed unless the Town Board approves the alteration following the conditional use procedures in Section 17.225.

TABLE 17.216(6) Table of Maximum Sign Sizes

Zoning District	Type of Sign Permitted	Maximum Sign Size ⁶			Maximum Total Sign Area Per Business ⁵	Maximum Number of Signs Per Street Frontage ⁶
		Building ^{1,2} Frontage Length Ratio	Street ^{3,4} Frontage Length Ratio	Building Facade Area Ratio		
CC, EO	Business	1.00:1 or ⁵	1.00:1 or ⁵	5% ⁵	50 sq. ft. ⁵	2/Business
SO, SC, NC, SI	Business	1.00:1 or ⁵	0.50:1 or ⁵	5% ⁵	maximum of 100 square feet per sign, up to 500 square feet of total sign area as determined by one of the three ratio calculations ⁵	2/Business
	Group Freestanding	0.50:1 or ⁵	0.25:1 or ⁵	5% ⁵	maximum of 100 square feet per sign, up to 500 square feet of total sign area as determined by one of the three ratio calculations ⁵	1/Lot

UC, UI, HI	Business	1.00:1 or ⁵	0.50:1 or ⁵	5% ⁵	maximum of 150 square feet per sign, up to 500 square feet of total sign area as determined by one of the three ratio calculations ⁵	2/Business
	Group Freestanding	.50:1 or ⁵	0.25:1 or ⁵	5% ⁵	maximum of 150 square feet per sign, up to 500 square feet of total sign area as determined by one of the three ratio calculations ⁵	1/Lot

¹ Applies to all buildings regardless of the number of businesses located within.

² Building frontage length is defined as the linear width of the exterior portion of the structure housing the principal use(s) and facing a street. Circulatory and access drives or parking areas are not considered streets for the purposes of this Ordinance. For example: under the SO District a business located in a building having a width of 75 feet could have a business sign up to 75 square feet in size (75 feet x 1.0 = 75 square feet). If said building is located on a lot with 200 feet of street frontage, said sign could be 100 square feet in size (200 feet x .5 = 100 square feet).

³ Applies to all properties regardless of the number of businesses present on a property.

⁴ Street frontage length is defined as the length of public street frontage for the subject property. Frontage on internal paved areas such as access drives and parking lots and residential collector streets and local residential streets is not considered street frontage for the purpose of this subsection.

⁵ Maximum total sign area may be selected using either the building frontage length ratio or the frontage length ratio or the facade area ratio for the first floor area of the external wall to be signed.

⁶ Street frontage shall be considered any and all portions(s) of a lot adjacent to a public street. Signs are not constrained to locate along the street frontage they are enabled by.

Section 17.217 - Temporary Signs. (Am. #2014-06)

Only one temporary sign may be displayed on a property at any one time. Except as provided by (1) through (5) below, any one lot is permitted to display a temporary sign for a maximum of 30 days within any 12-month period. Furthermore, any one lot is limited to a maximum of 2 temporary signs in any 12-month period (political signs are exempt).

- (1) For each lot: one "For Sale" or "For Rent" sign, not more than 12 square feet in area;
- (2) For construction on or development of a lot, one sign not more than 32 square feet in area, indicating the name of the persons and products used in the construction of a building but only during the time that construction or development is actively under way;
- (3) For a temporary event of public interest such as a neighborhood garage sale or church fair, one sign, not over 32 square feet in area, located upon the site of the event. Such sign shall not be erected more than 30 days before the event and shall be removed immediately after the event;
- (4)

Temporary political signs may be permitted for a period of not more than 60 days before and 10 days after an election without obtaining a permit. The total of all political signs on a lot shall not exceed 32 square feet;

- (5) For each new residential subdivision that has been approved by the Town Board one temporary subdivision identification sign is permitted to be located on some portion of the subdivision for subdivisions which contain more than 10 lots but less than 50 lots. For subdivisions with 50 lots or more 2 temporary subdivision identification signs are permitted. Temporary subdivision identification signs may be a pylon or monument sign and shall comply with the visibility standards of Section 17.173. Each sign shall not be more than 32 square feet in area nor higher than 8 feet. No illumination is allowed. Signs established under this paragraph may remain within the subject subdivision until 80 percent or more of the lots in the subdivision have been sold at which time all temporary subdivision identification signs shall be removed.
- (6) Yard, garage, rummage and other similar sale signs are permitted for a maximum period of 6 days for a 4-day sale. Each sign is to be no greater than 4 square feet. A maximum of 5 signs are permitted for any one event per property with a maximum of 2 events per year. For location requirements see Section 17.214, except Subsection 17.214(f), no off-site directional signs. All signs must receive permission of property owner where sign is located. (Cr. #08-07)
- (7) Temporary Direct Seller signs may be permitted for the period of time specified on the approved Direct Seller Permit obtained from the Town. Each direct seller is permitted to have up to 2 signs, not to exceed 12 square feet in total area of all signs. All signs shall be affixed upon the direct seller's vehicle or display and must be taken down at the end of each business day. Illuminated and mobile or portable signs are not permitted.

Section 17.218 - Construction and Maintenance of Signage.

- (1) All signage within the Town of Rib Mountain shall remain in a state of proper maintenance. Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (2) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Chapter, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (3) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.
- (4) Any signs which may be, or may hereafter become rotted, unsafe, or improperly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.
- (5) All signs shall be constructed and mounted so as to withstand a wind pressure of 30 pounds per square foot.
- (6) Signage in violation of the provisions of this Chapter are subject to Section 17.256.

Section 17.219 - Nonconforming Sign.

To maintain and enhance property values, esthetics, and safety and to improve the uniformity of design in Rib Mountain, this section of the zoning ordinance is intended to eliminate all individual signs, groupings of signs and accumulations of signs that do not comply with the regulations of this Subchapter and other provisions of this Chapter. To accomplish this objective, stringent requirements for the removal of nonconforming signs have been established. These regulations have been formulated with the understanding that the magnitude of hardships likely to be encountered by sign owners as a result of adherence of this Section should not be great since most signs have a relatively short physical and economic life span.

- (1) Signs existing as of the effective date of this Chapter (see Section 17.011) which do not conform to the provisions of this Chapter, shall be nonconforming signs and may be maintained subject to the provisions of this Section. No alteration of a nonconforming sign may be made nor may a nonconforming sign be moved to a new location unless the sign is brought into compliance with the requirements of this Chapter. For the purpose of this section of this Chapter, alteration of a sign is considered to be:
 - (a) Any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting;

- (b) Changing the symbols, color, material, height, or location of the sign; or
- (c) Changing the message on a nonconforming sign, except for marquee signs and except for changes in the name of the business operating on the premises where the sign is located. For example, changing only the sign message from "ABC Motel" to "XYZ Motel" is not considered to be an alteration because the type of business operating at the site has not changed. This type of message change in the nonconforming sign is permitted. Changing the sign message from "ABC Motel" to "XYZ Service Station" or "ABC Restaurant" is considered to be an alteration and such a change in a nonconforming sign is not permitted. This provision is intended to mitigate the possibility of a hardship arising from the sale of a business from one party to another and the need for the business purchaser to change the name of the business as a result of the change in ownership of the business; or
- (d) Any other change as determined by the Zoning Administrator.

Alteration of a sign does not include maintaining the existing appearance of the sign or replacing the sign face or the supporting structure with identical materials, colors, and sign messages nor changing the message of a marquee sign.

- (2) All nonconforming signs located on the premises shall be removed when the principal structure located on the premises undergoes a change of use as listed in the Table of Land Uses (Section 17.053). For example, a change in use from office to indoor sales would require removal of all nonconforming signs located on the premises. Any commercial use or other use which has a nonconforming sign must remove the nonconforming sign, sign frame and structure from the premises within 60 days of closing or termination of the use.
- (3) Existing business signs on the premises of a nonconforming use or building may be continued in accordance with the requirements in Section 17.219(1), but such signs shall not be allowed to increase in number nor to be expanded in area, height, or illumination. Any new signs proposed to be erected on the premises shall comply with the requirements of this Chapter and shall not be erected until all signs which do not conform to the requirements of this Chapter are removed.
- (4) All existing mobile or portable signs as defined in Section 17.213(2)(c) shall be removed within 2 years after the effective date of this subsection unless the sign is required to be removed earlier under other provisions this Chapter.

Section 17.220 - Noncompliance and Penalties.

- (1) All signs found not to be in compliance with the provisions of this Chapter, shall be removed within 30 days of receiving written notice of noncompliance and removal from the Zoning Administrator.
- (2) The penalties of Section 17.256 shall be applicable to violations of the provisions of this Chapter.

SUBCHAPTER XI: - PROCEDURES

Section 17.221 - Purpose.

The purpose of this Subchapter is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, special use review and approval, temporary use review and approval, sign permits, site plan review and approval, Certificates of Occupancy, variances, zoning provision interpretations by the Zoning Administrator, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

Section 17.222 - Amendment of Zoning Regulations.

- (1) *Purpose.* The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Chapter.
- (2) *Initiation of Request for Amendment to this Chapter.* Proceedings for amendment of this Chapter may be initiated by any one of the following 3 methods:
 - (a) An application by any member of the general public;
 - (b) A recommendation of the Plan Commission; or
 - (c) By action of the Town Board.

- (3) *Application Requirements.* All applications for proposed amendments to this Chapter, regardless of the party of their initiation shall be approved as complete by the Zoning Administrator a minimum of 2 weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of the complete application to the office of the Town Clerk. The application shall be accompanied by all of the following:
- (a) A copy of the portion of the current provisions of this Chapter which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
 - (b) A copy of the text which is proposed to replace the current text; and
 - (c) Written rationale for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the goals and objectives of the Town of Rib Mountain Comprehensive Master Plan. The applicant shall also describe how the proposed amendment addresses the questions set out in Subsection (4)(b) below.
- (4) *Review by the Zoning Administrator.* The proposed text amendment shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
 - (b) After the application is complete, the Zoning Administrator shall prepare a written evaluation of the Applicant's requested text amendment paying particular attention to the Applicant's rationale for the proposed text amendment and whether the request is in harmony with the goals and objective listed in the Town of Rib Mountain Comprehensive Master Plan. The Zoning Administrator shall determine to what extent the proposed amendment addresses each of the following questions:
 1. How does the proposed text amendment further the purposes of this Chapter as outlined in Section 17.005?
 2. How does the proposed text amendment further the purposes of the general Subchapter in which the amendment is proposed to be located?
 3. How does the proposed text amendment further the purposes of the specific Section in which the amendment is proposed to be located?
 4. Which of the following factors has arisen that are not properly addressed in the current provisions of this Chapter:
 - a. The Comprehensive Master Plan has been amended. (If this is a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
 - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - c. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors;
 - d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
 5. If the proposed text amendment is concerned with the provisions of Subchapters 17-IV and/or 17-V: How does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?
 - (c) The Zoning Administrator shall forward a report to the Plan Commission for the Commission's review and use in making its recommendation to the Town Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Town's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.
- (5) *Review and Action by the Plan Commission.* The Town Board shall not make an amendment to this Chapter without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after the filing of the complete application as determined by the Zoning Administrator. The Applicant shall appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of 162.23(7)(d), Wis. Stats. Said notice shall contain a description of the proposed text change. In addition, at

least 10 days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within 60 days after the filing of the complete application as determined by the Zoning Administrator (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Town Board stating its findings regarding Subsection (4), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the questions of Subsection (4)(b)1. through 5., above.
- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of a Applicant-approved extension per Subsection (b), above), then the Town Board may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report from the Plan Commission per Subsection (5) (a), above, shall not invalidate the proceedings or actions of the Town Board. If such a public hearing is necessary, the Town Board shall provide notice per the requirements of Subsection (a), above.
- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: (1) that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment.
- (6) *Review and Action by the Town Board.* The Town Board shall consider the Plan Commission's recommendation regarding the proposed text amendment. The Board may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings at the Applicant's request. The Town Board may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. The Town Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (7) *Effect of Denial.* No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) *Fee.* A fee is required for this procedure. Refer to Section 17.255(1)(a).

Section 17.223 - Amendment of Official Zoning Map.

- (1) *Purpose.* The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to the boundaries of the Official Zoning Map.
- (2) *Initiation of Request for Amendment to Official Zoning Map.* Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following 3 methods:
 - (a) An application of the owner(s) of the subject property;
 - (b) A recommendation of the Plan Commission; or
 - (c) By action of the Town Board.
- (3) *Application Requirements.* All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per (2) above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator a minimum of 2 weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the Town Clerk. Said application shall be accompanied by all of the following:
 - (a) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current tax records of the Town of Rib Mountain. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts

and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole; and
 - (c) Written rationale for the proposed map amendment, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with the goals and objectives of the Town of Rib Mountain Comprehensive Master Plan. The applicant shall also describe how the proposed amendment addresses the questions set out in Subsection (4)(b) below.
- (4) *Review by the Zoning Administrator.* The proposed amendment to the Official Zoning Map shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the Applicant.
 - (b) After the application is complete, the Zoning Administrator shall prepare a written evaluation of the Applicant's requested map amendment and pay particular attention to the Applicant's rationale for the proposed map amendment and whether the request is in harmony with the goals and objective listed in the Town of Rib Mountain Comprehensive Master Plan. The Zoning Administrator shall determine to what extent the proposed amendment addresses each of the following questions:
 1. How does the proposed Official Zoning Map amendment further the purposes of this Chapter as outlined in Section 17.005 and the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA)?
 2. Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map?
 - a. The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Master Plan;
 - b. A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Town may intend to stop an undesirable land use pattern from spreading;
 - c. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;
 - d. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.
 3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
 - (c) The Zoning Administrator shall forward a report to the Plan Commission for the Commission's review and use in the making its recommendation to the Town Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Town's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.
- (5) *Review and Action by the Plan Commission.* The Town Board shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days of the filing of the complete application as determined by the Zoning Administrator. The Applicant shall appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least 10 days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant; to all property owners within 300 feet of the boundaries of the subject property as identified in Subsection (3)(a), above; and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b)

Within 60 days after the filing of the complete application as determined by the Zoning Administrator (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Town Board stating its findings regarding Subsection (4), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of Subsections (4)(b)1.—3., above.

- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an Applicant-approved extension per (b), above), then the Town Board may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report from the Plan Commission per Subsection (5)(a), above, shall not invalidate the proceedings or actions of the Town Board. If such a public hearing is necessary, the Town Board shall provide notice per the requirements of Subsection (a), above.
- (d) If the Plan Commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in Subsections (4)(b)1.—4. above, after taking into consideration the proposal by the Applicant.
- (6) *Review and Action by the Town Board.* The Town Board shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Board may take final action on the application to amend the Official Zoning Map at the time of its initial meeting, or may continue the proceedings to a future date. The Town Board may approve the amendment as originally proposed, may deny approval of the proposed amendment or may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) provided that the proposed modifications do not:
 - a. Involve a change in the zoning to a district that is less restrictive than the district listed in the notice of public hearing. For purposes of this provision, RA-35ac shall be consider the most restrictive district allowed in the Town and HI shall be considered the least restrictive district; the order of the remaining zoning districts shall be as established in Section 17.032; and
 - b. Change the area to be rezoned to include additional land that was not part of the description of the property to be considered for rezoning in the notice of public hearing.

Any action to amend the Official Zoning Map requires a majority vote of the Board. The Town Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.

- (7) *Effect of Denial.* No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) *Fee.* A fee is required for this procedure. Refer to Section 17.255(1)(b).
- (9) *Floodland District Boundary Changes Limited.* All proposed changes to flood boundary designations shall be per §§87.30 and 144.26, Wis. Stats.
- (10) *Amendments to Shoreland Districts.* All proposed changes to flood boundary designations shall be per §§87.30 and 144.26, Wis. Stats.

Section 17.224 - Special Use Procedures.

- (1) *Purpose.*
 - (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of special uses.
 - (b) Special uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In order to prevent these undesirable impacts from occurring, all special uses must meet certain regulations applicable only to special uses, in addition to the general requirements of this

Chapter and the requirements of the zoning district in which the subject property is located.

- (c) Land uses which fail to meet one or more of the regulations listed for the particular special uses described in Section 17.056, may be reviewed as a conditional use (see Section 17.052(3)(b)).
- (2) *Regulations Applicable to All Special Uses.* No public hearing is required to develop a special use, however, a site plan shall be prepared in accordance with Section 17.228. In the site plan application materials, the developer shall explain how all special use requirements of this Subchapter and Subchapter 17-IV will be met.
- (3) *Application Requirements.* All applications for a special use, shall follow the application, review and all other elements of Section 17.228 governing site plans.
- (4) *Fee.* There is no additional fee for a special use, however, the fee required for a site plan in accordance with in Section 17.228 shall be paid.

Section 17.225 - Conditional Use Procedures.

- (1) *Purpose.*
 - (a) The purpose of this Section is to establish regulations which govern the procedure and requirements for the review and approval or denial of proposed conditional uses.
 - (b) Conditional uses are those uses which have the potential to create undesirable impacts on nearby properties or public facilities if allowed to develop simply live under the general requirements of this Chapter. In order to mitigate or prevent these impacts from occurring, all conditional uses are required to meet certain procedural requirements applicable only to conditional uses. In addition, conditional uses shall meet the general requirements of this Chapter and the general and conditional use requirements of the zoning district in which the subject property is located. A public hearing process is required to review a request for a conditional use.
 - (c) Conditional uses are also those proposed uses which are listed as special uses, but fail to meet one or more of the requirements for special use approval listed in Section 17.056. (See Section 17.052(3)(b).)
- (2) *Initiation of Request for Approval of a Conditional Use.* Proceedings for approval of a conditional use may be initiated by any one of the following 3 methods:
 - (a) An application of the owner(s) of the subject property;
 - (b) A recommendation of the Plan Commission; or
 - (c) By action of the Town Board.
- (3) *Application Requirements.* All applications for proposed conditional uses, regardless of the party of their initiation per (2) above, shall be approved as complete by the Zoning Administrator a minimum of 2 weeks prior to the initiation of this procedure. The Zoning administrator shall forward copies of said complete application to the office of the Town Clerk. Said application shall be accompanied by all of the following:
 - (a) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Marathon County (as provided by the Town of Rib Mountain). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole;
 - (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
 - (d) A site plan of the subject property as proposed for development. Said site plan shall conform to all of the applicable requirements of Section 17.228(3) subparagraphs (a) through (f) as determined by the Zoning Administrator.
 - (e)

Written rationale for the proposed conditional use, consisting of the reasons why the Applicant believes the proposed conditional use is appropriate for the proposed site. The applicant shall describe how the proposed conditional use addresses the questions set out in Subsection (4)(b) below.

- (4) *Review by The Zoning Administrator.* The proposed conditional use shall be reviewed by The Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
 - (b) After the application is complete, the Zoning Administrator shall prepare a written evaluation of the Applicant's requested conditional use and pay particular attention to the Applicant's rationale for the conditional use and whether the request is in harmony with the goals and objective listed in the Town of Rib Mountain Comprehensive Master Plan. The Zoning Administrator shall determine to what extent the proposed conditional use addresses each of the following questions:
 1. How is the proposed conditional use (the use in general) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?
 2. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?
 3. Is it likely that the proposed conditional use, in its proposed location and as depicted on the required site plan (see (3)(d), above), will have an adverse impact on the use of adjacent property, the neighborhood, the physical environment, pedestrian or vehicular traffic, parking, public improvements, public property or rights-of-way or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the regulations or recommendations of this Chapter, the Comprehensive Master Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Town or other governmental agency having jurisdiction to guide growth and development?
 4. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
 5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?
 6. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration any proposal by the Applicant and any requirements recommended by the Applicant to ameliorate such impacts?
 - (c) The Zoning Administrator shall forward a report to the Plan Commission for the Commission's review and use in making its recommendation to the Town Board. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Town's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.
- (5) *Review and Action by the Plan Commission.* The Town Board shall not approve a conditional use without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after the filing of the complete application as determined by the Zoning Administrator. The Applicant shall appear in person, or by agent, and/or by attorney. Notice of the conditional use public hearing shall conform to the requirements of §62.23(7)(d), Wis. Stats. Said notice shall contain a description of the subject property and the proposed conditional use. In addition, at least 10 days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant; to all property owners within 300 feet of the boundaries of the subject property; and to the Clerk of any municipality whose boundaries are within 1,000 feet of the proposed conditional use. Failure to mail these notices, provided it is unintentional, shall not invalidate the proceedings under this Section.
 - (b)

Within 60 days after the filing of the complete application as determined by the Zoning Administrator (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Town Board stating its findings regarding Subsection (4), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the questions in (4)(b)1. through 6., above. The Plan Commission may recommend that the conditional use request be approved by the Town Board, denied by the Town Board or approved if the Applicant is willing to meet certain conditions of approval that are stated in the Plan Commission's statement of finding. If the Plan Commission chooses not to make a recommendation or fails to make a recommendation to the Town Board within 45 days of the public hearing, the request for a conditional use shall be forwarded to the Town Board without a Plan Commission recommendation.

- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an Applicant-approved extension per (b), above), then the Town Board may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report from the Plan Commission per Subsection (5)(a), above, shall not invalidate the proceedings or actions of the Town Board. If such a public hearing is necessary, the Town Board shall provide notice per the requirements of Subsection (a), above.
- (6) *Review and Action by the Town Board.* The Town Board shall consider the Plan Commission's recommendation regarding the proposed conditional use. The Board may request further information and/or additional reports from the Plan Commission, The Zoning Administrator, and/or the Applicant. The Board may take final action on the application at the time of its initial meeting, or may continue the proceedings at Applicant's request. The Town Board may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications and conditions (per the recommendations of The Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed conditional use. The Town Board's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (7) *Effect of Denial.* No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) *Termination of an Approved Conditional Use.* Upon approval by the Town Board, the Applicant must demonstrate in the site plan required for initiation of development activity on the subject property per Section 17.228 that the proposed conditional use meets all general conditional use requirements and all conditions of approval as established by the Town Board. Following approval of a conditional use, no Zoning Permit (per Section 17.228), Certificate of Occupancy (per Section 17.229), or Building Permit shall be issued for any development unless the development complies with all requirements of this Chapter and all conditions of approval as established by the Town Board.

Any conditional use found not to be in compliance with the terms of this Chapter or the specific conditions of approval as established by the Town Board shall be considered in violation of this Chapter and shall be subject to all applicable enforcement procedures and penalties of this Chapter.

By majority vote of the Town Board, a conditional use may be revoked for noncompliance with the terms of this Chapter or for noncompliance with the specific conditions of approval.

- (9) *Time Limits on the Development of Conditional Use.* The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by the Town Board and shall be operational within 730 days of said approval unless the period is extended by the Town. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by the Town Board and shall be based upon a showing of acceptable justification (as determined by the Town Board).
- (10) *Discontinuing an Approved Conditional Use.* Any conditional use which has been discontinued for a period exceeding 365 days shall become null and void and the activity shall not be re-established unless another conditional use is granted following the procedures in paragraphs (2) through (7) above. The burden of proof shall be on the holder of the conditional use permit to conclusively demonstrate that the subject conditional use was operational during this period.

(11)

Change of Ownership. All requirements of the approved conditional use shall be continued regardless of ownership of the subject property. Modification of any conditional use approved per (6), above, without approval by the Town Board, shall be grounds for revocation of said conditional use approval per (8), above.

- (12) *Fee.* One or more fees are required for this procedure. Refer to Section 17.255(1)(d).

Section 17.226 - Reserved.

Section 17.227 - Sign Permit.

- (1) *Purpose.* The purpose of this Section is to provide a procedure and requirement for obtaining a Sign Permit prior to the erection of certain signs.
- (2) *General Requirement.* Unless specifically exempted by Subchapter 17-X, no sign shall be erected, altered, or relocated after the effective date of this Chapter (see Section 17.011) until a Sign Permit has been secured from the Zoning Administrator.
- (3) *Application Requirements.* All applications for sign permits shall be made in writing on a form supplied by the Zoning Administrator. Said application shall be submitted with all required information including:
 - (a) An approved site plan for the subject property per Section 17.228. If a site-plan was not previously required, an abbreviated site plan for the subject property meeting the submittal requirements as determined by the Zoning Administrator, and showing at a minimum, the property lines, the location and dimensions of all buildings, structures, and existing signs on the subject property, and the proposed location for the proposed sign;
 - (b) The proposed sign configuration listing the height, width, total square footage, method of attachment, method of illumination, and sign materials;
 - (c) The subject property's zoning designation; and
 - (d) The total area of all signs on the subject property both before and after the installation of the proposed sign.
- (4) *Procedure.* Upon receipt of a complete application, the Zoning Administrator shall review said application for compliance with the requirements of this Chapter, and shall issue or deny the issuance of a sign permit within 15 working days of the submittal of a complete application.
- (5) *Termination of a Sign Permit.* Any sign found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.
- (6) *Fee.* A fee is required for this procedure. Refer to Section 17.255(1)(f).

Section 17.228 - Site Plan Procedures.

- (1) *Purpose.* The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all proposed land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity (including clear cutting, grading or filling) and all development within a Unified Development District [UDD] requires the approval of a site plan by the Town Plan Commission before the zoning, building, and occupancy permits can be issued.

Building development activity associated with the construction of single-family detached dwellings, duplex houses, twin houses and two-flat houses which are not located within a Unified Development District [UDD] are exempt from the Plan Commission review and approval requirement in Subsection (4). The Zoning Administrator shall perform the review and approval functions of the Plan Commission for single-family detached dwellings, duplex houses, twin houses and two-flat houses. All other elements of this Section are still applicable to the construction of single-family detached dwellings, duplex houses, twin houses and two-flat houses.

- (2) *Procedure.*
 - (a) *Initiation of Request for Approval of a Site Plan.* Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property, or their legally authorized representative(s).
 - (b) *Pre-Application Meeting.* The Applicant shall first meet with the Zoning Administrator and other appropriate Town Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Applicant on technical requirements and procedures, and a timetable for project review may be discussed.

(c) *Application for Site Plan Review and Review by Zoning Administrator.* The applicant shall apply to the Zoning Administrator and request an appearance before the Plan Commission to review the site plan application. The appearance before the Plan Commission shall not be scheduled unless the application is approved as complete by the Zoning Administrator. Said application shall meet the requirements of Subsection (3), below. Within 10 working days of submittal of an application, the Zoning Administrator shall determine whether or not the application contains all of the information required by Subsection (3), below. Once the application is approved as complete, the Zoning Administrator shall schedule the applicant for an appearance before the Plan Commission, If the Zoning Administrator determines that the site plan is relatively simple, the Zoning Administrator may schedule the appearance at the next Plan Commission meeting. If the site plan is deemed to be complex, the Zoning Administrator shall not schedule Plan Commission review for sooner than 2 weeks after the application if determined to be complete.

(3) *Application Requirements.* All applications for review and approval of site plans shall be accompanied by all of the following documents which shall provide the information required to review the application for a site plan. The Zoning Administrator may waive the submission of a particular document or information item if, in the judgement of the Zoning Administrator, the document or item is not needed to adequately review the proposed site plan.

(a) *Operational Plan* of the intended use describing in reasonable detail the:

1. Existing zoning district(s) (and proposed zoning district(s) if different);
2. Land use plan map designation(s);
3. Natural Resources Site Evaluation Worksheet (Subsection 17.073(3));
4. Current land uses present on the subject property;
5. Proposed land uses for the subject property (per Section 17.056);
6. For nonresidential developments, the methods that will be used to manage snow storage and/or snow removal activities. The Applicant shall explain how any on-site snow storage activities will not reduce the required number of parking spaces needed to serve the intended land uses and how on-site snow storage activities will be managed to eliminate damage to required landscape materials.
7. Projected number of residents, employees, and daily customers;
8. Proposed number of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
9. Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
10. Operational considerations relating to potential nuisance creation as a result of noncompliance with the performance standards described in Subchapter 17-IX (Sections 17.171—17.191) including, street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Subchapter 17-IX), then the statement "The proposed development shall comply with all requirements of Subchapter 17-IX." shall be provided. If certain performance standards will not be met, a full explanation shall be provided which indicates the anticipated extent of noncompliance and why the proposed use cannot comply with the standards. Note: the Plan Commission may require full compliance with these standards or withhold approval of the site plan until the applicant proves that the operation will comply;
11. Proposed erosion control and storm water management measures;
12. Exterior building and fencing materials (Sections 17.188 and 17.190);
13. Possible future expansion and related implications for 1.—11., above; and
14. Any other information pertinent to adequate understanding by the Zoning and its relation Administrator or Plan Commission of the intended use its relation to nearby properties.

(b)

A *Small Location Map*. at 11" × 17" showing the subject property and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the Town's Land Use Plan Map with the subject property clearly indicated shall suffice to meet this requirement.)

(c) A *Property Site Plan*. drawing (and reduction at 11" × 17") which includes:

1. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
 2. The date of the original plan and the latest date of revision to the plan;
 3. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 4. A legal description of the subject property;
 5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 7. All required building setback lines;
 8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
 10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Ordinance;
 11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
 12. The location of all outdoor storage areas and the design of all screening devices;
 13. The location, type, height, size and lighting of all signage on the subject property;
 14. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property— including the clear demonstration of compliance with Section 17.17Z;
 15. The location and type of any permanently protected green space areas;
 16. The location of existing and proposed drainage facilities; and
 17. In the legend, data for the subject property:
 - a. Lot Area;
 - b. Floor Area;
 - c. Floor Area Ratio (b/a);
 - d. Impervious Surface Area;
 - e. Impervious Surface Ratio (d/a); and
 - f. Building Height.
 18. When the site plan submitted is not a part of a recorded subdivision plat, clearly designated by lots and blocks, the Zoning Administrator may require the applicant to provide a survey, as certified by a "registered land surveyor" or "registered professional engineer."
- (d) A *Detailed Landscaping Plan* of the subject property, at the same scale as the main plan (and reduction at 11" × 17"), showing the location of all required bufferyard and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of Subchapter 17-VIII. (NOTE: the individual plant locations and species, fencing types and heights, and berm heights need to be provided.)
- (e) A *Grading and Erosion Control Plan* at the same scale as the main plan (and reduction at 11" × 17") showing existing and proposed grades, including retention walls and related devices, erosion control measures and storm water conveyance measures. The grading plan shall clearly indicate the manner in which runoff generated on the site will be prevented from

causing property damage or becoming a nuisance for abutting property or otherwise violating the standards in Section 17.187.

(f) *Elevation Drawings* of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

(4) *Review and Approval by the Plan Commission*. The Plan Commission, during its review of the submitted complete application, shall take into consideration the purposes of this Chapter which, among other objectives, is intended to ensure attractive, efficient, and appropriate development of land in the community, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment.

The Plan Commission, in reviewing the application may require such additional measures and/or modifications, as it deems necessary to accomplish the purposes of this Chapter. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the Site Plan until a revised site plan application, which contains the additional measures and/or modifications is submitted to the Plan Commission, or the Plan Commission may approve the application subject to the provision that a revised application which addresses the concerns of the Plan Commission be submitted to and approved by the Zoning Administrator.

Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the 2 above procedures as directed by the Plan Commission.

The Plan Commission may also deny approval of a site plan if the proposed development is contrary to the purposes of this Chapter or otherwise threatens the public safety and welfare of the community.

The applicant for a site plan may appeal to the Town Board a decision by the Plan Commission to withhold or deny approval of a site plan. This appeal shall be made within 30 days of the Plan Commission's action. Said appeal shall be made in writing on a form provided to the applicant by the Zoning Administrator. The Town Board shall review the available information concerning the applicant's proposed development, the minutes of the Plan Commission meeting where action was taken on the application and consult with the Zoning Administrator, Plan Commission members and others as necessary about the applicant's proposal. The Town Board decision regarding a modified or rejected site plan is final.

(5) *Zoning Permit*. A site plan application which has been formally approved by the Plan Commission, the Zoning Administrator when empowered to do so, or the Town Board shall result in the issuance of a zoning permit by the Zoning Administrator.

The start of construction for the buildings or uses approved in connection with the approved site plan shall be initiated within 365 days of their approval by the Plan Commission, Zoning Administrator or Town Board and shall be operational within 730 days of said approval unless the period is extended by the respective approving authority at the time the site plan is approved. Failure to initiate development within this period shall automatically constitute a revocation of the zoning permit. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by the Town Board and shall be based upon a showing of acceptable justification (as determined by the Town Board).

(6) *Initiation of Land Use or Development Activity*. Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan and issuance of a zoning permit. Any land use or development activity undertaken prior to approval of the required site plan and issuance of a zoning permit shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties.

(7) *Modification of an Approved Site Plan*. Modification of an approved site plan may only be made by following the procedures of Subsections (2) and (3) above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications at the development site.

Using professional judgement and experience and in accordance with the purpose of this Chapter (Section 17.005), the Zoning Administrator may approve minor variations in a previously approved site plan. If, in the judgement of the Zoning Administrator, the proposed modification is not minor or the proposed modification may result in some controversy, the requested modification shall also follow the procedural requirement in Subsection (4) above.

- (8) *Violation of an Approved Site Plan.* Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter.
- (9) *Fee.* A fee is required for this procedure. Refer to Section 17.255(1)(g).

Section 17.229 - Certificate of Occupancy.

- (1) *Purpose.* The purpose of this Section is to provide regulations governing the review and approval of Certificates of Occupancy. This procedure is required to ensure completed development complies with the approved site plan (per the requirements of Section 17.228), and the requirements of this Chapter as a whole.
- (2) *Land Uses and Development Requiring a Certificate of Occupancy.* Certificates of Occupancy shall be required for any of the following:
 - (a) Occupancy and use of a building or structure hereafter erected or structurally altered.
 - (b) New occupancy and use of an existing building when the new use is of a different land use classification (a different line in Table 17.053).
 - (c) Occupancy and use of vacant land.
 - (d) New use of vacant land when the new use is of a different land use classification (a different line in Table 17.053).
 - (e) Any change in the use of a nonconforming use. No such occupancy, use of change of use shall take place until a Certificate of Occupancy therefor shall have been issued by the Building Inspection Superintendent.
- (3) *Issuance of Occupancy Permit.*
 - (a) Every application for a Building Permit shall also be deemed an application for an Occupancy Permit for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator.
 - (b) As a condition of final issuance of a Building Permit, the applicant shall file, subject to approval by the Zoning Administrator, a bond, certificate of deposit, irrevocable letter of credit, or a certified check with the Town Treasurer in the amount of \$1,000.00 for one-family or two-family residential building projects, and in an amount equal to 1% of the general contract price for all other building projects. This surety shall constitute an agreement to comply with this section and security to assure compliance before and after occupancy of the property.
 - (c) If the building for which the Building Permit was issued is a one-family or two-family residential use, the surety shall be returned to the applicant within 30 days after the date the occupancy permit is issued, unless violations of this chapter occur within that time.
 - (d) If the building for which the Building Permit was issued is other than a one-family or two-family residential use, the surety shall be returned to the applicant after the expiration of one year from the date of issuance of the occupancy permit, unless violations of this chapter occur within that time.
 - (e) The Zoning Administrator shall conduct an inspection of the building before occupancy of the building takes place. If occupancy of the building takes place prior to the inspection by the Zoning Administrator, the Zoning Administrator shall cause part or all of the surety to be forfeited.
 - (f) If the Zoning Administrator determines that a violation of this chapter exists, other than the violation described in (e) above, the Zoning Administrator shall send written notice of the violation to the Building Permit holder or the holder's representative by certified or registered mail. The Zoning Administrator may cause part or all of the surety to be forfeited if compliance is not accomplished within 30 days after the date written notice to that effect is sent to the Building Permit holder or the holder's representative.
- (4) *Certificate of Occupancy for Legal Nonconforming Uses.* Upon application, a Certificate of Occupancy shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Chapter, or in existence at the effective date of this Chapter (see Section 17.011). Application for such Certificate of Occupancy for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Chapter. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a legal nonconforming use.
- (5)

Termination of a Certificate of Occupancy. (Am. #2007-05) It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection (2), above, without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter. Any development that is not in full compliance with the Rib Mountain Municipal Code, specifically Chapters 14 and 17, the approved site plan, or any other applicable code after 24 months of issuance of the permit, the bond shall be forfeited, unless a 12-month extension is granted by the Zoning Administrator (for a maximum of 36 months). Said forfeiture does not preclude other enforcement actions.

(6) *Fee.* A fee is required for this procedure. Refer to Section 17.255(1)(h).

Section 17.230 - Variances.

- (1) *Purpose.* The purpose of this Section is to provide regulations which enable the Zoning Board of Appeals to vary, in specific cases, the regulations contained in this Chapter. The Zoning Board of Appeals, after a public hearing, may determine and vary the regulations of this Chapter in harmony with the general purpose and intent (Section 17.005) of this Chapter, only in the specific instances stated below, where the Zoning Board of Appeals makes findings of fact in accordance with the standards prescribed below and further finds that the requested variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Chapter will result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done.
- (2) *Initiation of Request for Approval of a Variance.* Proceedings for approval of a variance may only be initiated by the owner(s) of the subject property.
- (3) *Application Requirements.* An application for a variance shall be filed in writing with the Zoning Administrator and shall contain all of the appropriate information requested in the application form and identified below in order for the application to be considered by the Zoning Administrator as being complete. Incomplete applications will be returned to the Applicant. When the application is complete, the Zoning Administrator shall file a copy with the Town Clerk. A complete application shall include all of the following:
 - (a) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Marathon County. Said map shall clearly indicate the current zoning of the subject property and the surrounding area and the jurisdiction(s) which maintains that control. This map and all of its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be shown on the map;
 - (b) A map showing the general location of the subject property within the Town as a whole;
 - (c) A written description of the proposed variance describing which of the specific authorized variances is being requested for the property;
 - (d) A site plan of the subject property as proposed for development. This site plan shall conform to the requirements of Section 17.228(3); and
 - (e) A written, rationale for the requested variance which includes the reasons why the Applicant believes the proposed variance is appropriate and meets all of the standards in Subsection (5), below.
- (4) *Review by The Zoning Administrator.* The requested variance shall be reviewed by the Zoning Administrator as follows:
 - (a) The Zoning Administrator shall determine whether the application is complete. If the application is not complete or does not fulfill the requirements of this Section the application shall be returned to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the Applicant.
 - (b)

If the application is determined to be complete, the Zoning Administrator shall prepare a written report which includes an evaluation of the requested variance and a recommendation as to whether the variance should be granted. In the review, the Zoning Administrator shall indicate whether the requested variance is authorized by this Chapter and shall also indicate whether the requested variance is in harmony with the purpose of this Chapter, the recommendations of the Comprehensive Master Plan and the standards established in Subsection (5) below.

- (c) The Zoning Administrator shall forward the written report and application to the Zoning Board of Appeals for review and action.
- (5) *Standards.* (Am. #01-05) The Board of Appeals shall not vary the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each case that all of the following standards are met:
 - (a) Because of the particular physical surroundings, shape, size or topographic conditions of the specific property involved, a particular hardship to the owner of the property would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out;
 - (b) The conditions upon which the application for a variance are based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning district classification. Violations located upon, or variances granted to, neighboring properties shall not justify approval of a variance;
 - (c) The purpose of the variance is not based primarily upon a desire to make more money out of the property;
 - (d) The alleged difficulty or hardship is caused by the regulations in this Chapter and has not been created by any current or previous owner of the property after February 1, 1994, the effective date of this Chapter. Reductions in lot area which resulted from the sale of portions of a property and have reduced the remainder of the property below buildable size requirements, or cutting off existing access to a public right-of-way, or deed restrictions imposed by the property owner's predecessor in title shall not be considered to be hardships;
 - (e) The granting of the requested variance will be consistent with the description and purpose of the regulations for the district in which the requested variance is located and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
 - (f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.
- (6) *Reserved.* (Rpld. #01-05)
- (7) *Review and Determination by Zoning Board of Appeals.*
 - (a) Within 45 days after filing a complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing on the requested variance. Notice of the public hearing shall be published in the Wausau Daily Herald at least one time during each of the 2 weeks prior to the hearing. The notice shall contain a description of the subject property and the nature of the proposed variance. In addition, at least 10 days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant for the proposed variance and to all property owners within 300 feet of the boundaries of the subject property as identified in Subsection (3)(a), above. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) Within 90 days after the holding of the public hearing, the Zoning Board of Appeals shall take final action on the requested variance. The Zoning Board of Appeals shall make a written report of its findings and determinations. The report shall include formal findings of facts developed and approved by the Zoning Board of Appeals concerning the standards in Subsection (5), above.
 - (c) The concurring vote of 3 members of the Zoning Board of Appeals is necessary to grant a variance. No order of the Zoning Board of Appeals granting a variance shall be valid for a period longer than one year from the date of the order unless the building permit is obtained within that one-year period and the erection or alteration of the building is commenced within the same one-year period.
 - (d) The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to comply with the standards established in Subsection (5).

- (e) If the Zoning Board of Appeals fails to make a determination within 90 days after the public hearing then the requested variance shall be considered denied.
- (8) *Effect of Denial.* An application for a variance which has been denied shall not be resubmitted for a period of 12 months from the date of said order of denial.
- (9) *Limited Effect of a Variance.* Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance.
- (10) *Stay of Proceedings.* Submission of a complete application for an authorized variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the Applicant is requesting the variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in the Zoning Administrator's opinion, cause imminent peril to life or property. Where peril to life or property are involved, proceedings shall not be stayed except by a restraining order which may be granted by the Zoning Board of Appeals, or a Court of Law.
- (11) *Fee.* A fee is required for this procedure. Refer to Section 17.255(1)(j)

Section 17.231 - Interpretations.

- (1) *Purpose.* The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- (2) *Initiation of Request for an Interpretation.* Proceedings for an interpretation may be initiated by any of the following 4 methods:
 - (a) An application of the owner(s) of the subject property;
 - (b) A recommendation of the Plan Commission;
 - (c) By action of the Town Board, or;
 - (d) By a request by The Zoning Administrator.
- (3) *Application Requirements.* All applications for interpretations, regardless of the party of their initiation per (2) above, shall be approved as complete by the Zoning Administrator a minimum of 2 weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the Town Clerk. Said application shall be accompanied by all of the following:
 - (a) All requests for interpretations shall clearly indicate the part of the text of this Chapter for which the interpretation is requested and the specific questions the Applicant has regarding said text.
 - (b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required:
 - 1. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Marathon County as provided by the Town of Rib Mountain. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - 2. A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the Town as a whole;
 - 3. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property; and,
 - 4. A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 17.228(3).
 - (c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:

1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the Town of Rib Mountain Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Town?
2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
3. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

(4) *Review by Zoning Administrator.*

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that the application is complete, and within 30 days of such filing, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the proposed interpretation provided in the application per Subsection (3), above. This review shall also take into consideration the standards for review presented in Subsection (5), below. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Town of Rib Mountain's Comprehensive Master Plan.
- (c) The Zoning Administrator shall forward a report to the Applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Town's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

(5) *Standards for Review of Requested Interpretations.* This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the Town of Rib Mountain Town Board as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

- (a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.

Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.

- (b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.

Rationale: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

- (c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.

Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter.

Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements and exercise this power in order to protect the public.

- (d) This Chapter has been carefully designed by the Town Board to combine maximum achievement of public goals, and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan for the Town of Rib Mountain. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgements for the legislative acts of the Town Board.
- (e) In addition to the Applicant's response to the questions required by Subsection (3) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:
1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Town Board on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
 2. No interpretation shall permit a land use listed as a use permitted by right, a special use, or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Section 17.053).
 3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Sections 17.053 and 17.056).
 4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Sections 17.032 and 17.053).
 5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a Conditional Use pursuant to Section 17.225.
- (6) *Effect of a Favorable Land Use Interpretation.* No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to required site plans, special use permits, conditional uses, and Certificates of Occupancy.
- (7) *Limitations on Favorable Land Use Interpretation.*
- (a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a Building Permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
 - (b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
- (8) *Fee.* A fee is required for this procedure. Refer to Section 17.255(1)(k).

Section 17.232 - Appeals of Zoning Interpretations.

- (1) *Purpose.* The purpose of this Section is to provide regulations which enable the Town to hear and decide requests for appeals from the interpretations of the Zoning Administrator per Section 17.231 as provided for by §62.23(7)(e)7, Wis. Stats.

- (2) *Initiation of Request for Review of Zoning Interpretation.* Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the Town affected by any decision of the Zoning Administrator.
- (3) *Time Limit for Filing An Appeal.* Any appeal of an interpretation under the provisions of this Section shall be made per the requirements of Subsection (4), below, within a period not exceeding 30 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 30 day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- (4) *Application Requirements.* All applications for review of an interpretation, regardless of the party of their initiation per (2) above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator a minimum of 2 weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the Town Clerk, and to the Zoning Board of Appeals. Said application shall be accompanied by all of the following:
 - (a) A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the Applicant.
 - (b) A written statement from the Applicant indicating the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the Applicant.
- (5) *Review by the Zoning Administrator.* The submitted appeal shall be reviewed by the Zoning Administrator in the following steps:
 - (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Ordinance. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Ordinance, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
 - (b) Upon notifying Applicant that the application is complete, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the appeal as submitted by the Applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the Town of Rib Mountain's Comprehensive Master Plan.
 - (c) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the Town's Comprehensive Master Plan or Zoning Ordinance, the Zoning Administrator shall note this determination in the report.
- (6) *Review and Action by the Zoning Board of Appeals.*
 - (a) Within 45 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application. Notice of the appeal and said public hearing shall conform to §63.23(7)(d), Wis. Stats. Said notice shall contain a description of the issue per Subsection (4)(b), above. At least 10 days before said public hearing, the Town Clerk shall mail an identical notice to the Applicant; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter; and to any property owner within 300 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) Within 60 days after the filing of the complete application as determined by the Zoning Administrator (or, within an extension of said period requested in writing by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings per Subsection (3) above. The Zoning Board of Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at Applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.
 - (c) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- (7) *Effect of Denial.* No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Board of Appeals.

(8) *Limited Effect of a Favorable Ruling on an Appeal.*

- (a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a Building Permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
- (b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.

(9) *Fee.* A fee is required for this procedure. Refer to [Section 17.255\(1\)\(l\)](#).

Section 17.233 - Unified Development District Procedures.

(1) *Purpose, Project Size and Effect of UDD Approval.*

- (a) The Unified Development District (UDD) provides a regulatory framework to encourage improved environmental design by allowing flexibility in the development of land while ensuring compliance with the basic intent of the Zoning Ordinance and with the Town Master Plan.
- (b) To achieve the community benefits of Unified Development District (UDD) zoning, it is generally true that the project size should be large enough to allow clustering and to establish a coherence of design. Parcels less than 100,000 square feet are presumptively too small to be approved, but smaller projects may still be submitted and considered. For all projects, the petitioner should clearly demonstrate the *public benefits* of the UDD approach over those provided by adherence to the zoning standards provided by this Ordinance.
- (c) The Unified Development District has no "set" standards or specifications. Developers can propose uses or a combination of uses and configurations of intensity and density of development. Through a process of both informal and formal Plan Commission review and Town Board review and approval, accompanied by discussions with developers and, as appropriate, with other interested parties, a binding development agreement is reached between the property owner and the Town of Rib Mountain. The details of this agreement constitute the zoning controls of the property. These controls have the same legal force and effect as standard zoning requirements.

(2) *Overview of UDD Review Process.* The rezoning of property to a Unified Development District (UDD) is an amendment to the Official Zoning Map. However, as discussed in (1), above, some or many of the otherwise strict zoning requirements imposed by this Ordinance may be ignored or modified through the UDD process. Therefore, the procedure for rezoning to a UDD shall be as required for any other Amendment to the Official Zoning Map under this Ordinance ([Section 17.223](#)), with the addition of the requirements noted below:

(3) *UDD Process Step 1: Pre-Application Conference.*

- (a) The Applicant shall contact the Zoning Administrator to place an informal discussion item for the UDD on the Plan Commission agenda.
- (b) No details beyond the name of the Applicant and the identification of the discussion item as a UDD is required to be given in the agenda.
- (c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential UDD. Appropriate topics for discussion may include the location of the UDD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.
- (d) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step.

(4) *UDD Process Step 2: Concept Plan.*

- (a) The Applicant shall provide the Zoning Administrator with a draft UDD Concept Plan Submittal Packet for a determination of completeness prior to placing the proposed UDD on the Plan Commission agenda for Concept Plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Concept Plan review:
1. A location map of the subject property and its vicinity at 11" × 17", as depicted on a copy of the Town of Rib Mountain Land Use Plan Map;
 2. A general written description of proposed UDD including:
 - a. General project themes and images;
 - b. The general mix of dwelling unit types and/or land uses;
 - c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. The general treatment of natural features;
 - e. The general relationship to nearby properties and public streets;
 - f. The general relationship of the project to the Master Plan;
 - g. A complete list of zoning standards which will not be met by the proposed UDD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed UDD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,
 3. A conceptual plan drawing (at 11" × 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the "bubble plan" in addition to the 11" × 17" reduction.
- (b) Within 10 working days of receiving the draft UDD Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed UDD Concept Plan shall be placed on the Plan Commission agenda.
- (c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual UDD. Appropriate topics for discussion may include the any of the information provided in the UDD Concept Plan Submittal Packet, or other items as determined by the Plan Commission.
- (d) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the Town, but should be considered as the informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal petition for rezoning which accompanies the GDP application.
- (5) *UDD Process Step 3: General Development Plan (GDP).*
- (a) The Applicant shall provide the Zoning Administrator with a draft GDP Plan Submittal Packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:
1. A location map of the subject property and its vicinity at 11" × 17", as depicted on a copy of the Town of Rib Mountain Land Use Plan Map;
 2. A general written description of proposed UDD including:
 - a. General project themes and images;
 - b. The general mix of dwelling unit types and/or land uses;
 - c. Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. The general treatment of natural features;

- e. The general relationship to nearby properties and public streets.
 - f. A Statement of Rationale as to why UDD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed UDD zoning.
 - g. A complete list of zoning standards which will not be met by the proposed UDD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed UDD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,
3. A General Development Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against the criteria for approval:
 - a. Public and private roads, nonresidential and multi-family structure driveways and parking facilities;
 - b. Land uses and size, arrangement and location of structures;
 - c. Types, size and location of structures;
 - d. General utility plan;
 - e. Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - f. General landscape treatment plan;
 - g. Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Town Board; and
 - h. Notations relating the written information provided in Subsections (5)(a)2.a.—f., above to specific areas on the GDP Drawing.
 4. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from Town standards or common practices.
 5. A general description of building styles, exterior materials and colors.
 6. A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
- (b) Within 20 working days of receiving the draft GDP Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed GDP shall be forwarded to the Plan Commission per the public hearing and notice requirements provided by §62.23(7)(d), Wis. Stats.
 - (c) The issues that are the appropriate subject of the Plan Commission public hearing on the proposed UDD/GDP are the rezoning request and the general implementation plan.
 - (d) Following the required public hearing before the Plan Commission, the Plan Commission shall meet to make a determination and recommendation whether to advise the Town Board to approve the rezoning to UDD and the General Development Plan (GDP), to approve it with modifications, or to deny it. The Plan Commission shall be guided in its determination by criteria presented in (e), below:
 - (e) As a basis for determining the acceptability of a proposed zoning map amendment to the Unified Development District, the following criteria shall be applied to the General Development Plan (GDP) — with specific consideration as to whether or not it is consistent with the general purpose and intent of the Town of Rib Mountain Zoning Ordinance and the Town of Rib Mountain Master Plan and its constituent elements, whether the proposed GDP has been prepared with competent professional expertise and guidance, whether the proposed GDP produces significant community benefits that compensate for modifications to normal Town zoning and/or public improvement standards.

As the key step in its review of the proposed UDD/GDP the Plan Commission shall make explicit findings specifically in regard to the following:

1. Character and Intensity of Land Use: The uses proposed and their intensity and arrangement on the site:
 - a. Respect the physical attributes of the site with particular concern for preservation of protected natural resource areas, and open space;
 - b. Produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality which is compatible with the planned development of the area;
 - c. Do not adversely affect the anticipated provision of school or municipal services; and
 - d. Do not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
 2. Engineering Design Standards: Streets, drives, walkways and paths, outdoor lighting, provision for storm water drainage, sanitary sewer service, water supply, or other similar environmental and municipal engineering considerations are based on appropriate standards necessary to implement the specific function and the specific situation, and in not instance are less than those necessary to achieve the public health, safety and welfare as determined by the Town.
 3. Preservation and maintenance of open space in a Unified Development District; Provision has been made for the preservation and maintenance of appropriate open spaces either by public reservation or dedication to public entities, or by commitment to preservation by a private entity. UDD contracts shall contain specific reference to the ownership of such open space areas and to provision for maintenance.
- (f) The Plan Commission's findings (per (e) above) and recommendations regarding the proposed UDD/GDP shall be made in a written report to the Town Board. A complete set of maps, plans and written documentation fully describing the proposed development as recommended by the Plan Commission at the GDP level shall accompany the report of the Plan Commission. The matter shall not be considered by the Town Board unless this documentation has a signature by the Zoning Administrator over a statement that the documentation is complete and that it accurately reflects the Plan Commission's recommendations. In a situation in which the Applicant disagrees with certain recommendations of the Plan Commission and is urging the Town Board to approve with modifications, the Applicant must supply documentation of those modifications to the Town Board prior to the matter being placed on the agenda of the Town Board.
- (g) The Town Board shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map to the Unified Development District and proposed in the General Development Plan recommended by the Plan Commission. The Town Board may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Town Board may take final action on the proposed UDD/GDP at the time of its initial meeting, or may continue the proceedings at Applicant's request. The Town Board may approve the proposed UDD/GDP as originally proposed, may approve the proposed UDD/GDP with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the Town Board wishes to make significant changes in the proposed amendment to the UDD/GDP as recommended by the Plan Commission, then the procedure set forth in §62.23(7)(d), Wis. Stats., shall be followed prior to Town Board action. Any action to amend the Official Zoning Map (including a UDD/GDP) requires a majority vote of the Town Board. The Town Board's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (h) If the Unified Development District Ordinance as adopted by the Town Board provides explicitly, the area of the UDD/GDP can be segmented. Unless segmented, the owners of record of all included parcels must consent in writing within a single 30-day period following Town Board adoption in order for the UDD/GDP rezoning to take effect. If segmented, the written consent rule applies separately to each segment. Consent shall be binding conditioned or revocable by owners.
- (i) The approval of a UDD/General Development Plan shall not authorize issuance of building permits. The permits may not be issued until approval by the Town Board of the Precise Implementation Plan. Rezoning to UDD/GDP on the basis of an approved General Development Plan shall revert to prior zoning if the Precise Implementation Plan is not approved within one year from date of filing under Subsection (j), below. Extensions may be granted for cause by the Plan Commission. Records of extensions shall be recorded in the Town file on the UDD District.

- (j) When the consent signatures for lands in the parcel being rezoned are all acquired by the Applicant and turned in to the Zoning Administrator, the documentation on Plan Commission and Town Board action on the General Development Plan and said consent signatures shall be logged in and filed by the Town and the property shall be indicated as rezoned on Town Official Zoning Map. The date this occurs is the effective date of the rezoning. The Zoning Map indication shall be UDD-GDP.
 - (k) The Town shall record at the Marathon County Register of Deeds office an affidavit of notice of UDD zoning against all real property included in the UDD district. This shall be done on the effective date of the UDD-GDP rezoning. The Town shall require the Applicant to supply necessary property descriptions and to pay all recording and processing fees.
 - (l) No application for UDD/GDP which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
 - (m) General Development Plan (UDD/GDP) approval lapses one year after its effective date if substantial development progress (as indicated by the placement of footings) has not occurred. The Plan Commission may grant extensions for good cause.
 - (n) The fee associated with UDD/GDP processing shall be that of an Amendment to the Official Zoning Map plus that of a Conditional Use Permit. Refer to Section 17.255(1)(b).
- (6) *UDD Process Step 4: Precise Implementation Plan (PIP).*
- (a) After the effective date of the rezoning to UDD/GDP, the Applicant may file an application for a proposed Precise Implementation Plan (PIP) with the Plan Commission. The process and requirements for submittal, review and approval of the PIP shall be identical to that for conditional use permits (per Section 17.225) of this Ordinance, and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code, plus the following additional requirements:
 1. A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply, and a complete list of zoning standards which will be exceeded by the proposed PIP and the location(s) in which they apply, shall be provided. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relationship of the proposed PIP with the approved GDP, and in that respect gain insight into the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility;
 2. Statistical data on all lot sizes in the development, the maximum density or intensity of various parts of the development as indicated by floor area ratio, impervious surface area ratio and landscape surface area ratio, expected staging, and any other information or plans required by the Plan Commission or Town Board;
 3. Notations relating the written information provided in (6)(a)1., above, to specific areas on the PIP Drawing;
 4. Any and all variations between the requirements of the applicable UDD/GDP zoning district and the proposed PIP development; and,
 5. The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.
 6. The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.
 7. The Precise Implementation Plan (PIP) submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.
 8. The Plan Commission or Town Board may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
 - (b) When the Precise Implementation Plan submission is deemed by the Zoning Administrator to be complete, the matter shall be reviewed by the Zoning Administrator per the requirements of Subsection 17.225(4) (including the provisions of findings listed in Subsection 17.225(4)(b)), particularly in relation to the approved GDP as specified in Subsection (6)1.—4., immediately above.
 - (c) Following the review by the Zoning Administrator, the PIP shall be placed on the agenda of the Plan Commission per the requirements of Subsection 17.225(5). A public hearing is required at that time. In order to approve a PIP, the Plan Commission must determine that the PIP is reasonably consistent with the previously approved GDP, as well as with sound

planning principles as considered in the suggested findings of the Zoning Administrator.

- (d) If the Plan Commission recommends approval of a Precise Implementation Plan (PIP), complete documentation describing the PIP, and any contracts that the Plan Commission deems necessary for the implementation of the PIP, shall be prepared, reviewed the Zoning Administrator as complete and, when found to be complete, shall be placed on the agenda of the Town Board.
- (e) The Town Board shall consider and act on the Precise Implementation Plan (PIP) after reviewing the recommendations of the Plan Commission on same. The Town Board shall approve a PIP that is reasonably consistent with the previously approved General Development Plan.
- (f) Subsections 17.233(5)(h)–(j), above also apply to the processing and consent signatures of a Precise Implementation Plan following approval by the Town Board. Signatures are required by property owners only in the area affected by the Precise Implementation Plan. The affidavit of zoning status need not be recorded at the PIP stage if one is duly on record from the UDD/GDP stage.
- (g) The filing of an approved Precise Implementation Plan shall authorize release of building and other land use permits to carry out development activities consistent with that approved plan. Any subsequent change of use of any parcel or any modification of the Precise Implementation Plan shall first be submitted for approval to the Plan Commission and if, in the opinion of the Plan Commission, such change or modification constitutes a substantial alteration of the Precise Implementation Plan, the Precise Implementation Plan shall be required to be amended through the same procedures used to approve, file and record the Precise Implementation Plan. If, in the opinion of the Plan Commission, such changes or modifications do not constitute a substantial alteration of the Precise Implementation Plan, the change may be accomplished by approval of the Plan Commission. Such approved modifications shall be documented and recorded in the official file of the Town on the UDD District.
- (h) Precise Implementation Plan approval lapses one year after its effective date if substantial development progress (as indicated by the placement of footings) has not occurred. The Plan Commission may grant extensions for good cause.
- (i) Occupancy for the project shall not be granted by the Town until the Precise Implementation Plan project has been completed and it has been inspected by the Zoning Administrator and certified to be in complete compliance with all General Development Plan and Precise Implementation Plan conditions as approved by the Town Board.

SUBCHAPTER 17-XII: - ADMINISTRATION AND ENFORCEMENT

Section 17.251 - Purpose.

The purpose of this Subchapter is to establish the administrative and enforcement framework for the application of this Chapter.

Section 17.252 - Zoning Administrator.

- (1) *Designation.* The Building Inspector or a designee of the Building Inspector is hereby designated as the administrative and enforcement officer for the provisions of this Chapter and is also herein referred to as the Zoning Administrator. The duty of the Zoning Administrator is to interpret and administer this Chapter and to issue, after on-site inspection, all permits required by this Chapter.
- (2) *Duties.* The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:
 - (a) Determine that all Detailed Site Analyses, Building Permits, Certificates of Occupancy, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.
 - (b) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
 - (c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however he is refused entry after presentations of his identification, he may procure a special inspection warrant in accordance with §66.122, Wis. Stats. Conduct inspections of buildings, structures,

waters and land to determine compliance with all provisions of this Chapter.

- (d) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefor.
- (e) Record the first floor and lowest floor (basement or crawlway) elevations of all structures erected, moved, altered, or improved in the floodland districts.
- (f) Receive, file and forward all applications for any and all procedures governed by this Chapter (see Subchapter 17-I) to the designated official bodies.
- (g) Grant minor variations to approved site plans in accordance with Section 17.228(7).
- (h) Institute, in the name of the Town of Rib Mountain, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.
- (i) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (j) Where useful, the Zoning Administrator, or his agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.
- (k) Request assistance and cooperation from other law enforcement personnel as deemed necessary.
- (l) Make available to the public, to the fullest extent possible, all reports and documents concerning the Town's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Town Board may set fees necessary to recover the cost of providing information to the public.
- (m) The Assistant Building Inspector may be designated Deputy Zoning Administrator by the Zoning Administrator.
- (n) Make interpretations regarding the provisions of this Chapter per Section 17.231.
- (o) Grant minor variations from the dimensional (setback, height, and area) requirements of this Chapter—up to a maximum variation of 5% for setbacks and height limitations, and up to a maximum variation of 5% or 1,000 square feet for area requirements (whichever is less), so long as the purpose of this Chapter (Section 17.005) is preserved.
- (p) Upon reasonable cause or question as to proper compliance, to revoke any Building Permit or Permit issued under this Chapter, cause surety to be forfeited, deny the issuance of additional Building Permits or Permits under this Chapter until compliance is accomplished, and issue cease and desist orders requiring the cessation of any violation of the provisions of this Chapter.
- (q) Issue uniform ordinance violation citations in response to violations of this Chapter and pursuant to the procedures set forth in this Chapter.
- (r) Upon reasonable cause or question as to proper compliance, cause violations of this chapter to be abated and report the costs of such abatement to the Town Clerk for entry of the amount of the costs onto the tax roll.

Section 17.253 - Plan Commission.

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys.

In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Chapter, its functions are primarily recommendatory to the Town Board pursuant to guidelines set forth in this Chapter as to various matters, and, always, being mindful of the intent and purposes of this Chapter. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

The commission may adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

Section 17.254 - Zoning Board of Appeals.

The Zoning Board of Appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this Chapter (see Section 17.230); or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Chapter (see Section 17.231 and 17.232).

- (1) *Establishment and Membership.* A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals shall consists of 5 members appointed by the Town Chair, subject to confirmation by the Town Board, for 3 years, except that of those first appointed, one shall serve for one year; 2 for 3 years. The members shall serve without compensation and shall be removable by the Town Chair for cause upon written charges and after public hearing. The Town Chair shall designate one of the members chairman. The Town Chair shall appoint subject to confirmation of the Town Board for staggered terms of 3 years, 2 alternate members of such Zoning Board, in addition to the 5 members above provided for. Annually, the Town Chair shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the Zoning Board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling of vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the Third Tuesday in April. Terms of office shall commence the first day of May. The Town Clerk shall serve as Secretary of the Zoning Board. The Zoning Board of Appeals may employ other employees.
- (2) *Organization.* The Zoning Board of Appeals shall adopt rules for its government and procedure. Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman, and at such other times as the Zoning Board of Appeals may determine. The Chairman, or in his absence an elected Acting Chairman, may administer oaths and compel the attendance of witnesses. All meeting shall be open to the public.

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

(3) *Powers.*

(a) The Zoning Board of Appeals shall have the following powers:

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
2. To hear and decide special exceptions to the terms of this Code upon which the Zoning Board of Appeals is required to pass.
3. To authorize variances in accordance with Section 17.230.
4. Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(b) In exercising the above listed powers, the Zoning Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of 4 members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Code.

(c) No action of the Zoning Board of Appeals shall have the effect of permitting in any district uses prohibited in such districts.

- (4) *Appeals.* Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town of Rib Mountain affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Board of Appeals, by filing with the officer(s) from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing

fee as may be established by the Town Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken. The Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide to same within a reasonable time.

- (5) *Notice of Hearing.* The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, cause notice thereof to be published in the official newspaper not less than 7 days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than 5 days prior to the date of hearing. For a variance, the public requirements of Section 17.230(7)(a) shall be followed.
- (6) *Hearings.* Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the Board of Zoning Appeals. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Decisions of the Board of Zoning Appeals following public hearing may be made either in public or closed session as the Board of Zoning Appeals shall determine.
- (7) *Findings.* Findings of fact and reasons for all actions taken shall be reduced by the Board of Zoning Appeals to writing in the minutes of the proceedings.
- (8) *Wetland and Floodland Mapping Disputes.* All such disputes shall be referred to the Marathon County Zoning Department.
- (9) *Decision.* The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Zoning Board's decision to the appellant or applicant, Zoning Administrator, and Town Plan Commission.
- (10) *Review by Court of Record.* Any persons aggrieved by any decision of the Zoning Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Zoning Board of Appeals.

Section 17.255 - Fees.

- (1) *Fees for Requested Procedures.* (Am. #01-08; #2003-10; #08-01) The following fees are hereby established and required**:
 - (a) Text Amendment (per Section 17.222\$150.00*
 - (b) Zoning Map Amendment (Section 17.223\$150.00*
 - (c) Special Use (per Section 17.224) See Section 17.255(1)(g), minimum\$50.00*
 - (d) Conditional Use (per Section 17.225\$150.00*
 - (e) Reserved
 - (f) Sign Permit (per Section 17.227) a minimum \$1.00/square foot of total sign area plus permit fee of (Am. #13-08)\$50.00
 - (g) Site Plan/Zoning Permit:
 1. One-family and two-family residential\$35.00
 2. All other, \$50.00 per acre or fraction of, minimum\$50.00*
 - (h) Inspections/Certificate of Occupancy (per Section 17.229\$35.00*
 - (i) Zoning Occupancy Bond Fee (per Section 17.229(3)(b))
 1. One-family and two-family residential\$1,000.00*
 2. All other, equal to 1% of the general contract price, minimum\$1,000.00*
 - (j) Variance (per Section 17.230\$250.00*
 - (k) Interpretation (per Section 17.231\$150.00*
 - (l) Appeals (per Section 17.232\$250.00*
- (m) Filing or Recording Fee with Town Clerk\$35.00
+ actual recording fees
- (n) Bed and Breakfast Establishments (per Section 17.056(4)(l)), per year\$150.00*
* Base fee may be modified by Subsection 17.255(5), provision for consulting fees, and shall also include actual publication fees for any required notices, billed after the notification has occurred.

** All fractional fees shall be rounded up to the nearest whole dollar amount.

- (2) *Penalty for Failure to Obtain Permit in a Timely Manner.* Failure to procure a building permit or sign permit prior to starting any construction activity shall require the applicant to pay double the fee established in Section 17.255(1) in addition to any fines and other penalties as may be required under other Town or County ordinances or as may be levied by a court of law.
- (3) *Fees for Procedures Requested by the Town of Rib Mountain.* There shall be no fee in the case of applications filed in the public interest by the Town Board or the Plan Commission, other agency, or official of the Town of Rib Mountain.
- (4) *Payment of Fees.* Fees shall be payable at the time applications are filed with the appropriate officer of the Town (per the requirements of this Chapter), and are not refundable.
- (5) *Professional Consultant Review Services.* The Town may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Town's review of a proposal coming before the Plan Commission. The Town may apply the charges for these services to the Petitioner. The Town may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Petitioner. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the Town as a special assessment to the subject property.

Section 17.256 - Violations and Penalties.

- (1) *Violation of this Chapter.* It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements. Any person who violates or fails to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection (2), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- (2) *Penalties.* Any person, firm, or corporation who fails to comply with the provisions of this Code or any order of the Zoning Administrator shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 and costs of prosecution for each violation, together with all applicable assessments, penalties, and fees. Any person in default of such payment may be imprisoned in the County Jail until such payment is made, not to exceed 30 days. Each day a violation exists or continues shall constitute a separate offense.
- (3) *Town Promulgated Correction of Violation.* In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the Town reserves and maintains the continued right to abate violations of this Chapter.
 - (a) *Hazardous Condition Caused by Violation of this Chapter:* If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
 - (b) *Non-Hazardous Condition Caused by Violation of this Chapter:* If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by Registered Mail on the current owner of the property (as indicated by current Town of Rib Mountain tax records) on which said violation is occurring to remove said violation within 10 working days. If such violation is not removed within such 10 working days, the Zoning Administrator shall cause the violation to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), Below.
 - (c) *Cost of Abatement:* In addition to any other penalty imposed by this Subchapter for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per Subsections (a) and/or (b), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Town to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement

of the violation shall be mailed to the last known address of said property owner by Registered Mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Town Clerk shall enter such charges onto the tax roll as a special tax as provided by §66.615(5), Wis. Stats.