

## CHAPTER 17

### ZONING CODE

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**17.01 INTRODUCTION.** (1) **AUTHORITY.** These regulations are adopted under the authority granted by §§60.74, 60.75 and 62.23 , Wis. Stats.

(2) **SHORT TITLE.** This chapter shall be known as, referred to or cited as the “Zoning Code, Town of Fredonia , Wisconsin.”

(3) **PURPOSE.** The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of the Town.

(4) **INTENT.** It is the general intent of this chapter to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Town; and implement the Town comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

(5) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(6) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**17.02 DEFINITIONS.** For the purpose of this chapter, certain words or phrases shall have meanings that either vary somewhat from their customary dictionary meanings or are intended to be interpreted to have a specific meaning:

(1) **ABUTTING.** Having a common property line or district line.

(2) **ACCESSORY BUILDING.** A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises. When an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard requirements of the main building shall be applied to the accessory building.

(3) **ALLEY.** A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting property.

(4) **APARTMENT.** A portion of a multiple dwelling used as a separate housing unit and having cooking facilities and a private bath.

(5) **APARTMENT HOUSE.** See DWELLING, MULTI-FAMILY.

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

(7) **BED AND BREAKFAST.** A building other than a hotel where lodging and meals are furnished for compensation for persons not members of a family.

(8) **BILLBOARD.** An advertising device, either freestanding or attached to a building, which is used to display information not related to the use or ownership of the establishment on the property upon which it is located.

(9) **BUILDING.** Any structure use, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.

(10) **BUILDING, ALTERATIONS OF.** See **STRUCTURAL ALTERATIONS.**

(11) **BUILDING AREA.** The total living area bounded by the exterior walls of a building at the floor level, but not including a basement not qualified for living area under the State Building Code, a garage, an unfinished and unheated porch and an attic.

(12) **BUILDING, HEIGHT OF.** The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

(13) **BUILDING PERMIT.** A permit issued by the Building Inspector for construction, moving, alteration or addition to any structure upon compliance with the provisions of this chapter.

(14) **CONDITIONAL USE.** A use of a special nature so as to make impractical its predetermination as a principal use within a district.

(15) **DWELLING.** (a) *One-Family.* A detached building designed for or occupied exclusively by one family.

(b) *Two-Family.* A detached or semi-detached building designed for and occupied exclusively by 2 families.

(c) *Multi-Family.* A building or portion thereof designed for and occupied by more than 2 families, including tenement houses, row houses, apartment houses and apartment hotels.

(16) **DWELLING UNIT.** A separate housekeeping unit, designed and used for occupancy by a single family.

(17) **ESSENTIAL SERVICES.** Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage and communication systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, traffic signals, pumps, lift stations and hydrants, but not including buildings.

(18) FAMILY. Any number of persons related by blood, adoption or marriage, or not to exceed 4 persons not so related, living together in one dwelling as a single housekeeping entity.

(19) FENCE, OPEN. A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket and rail fences.

(20) FENCE, SOLID. A structure of rails, planks, stakes, strung wire or similar material erected as an enclosure, barrier or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave and louvered fences.

(21) FIRE NUMBER. A number utilized by the Fire Department to identify properties in the Town. Under this system, each road in the Town is named and each property on that road is given a number. Fire numbers shall be displayed in a conspicuous location on the property to be seen from the road. The Building Inspector shall issue a fire number at the time a building permit is applied for.

(22) FLOOR AREA. (a) For residential uses, the gross horizontal area of the floor of a dwelling unit, exclusive of unfinished and unheated porches, balconies, garages and basements qualified for living area under the State Building Code, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units.

(b) For uses other than residential, the area measured from the exterior faces of the exterior walls, or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

(23) FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street right of way line. For lots abutting a lake or stream, the smallest dimension measured along the shore line.

(24) GARAGE, PRIVATE. A structure primarily intended for and used for the enclosed storage or shelter of the private motor vehicles of the families resident upon the premises. Carports are considered garages.

(25) GARAGE, PUBLIC OR COMMERCIAL. Any garage other than a private garage.

(26) HOME OCCUPATION. Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25% of the area of one floor, employs no more than one nonresident employe, uses only house hold equipment, and no stock in trade is kept or sold except that made on the premises. A home occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, music teaching to not more than 2 pupils at one time, and crafts, but does not include the display of any goods nor such occupations as barbering, beauty shops, dance schools, real estate brokerage or photographic studios. See also Professional Home Office.

(27) HOTEL, MOTEL. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.

(28) LOT. A parcel of land on which a principal building and its accessory buildings are placed, together with the required open spaces; provided that no such parcel shall be bisected by a public street, and shall not include any portion of a public right of way. No lands dedicated to the public or reserved for roadway purposes shall be included in the computation of lot size for the purposes of this chapter. See also PARCEL.

(29) LOT, CORNER. A lot abutting on 2 or more dedicated and accepted streets at their intersections, provided that the interior angle of such intersection is less than 135°.

(30) LOT DEPTH. The mean horizontal distance between the front and rear lot lines.

(31) LOT, DOUBLE FRONTAGE. A parcel of land, other than a corner lot, with frontage on more than one street or with frontage on a street and a navigable body of water. Double frontage lots, for the purpose of this chapter, shall be deemed to have 2 front yards and no rear yard.

(32) LOT, INTERIOR. A lot other than a corner lot.

(33) LOT LINES. The lines bounding a lot as defined herein.

(34) LOT, THROUGH. An interior lot having frontage on 2 nonintersecting streets.

(35) LOT WIDTH. The width of a parcel of land measured at the setback line.

(36) MANUFACTURED DWELLING. A dwelling structure or component thereof as defined in Wis. Adm. Code COMM 20.07(52) which bears the Wisconsin Department of Commerce insignia certifying that it has been inspected and found to be in compliance with Wis. Adm. Code COMM 20 Subch. V.

(37) MANUFACTURED HOME. A dwelling structure or component thereof fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with Federal Manufacturing Housing Construction Standards.

(38) MOBILE HOME. A nonself-propelled one-family dwelling unit of vehicular design, built on a chassis and originally designed to be moved from one site to another, whether or not the same is placed on a permanent foundation.

(39) MOBILE HOME PARK. Any lot on which 2 or more mobile homes are parked for the purpose of temporary or permanent habitation.

(40) MOTEL. See HOTEL.

(41) NONCONFORMING USE OR STRUCTURE. A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto which use or occupancy does not conform to the regulations of this chapter or any amendments thereto.

(42) NURSERY. Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

(43) NURSING HOME. Any building used for the continuous care, on commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

(44) **OVERLAY DISTRICTS.** These may be used to combine land areas from 2 or more districts into a single district without rezoning for the purpose of meeting the minimum area requirements.

(45) **PARCEL.** A land ownership upon which one or more rural structures, including farm residences, are placed, together with the required open spaces. The term “parcel” is used in the A-1, A-2, A-3 and C-2 District regulations and , unlike the term “lot”, as defined elsewhere in this section, a parcel may contain lands reserved for roadway purposes in the computation of the required parcel size.

(46) **PARKING STALL.** An off-street space, available for the parking of a motor vehicle and which, in this chapter, is held to be an area 10 feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

(47) **PARTIES IN INTEREST.** Includes all abutting property owners, all property owners within 200 feet and all property owners of opposite frontages.

(48) **PRINCIPAL BUILDING.** The main building used for the permitted use of the premises.

(49) **PROFESSIONAL HOME OFFICE.** The office of a doctor, practitioner, dentist, clergyman, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession. A professional office shall be incidental to the residential occupation and not more than 25% of the floor area of only one story of a dwelling unit shall be occupied by such office. Only one person may be employed who is not a resident of the home.

(50) **SETBACK.** The minimum horizontal distance between the street line and the nearest point of a building or any projection thereof, excluding uncovered steps.

(51) **SHOPPING CENTER.** A group of stores, planned and designed for the site on which it is built, functioning as a unit with off-street parking provided on the property as an integral part of the unit.

(52) **SIGN.** Any words, letters, figures, numerals, phrases, sentences, emblems, devices or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which it is located, as distinguished from a billboard.

(53) **STREET.** All property dedicated for public street or highway purposes.

(54) **STORY.** That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having 1/2 or more of its height above grade shall be deemed a story for purposes of height regulation.

(55) **STREET LINE.** A dividing line between a lot, tract or parcel of land and an abutting street right of way.

(56) **STRUCTURE.** Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

(57) **STRUCTURAL ALTERATIONS.** Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

(58) **TEMPORARY STRUCTURE.** A movable structure which does not require a permanent location on the ground and which is not attached to something having a permanent location on the ground.

(59) **USE.** The use of a property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

(60) **USE, ACCESSORY.** A use subordinate in nature, extent or purpose to the principal use of a building or lot and which is also an approved use if so stated in this chapter.

(61) **USE, CONDITIONAL.** See **CONDITIONAL USE.**

(62) **USE, PERMITTED.** A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such districts.

(63) **USE, PRINCIPAL.** The main use of land or building as distinguished from a subordinate or accessory use. A principal use may be permitted or conditional.

(64) **UTILITIES.** Public and private facilities such as water wells, water and sewer pumping stations, water storage tanks, electric transmission towers, electric lines, electric transmission substations, gas transmission regulation stations, telephone and telegraph exchanges, microwave relay structures, but not including sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(65) **VISION CLEARANCE.** An unoccupied triangular space at the street corner of a corner lot which is bounded by the street lines and a setback line connecting points specified by measurement from the corner on each street line. (See sec. 17.03 of this chapter)

(66) **YARD.** An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.

(a) *Front Yard or Setback.* A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

(b) *Rear Yard.* A yard extending the full width of the lot, being the minimum horizontal distance between the rear lot line and the nearest part of the building excluding uncovered steps.

(c) *Side Yard.* A yard extending from the front yard to the rear yard, being the minimum horizontal distance between a building and the side lot line. See also secs. 17.03(5) and 17.04(3) of this chapter.

(67) **ZONING DISTRICT.** An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of building and premises are uniform.

**17.03 GENERAL PROVISIONS.** (1) **JURISDICTION.** The jurisdiction of this chapter shall apply to all uses, structures, lands, water and air within the unincorporated limits of the Town.

(2) **COMPLIANCE.** No structure, land or water shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Town, County and State regulations.

(3) **PRINCIPAL USE RESTRICTIONS.** The following use restrictions and regulations shall apply; only those principal uses specified for a district, their essential services and the following shall be permitted in that district.

(a) *Accessory Uses.* Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction, except in the A-1 District. A barn, silo, shed or storage structure used solely for farming shall be permitted without requiring construction of a single-family dwelling. Residential accessory uses shall not involve the conduct of any business, trade or industry except home occupations and professional home offices as defined in this section. Accessory uses include incidental repairs; storage; parking facilities; gardening; servant's, owner's itinerant agricultural laborer's and watchman's quarters not for rent; private swimming pools; and private emergency shelters.

(b) *Unclassified or Unspecified Uses.* Unclassified or unspecified uses may be permitted by the Town Board after the Plan Commission has made a review and recommendation, provided that such uses are similar in character to the principal uses permitted in the district.

(c) *Temporary Uses.* Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Town Board upon the recommendation of the Plan Commission.

(d) *Conditional Uses.* See sec. 17.25 of this chapter.

(4) **YARD REDUCTION OR JOINT USE.** (a) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.

(b) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.

(c) No lot in the Town which contains a building shall hereafter be reduced by any type of conveyance to an area less than would be required for the construction of such building on such lot.

(5) **LOT OCCUPANCY.** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a platted lot and in no case shall there be more than one principal building on one platted lot unless approved by the Town Board.

(6) **OCCUPANCY PERMIT REQUIRED.** No vacant land shall be occupied or used, and no building or premises shall be erected, altered, moved or create change in use, and no non-conforming use shall be maintained, renewed, changed or extended until an occupancy permit shall have been issued by the Building Inspector. Such permit shall show that the building or premises or part thereof is in compliance with the provisions of this chapter and the Building Code. Such permit shall be applied for at the time of occupancy of any land and/or building.



(7) **YARDS ABUTTING DISTRICT BOUNDARIES.** Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.

(8) **VISION CLEARANCE.** No obstructions such as structures, parking or vegetation shall be permitted in any district other than the B-1 District between the height of 2-1/2 and 10 feet above a plane through the mean curb grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right of way lines and a line joining points on such lines, located a minimum of 35 feet from their intersection. Official signs, utility poles, tree trunks and wire fences may be permitted within each segment of an intersection traffic visibility area.

(9) **PARKING AND LOADING RESTRICTIONS.** See sec. 17.26 of this chapter.

(10) **SINGLE-FAMILY DWELLING STANDARDS.** No single-family dwelling, including dwellings constructed on the building site, manufactured dwellings and manufactured homes, shall be erected or installed in any zoning district except the R-5 Mobile Home Park District unless such dwelling meets all of the following standards:

(a) The dwelling shall be set on a full basement or other permanent enclosed structure in accordance with the State Uniform Dwelling Code. The structure shall not rest upon a metal frame where the foundation meets the sills or floor joists.

(b) The dwelling shall have a minimum width of 24 feet and a core area of living space at least 24 feet by 24 feet. A "core area of living space" includes kitchens, dining areas, living rooms, dens, bedrooms and bathrooms and excludes any storage rooms and any porches.

(c) Single-family dwellings shall have at least a 3 foot vertical to 12 foot horizontal (3:12) roof pitch and shall be covered with shingles or tiles.

(d) The exterior wall surfaces of single-family dwellings shall be finished with materials that are typical of or similar in appearance to the materials used on exterior wall surfaces of existing dwellings in the Town. Glare and reflection from exterior wall surfaces shall not be greater than that from siding coated with clean, white, semi-gloss exterior enamel.

**17.04 NONCONFORMING USES, STRUCTURES AND LOTS.** (1) **EXISTING NONCONFORMING USES.** (a) *Continuation.* The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform with the provisions of this chapter, provided, however:

1. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.

2. The total lifetime structural repairs or alterations shall not exceed 50% of the assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this chapter.

3. Substitution of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

(b) *Abolishment or Replacement of Existing Nonconforming Use* If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy or other calamity to the extent of more than 50% of its current equalized assessed value, it shall not be restored except so as to comply with the use provisions of this chapter. From the date of adoption of this chapter, a current file of all nonconforming uses shall be maintained by the Town Clerk, listing the following:

1. Owner's name and address.
2. Use of the structure, land or water.
3. Assessed value at the time of its becoming a nonconforming use.

(2) **EXISTING NONCONFORMING STRUCTURES.** Any lawful nonconforming structures existing at the time of the adoption or amendment of this chapter may be continued, although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. However, it shall not be extended, enlarged, reconstructed, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter unless a variance is first obtained from the Board of Zoning Appeals.

(3) **CHANGES AND SUBSTITUTIONS.** Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Town Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Town Board.

(4) **EXISTING VACANT SUBSTANDARD LOTS.** An existing lot which does not contain sufficient area to conform to the dimensional requirements of this chapter, but which is at least 50 feet wide and 5,000 square feet in area, may be used as a single-family building site provided that the use is permitted in the zoning district and the lot is of record in the County Register of Deed's office prior to the effective date of this chapter; and, further provided, that the lot is in separate ownership from abutting lands. If 2 or more vacant substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after approval of a variance by the Board of Zoning Appeals.

**17.05 COMMUNITY LIVING ARRANGEMENTS; FAMILY DAY CARE HOMES.** (1) **STATE LAWS ADOPTED.** The provisions of §§62.23(7)(i) and 66.1017, Wis. Stats., are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this chapter.

(2) **PERMITTED USES; RESTRICTIONS.**

COMMUNITY LIVING ARRANGEMENT (CLA); FAMILY DAY CARE HOMES	DISTRICTS PERMITTED	STATUTORY RESTRICTIONS
(a) Foster family home (domicile licensed under §48.62, Wis. Stats., up to 4 children	All residential districts	None
(b) Other foster homes	All residential districts	§62.23(7)(i). and 2., Wis. Stats.
(c) Adult family home domicile, as districts defined in §50.01(1), Wis. Stats., up to 4 adults, or more if all adults are siblings	All residential districts	None
(d) Other adult family homes	All residential districts	§62.23(7)(i)1 and 2., Wis. Stats.
(e) CLA, up to 8 persons	All residential districts	§62.23(7)(i)1, 2. and 9., Wis. Stats.
(f) CLA, 9 to 15 persons	Multi-Family districts	§62.23(7)(i)1, 2. And 9., Wis. Stats.
(g) Family day care home licensed under §48.65 Wis. Stats., up to 8 children	All 1- and 2-family districts	§66.1017, Wis. Stats.

(3) **CONDITIONAL USES.** All community living arrangements and family day care homes not permitted in sub. (2) above. See sec. 17.25 of this chapter.

**17.06 ZONING DISTRICTS.** (1) **ESTABLISHED.** For the purposes of this chapter, the Town is hereby divided into the following zoning districts:

- (a) A-1 Exclusive Agricultural District
- (b) A-2 Agricultural/Rural Residential District
- (c) A-3 Agricultural District
- (d) R-1 Single-Family Residential District
- (e) R-2 Single-Family Residential District
- (f) R-3 Single-Family Residential District
- (g) R-4 Single-Family Residential District
- (h) R-5 Mobile Home Park District
- (i) B-1 Urban Business District
- (j) B-2 Highway Business District
- (k) M-1 Urban Industrial District
- (l) M-2 General Industrial District
- (m) M-3 Extractive District
- (n) P-1 Park District
- (o) P-2 Urban Institutional District
- (p) P-3 Rural Institutional District
- (q) C-1 Lowland Conservancy District
- (r) C-2 Upland Conservancy District

(2) **INCORPORATION OF ZONING MAP.** The locations and boundaries of the districts are shown on the map entitled "Zoning Map, Town of Fredonia, Oazukee County, Wisconsin" and is hereby adopted by reference. Official copies of the Zoning Map, together with a copy of this chapter, shall be kept by the Town Clerk and shall be available for public inspection during office hours. Any changes or amendments affecting district boundaries shall not be effective until recorded and the certified change is filed with the Map.

(3) **DISTRICT BOUNDARY AND MAP AMENDMENTS.** Ordinance number

(4) **BOUNDARIES OF DISTRICTS.** When uncertainty exists with respect to the boundaries of the various districts as shown on the Map, the following rules shall apply:

(a) When width or length of boundaries are not clear, the scale of the Map shall determine the approximate dimensions.

(b) When the Floodplain Zoning and Shoreland--Wetland Codes and the Zoning Code regulations conflict with one another, the most restrictive combination of such regulations shall control.

(c) District boundaries are normally lot lines and center lines of streets, highways, railroads or alleys.

(5) **OVERLAY DISTRICTS.** Overlay districts may be established relating to parcels which are zoned A-1, A-2, A-3 or C-2 and are under single ownership. Overlay districts may be used to combine land areas from 2 or more districts into a single district without rezoning for the purpose of meeting the minimum area requirement for the A-1, A-2, A-3 or C-2 parcel or the acreage requirements for the construction of a residence. Applications for overlay districts may be made to the Plan Commission. After considering the percentage of usable land and access thereto, the Commission may grant or deny the creation of the proposed overlay district.

**17.07 A-1 EXCLUSIVE AGRICULTURAL DISTRICT.** The A-1 District is intended to maintain, enhance and preserve prime agricultural lands historically utilized for crop production and the raising of livestock. The district is further intent upon preventing the premature conversion of agricultural land to scattered residential, commercial and industrial uses.

(1) **PRIME AGRICULTURAL LAND DEFINED.** Prime agricultural lands are those lands which are well suited for agricultural use and which meet the following criteria:

(a) The farm unit shall be at least 35 acres.

(b) Not less than 50% of the farm unit shall be covered by soils which meet U.S. Natural Resources Conservation standards for national prime farmland or farmland of Statewide importance; see also the Town of Fredonia Official Soil Map (LESA Map) which is hereby adopted by reference and made a part hereof and which is on file in the office of the Town Clerk.

(c) The farm unit shall be located in a block of farmland not less than 100 acres in size.

(2) **PERMITTED USES.**

(a) Apiculture (beekeeping)

(b) Dairy farming

(c) Floriculture (cultivation of ornamental flowering plants)

- (d) Grazing or pasturing
- (e) Livestock raising, except commercial feed lots and fur farms
- (f) Orchards
- (g) Paddocks
- (h) Plant nurseries
- (i) Poultry raising, except commercial egg production
- (j) Raising of grain, grass, mint and seed crops
- (j) Raising of tree fruits, nuts and berries
- (k) Sod farming
- (l) Vegetable raising
- (m) Viticulture (grape growing)
- (n) Existing dwellings not accessory to any farm operation or dwellings remaining after the consolidation of farms
- (o) Essential services

(3) PERMITTED ACCESSORY USES. (a) General farm buildings, including barns, silos, sheds and storage bins.

(b) A barn, silo, shed or storage structure used solely for farming shall be permitted before a single-family dwelling is constructed.

(c) One single-family farm dwelling.

(d) Garages and carports.

(e) Home occupations and professional home offices.

(f) One roadside stand for selected farm products produced on the premises and not exceeding 150 square feet in floor area.

(g) Forest and game management.

(h) Non-agricultural business or activity subject to the following conditions:

- (i) no buildings or structures will be added to the agricultural property;
- (ii) shall employ no more than four full time employees annually;
- (iii) does not impair or limit the current or future agricultural use of the farm or other protected farmland; and
- (iv) the approval of the application for activities requiring a license under Chapter 12 of this Code.

(4) CONDITIONAL USES. See also sec. 17.25 of this chapter.

(a) Housing for farm laborers not permitted in the permitted uses section.

(b) Housing for seasonal or migratory farm workers.

(c) Barns, silos, sheds and storage bins used solely for farming, without construction of a single-family dwelling.

(d) Commercial feed lots and livestock sales facilities.

- (e) Commercial fur farms.
- (f) Commercial egg production.
- (g) Airstrips and landing fields, provided that the airstrip or landing field shall be governmentally owned and operated or used for farm related operations such as crop dusting.
- (h) Wind Towers/Turbines and Wind Energy Facilities

(5) AREA AND HEIGHT REQUIREMENTS. See also sec. 17.03 of this chapter.

(a) *Before Consolidation.*

Parcel frontage.....	Minimum 330 ft.
Parcel area .....	Minimum 35 acres
Parcel width.....	Minimum 330 ft.
Front yard setback .....	Minimum 75 ft.
Side yards .....	Minimum 25 ft.
Rear yard .....	Minimum 50 ft.
Building height, farm buildings.....	Maximum 60 ft.
Farm dwellings:	
Building height.....	Maximum 35 ft.
Floor area .....	Minimum 950 sq. ft.

(b) *Farm Dwellings After Consolidation.*

Lot frontage .....	Minimum 150 ft.
Lot area:	
Including farm buildings.....	Minimum 5 acres
Residence only .....	Minimum one acre
Front yard .....	Minimum 75 ft.
Side yards .....	Minimum 25 ft.
Rear yard .....	Minimum 50 ft.
Building height .....	Maximum 35 ft.
Floor area.....	Minimum 1,200 sq. ft.

(6) LIMITATION ON ANIMAL UNITS. (a) See Table 1 below.

**Table 1  
Number of Animal Types Equivalent to 1,000 Animal Units  
and Animal Equivalency Factors**

Number Equivalent to 1,000 Animal Units	Subcategory of Animal Type	Animal Equiv. Factor	Number Equivalent to 1,000 Animal Units	Subcategory of Animal Type	Animal Equiv. Factor
700	<b>DAIRY CATTLE:</b> Milking and Dry Cows	1.4	10,000	<b>SHEEP:</b> Per Animal	0.1
910	Heifers (800 to 1,200 lbs.)	1.1			
1,670	Heifers (400 to 800 lbs.)	0.6		<b>HORSES:</b> Per Animal	2.0
5,000	Calves (Under 400 lbs.)	0.2	500		
	<b>BEEF CATTLE:</b>			<b>DUCKS:</b>	
1,000	Steers or Cows (1,000 lbs. to Mkt.)	1.0	5,000	Per Bird (Wet Lot)	0.2
1,250	Steers or Cows (600 to 1,000 lbs.)	0.8	100,000	Per Bird (Dry Lot)	0.01
2,000	Calves (Under 600 lbs.)	0.5			
700	Bulls	1.4		<b>CHICKENS:</b>	
	<b>SWINE:</b>		100,000	Layers	0.01
2,500	Pigs (55 lbs. to Mkt.)	0.4	200,000	Broilers	0.005
10,000	Pigs (up to 55 lbs.)	0.1		<b>TURKEYS:</b>	
2,500	Sows	0.4	55,000	Per Bird	0.018
2,000	Boars	0.5		<b>COMBINED ANIMAL UNITS:</b>	
			1,000	Calculated Total	

Source: Cr. Register, February 1984, No. 338, eff.3-1-84.

(b) *Exceptions.* The animal limitations stated above shall not apply to the following:

1. The existing number of animals that exceed the animal limits designated above on any parcel of land zoned Agricultural on the effective date of this chapter may be maintained at that level, but no greater.

2. The Town Board may grant a conditional use permit to exceed said animal limits after making a determination that the facilities are adequate, in compliance with rule ATCP 51, and a nuisance will not be created.

**17.08 A-2 AGRICULTURAL/RURAL RESIDENTIAL DISTRICT.** The A-2 District is intended to provide for, maintain, preserve and enhance agricultural lands historically utilized for crop production, but which are not included within the A-1 District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards and other similar agricultural-related activity.

- (1) PERMITTED USES. (a) Same as A-1 District.
  - (b) Agricultural warehousing.
  - (c) Animal hospitals, kennels and veterinary services provided that no structure or animal enclosure shall be located closer than 100 feet to a property boundary.
  - (d) Contract sorting, grading and packaging of fruits and vegetables.
  - (e) Corn shelling, hay baling and threshing services.
  - (f) Grist milling services.
  - (g) Horticultural service.
  - (h) Poultry hatchery services.
  - (i) Stables.
  - (j) Single-family dwellings.
  - (k) Essential services.
- (2) PERMITTED ACCESSORY USES. (a) General farm buildings, including barns, silos, sheds and storage bins.
  - (b) Garages and carports.
  - (c) Living quarters within a permitted use structure for watch persons or caretakers.
  - (d) Home occupations and professional home offices.
  - (e) Forest and game management.
  - (f) One roadside stand for selected farm products produced on the premises and not exceeding 80 square feet in area.
- (3) CONDITIONAL USES. See also sec. 17.25 of this chapter.
  - (a) Bird seed and grain preparation.
  - (b) Drying and dehydrating of fruits and vegetables.
  - (c) Fluid milk processing.
  - (d) Livestock sales facilities.
  - (e) Poultry and small game dressing and packing providing that all operations are conducted within an enclosed building.
  - (f) Production of creamery butter.
  - (g) Production of natural and processed cheese.



(h) Production of sausages providing that all operations are conducted within an enclosed building.

(i) Recreational vehicle and boat storage.

(j) Wet milling of corn.

(k) A second single-family residential dwelling. The need for more than one single-family dwelling to support and carry on the permitted or approved conditional use shall be established to the satisfaction of the Plan Commission before issuance of a zoning permit. If approval is granted for a second farm dwelling, the additional dwelling shall be placed on a parcel separated from the farm parcel.

(l) Farm service businesses which do not include merchandise sales and are not detrimental to the enjoyment of adjoining property.

(4) ANIMAL UNITS LIMITED. The keeping and raising of domestic stock for agribusiness, show, breeding or other purposes is permitted, but is limited to one animal unit for each 2-1/2 acres of contiguous lot area. One animal unit is defined as follow:

(a) One horse, cow or similar large animal, over 6 months of age.

(b) Two sheep, goats or similar animals over 6 months of age.

(c) Four dogs or cats over 4 months of age.

(d) Ten rabbits or hares over 2 months of age.

(e) Ten chickens, ducks, geese or similar fowl over 2 months of age.

Combinations of the above shall be permitted provided that they do not exceed one animal unit per 2-1/2 acres. An example of this combination would be one horse, one sheep and 2 dogs on a 5 acre parcel.

(5) AREA AND HEIGHT REQUIREMENTS. See also sec. 17.03 of this chapter.

Parcel frontage.....	Minimum 330 ft.
Parcel area .....	Minimum 5 acres
Front yard .....	Minimum 75 ft.
Side yards .....	Minimum 25 ft.
Rear yard .....	Minimum 50 ft.
Building height, farm buildings.....	Maximum 60 ft.
Farm dwelling:	
Building height.....	Maximum 35 ft.
Floor area .....	Minimum 1,200 sq. ft.

NOTE: Area and height requirements for farm dwellings after consolidation and without farm buildings (same as A-1 District)

**17.09 A-3 AGRICULTURAL/RURAL RESIDENTIAL DISTRICT.** The A-3 District is intended to provide for, maintain, preserve and enhance agricultural lands historically utilized for crop production, but which are not included within the A-1 District and which are generally

best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards and other similar agricultural-related activity.

- (1) PERMITTED USES. Same as A-2 District.
- (2) PERMITTED ACCESSORY USES. Same as A-2 District.
- (3) CONDITIONAL USES. Same as A-2 District. See also sec. 17.25 of this chapter.
- (4) ANIMAL UNITS LIMITED. See sec. 17.07(6) of this chapter.
- (5) AREA AND HEIGHT REQUIREMENTS.

Parcel frontage.....	Minimum 330 ft.
Parcel area .....	Minimum 10 acres
Front yard .....	Minimum 75 ft.
Side yards .....	Minimum 25 ft.
Rear yard .....	Minimum 50 ft.
Building height, farm buildings.....	Maximum 60 ft.
Farm dwelling:	
Building height.....	Maximum 35 ft.
Floor area .....	Minimum 1,200 sq. ft.

NOTE: Area and height requirements for farm dwellings after consolidation and without farm buildings (same as A-1 District)

**17.10 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.** The R-1 District is intended to provide for single-family development at densities not to exceed 0.33 dwelling units per net acre, served by on-site soil absorption sanitary sewerage systems (septic tanks) and private wells.

- (1) PERMITTED USES. (a) Single family dwellings.
  - (b) Essential services.
- (2) PERMITTED ACCESSORY USES. (a) Private garages and carports.
  - (b) Gardening, tool and storage sheds incidental to residential use.
  - (c) Home occupations and professional home offices.
- (3) CONDITIONAL USES. See also sec. 17.25 of this chapter.

(a) *Cluster Development and Condominium Procedure.* 1. Cluster Development. The developer shall submit a draft of a plat or a certified survey map designating lots and the common area to be owned jointly by the lot owners. In addition, the developer shall submit proposed plat or deed restrictions providing for the maintenance of the private road in the event the Town Board determines that a Town road is not required.

2 Condominium Development. The declarant shall submit a draft of the declaration, bylaws and condominium plat to the Plan Commission.

(b) *Approval Procedure.* After the Plan Commission has approved the preliminary plan, the developer or declarant shall submit all final documents and applications for rezoning and for a conditional use. The requirements for land division and improvements provided in ch. 19 of this Code shall be complied with.

(c) *Final Approval.* After the rezoning and conditional use hearings have been held, the Town Board shall approve or deny the rezoning and the land division. In the event the Town Board approves the rezoning and land division, the Town Board shall grant, modify or deny the conditional use permits.

(d) *Building Permits.* No building permits shall be issued until all applicable Town fees and Town legal and engineering costs have been paid, and all required improvements have been completed and approved or a letter of credit is submitted to and accepted by the Town.

(4) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage .....	Minimum 200 ft.
Lot area .....	Minimum 3 acres
Principal building:	
Front yard.....	Minimum 75 ft.
Side yards.....	Minimum 40 ft.
Rear yard.....	Minimum 50 ft.
Building height.....	Maximum 35 ft.
Floor area .....	Minimum 1,400 sq. ft.
Accessory buildings:	
Front yard.....	Minimum 75 ft.
Side yards.....	Minimum 25 ft.
Rear yard.....	minimum 25 ft.
Building height.....	Maximum 20 ft.
Garage .....	Maximum 1,400 sq. ft.
Garden shed .....	Maximum 200 sq. ft.

**17.11 R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT.** The R-2 District is intended to provide for single-family residential development at densities not to exceed one dwelling unit per acre, served by on-site soil absorption sanitary sewerage systems (septic tanks) and private wells.

(1) PERMITTED USES. (a) Single and 2-Family dwellings.

(b) Attached or detached garage, 15 feet in height maximum.

(c) Garden and yard equipment shed, 200 square feet maximum and 15 feet in height maximum.

(d) Home occupations and professional offices.

(2) CONDITIONAL USES. See also sec. 17.25 of this chapter.

(a) Cluster and Condominium Development Procedure 1. Cluster Development. The developer shall submit a draft of a plat or a certified survey map designating lots and

the common area to be owned jointly by the lot owners. In addition, the developer shall submit proposed plat or deed restrictions providing for the maintenance of the private road in the event the Town Board determines that a Town road is not required. 2. Condominium Development. The declarant shall submit a draft of the declaration, bylaws and condominium plat to the Plan Commission.

(b) Approval Procedure. After the Plan Commission has approved the preliminary plan, the developer or declarant shall submit all final documents and applications for a conditional use. The requirements for land division and improvements provided in ch. 18 of this Code shall be complied with.

(c) Final Approval. After the conditional use hearings have been held, the Town Board shall approve or deny the land division. In the event the Town Board approves the land division, the Town Board shall grant, modify or deny the conditional use permits.

(d) Building Permits. No building permits shall be issued until all applicable Town fees and Town legal and engineering costs have been paid, and all required improvements have been completed and approved or a letter of credit is submitted to and accepted by the Town.

- (3) LOT, AREA AND YARD REQUIREMENTS. See also sec. 17.03 of this chapter.
- Lot frontage ..... Minimum 150 ft .
  - Lot area ..... Minimum one acre for each unit within development
  - Principal building:
    - Front yard..... Minimum 75 ft.
    - Side yards..... Minimum 25 ft.
    - Rear yard..... Minimum 50 ft.
    - Building height..... Maximum 35 ft.
    - Floor area ..... Minimum 1,200 sq. ft. per unit
  - Accessory buildings:
    - Front yard..... Minimum 75 ft.
    - Side yards..... Minimum 20 ft.
    - Rear yard..... Minimum 25 ft.
    - Building height..... Maximum 15 ft.
    - Garage ..... Maximum 1,200 sq. ft.
    - Garden shed ..... Maximum 200 sq. ft.
  - Off-street parking..... Minimum 2 spaces

**17.12 R-3 SINGLE-FAMILY RESIDENTIAL DISTRICT.** The R-3 District is intended to provide for single-family residential development at densities not to exceed 2.18 dwelling units per net acre, served by public sanitary sewerage facilities. While existing properties in this district may not be served by such facilities, no new area shall be placed in this district until such facilities are available.

- (1) PERMITTED USES. (a) Single-family dwellings.
- (b) Attached or detached garage.
  - (c) Garden and yard equipment shed.

- (d) Home occupations and professional offices.
- (2) CONDITIONAL USES. See sec. 17.25 of this chapter.
- (3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage .....	Minimum 100 ft.
Lot area .....	Minimum 20,000 sq. ft.
Principal building:	
Front yard.....	Minimum 35 ft.
Side yards.....	Minimum 15 ft.
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Floor area .....	Minimum 1,200 sq. ft.
Accessory buildings:	
Front yard.....	Minimum 35 ft.
Side yards.....	Minimum 15 ft.
Rear yard.....	Minimum 15 ft.
Building height.....	Maximum 15 ft.
Garage .....	Maximum 1,200 sq. ft.
Garden shed .....	Maximum 200 sq. ft.
Off-street parking.....	Minimum 2 spaces

**17.13 R-4 SINGLE-FAMILY RESIDENTIAL DISTRICT.** The R-4 District is intended to provide for single-family residential development at densities not to exceed 6.05 dwelling units per net acre, served by public sanitary sewerage facilities. This district is intended to accommodate existing development in the unincorporated area of Waubeka and shall not be applied to areas outside of Waubeka.

- (1) PERMITTED USES. (a) Single-family dwellings.
  - (b) Attached or detached garage.
  - (c) Garden and yard equipment shed.
  - (d) Home occupations and professional offices.
- (2) CONDITIONAL USES. See sec. 17.25 of this chapter.
- (3) LOT YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage .....	Minimum 60 ft.
Lot area .....	Minimum 7,200 sq. ft.
Principal building:	
Front yard.....	Minimum 35 ft.
Side yards.....	Minimum 10 ft.
Rear yard.....	Minimum 25 ft.
Building height.....	Maximum 35 ft.
Floor area .....	Minimum 1,000 sq. ft.
Accessory buildings:	
Front yard.....	Minimum 35 ft.

Side yards.....	Minimum 10 ft.
Rear yard.....	Minimum 10 ft.
Building height.....	Maximum 15 ft.
Garage.....	Maximum 900 sq. ft.
Garden shed .....	Maximum 200 sq. ft.
Off-street parking.....	Minimum 2 spaces

**17.14 R-5 MOBILE HOME PARK DISTRICT.** (1) PERMITTED USES. Mobile home parks.

(2) CONDITIONAL USES. None.

(3) MOBILE HOME PARK REQUIREMENTS.

(a) *Park Requirements.* 1. A minimum of 5 acres and a maximum of 20 acres.

2. 40 foot minimum setbacks on all sides.

3. A hard surface road no less than 20 feet wide serving all mobile home spaces.

4. A plan of the park drawn to scale designating mobile home spaces, park roads and required park facilities.

5. Landscaping. Unless adequately screened by existing vegetative cover, it shall be screened by a temporary planting of fast growing materials, capable of reaching a height of 15 feet or more, such as Hybrid Poplar; and a permanent evergreen planting, such as White or Norway Pine, the individual trees to be such a number and so arranged that within 10 years they will have formed a screen equivalent in opacity to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than 15 feet.

6. Adequate lighting within park area.

7. Adequate park drainage.

8. Electricity, water, and approved sanitary systems servicing all mobile home spaces.

9. A central hard surface parking lot with one parking space for each 3 mobile home spaces.

10. An on-site manager's office.

11. Storm Shelter. Each park shall provide a sub-ground level storm shelter for the protection of those persons living within the park. Said shelter shall be based upon the following criteria or a protection plan equivalent as approved by the Ozaukee County Emergency Management Director.

a. Storm shelters in mobile home parks shall be provided on a ratio of one shelter for every 60 sites. A minimum of one shelter shall be provided for each mobile home park.

b. A minimum of 675 cubic feet of air space shall be provided in the storm shelter for each mobile home site with auxiliary forced air ventilation system.

c. Storm shelters shall have a minimum of 4-inch reinforced concrete walls and 6-inch reinforced concrete ceilings with adequate support.

12. Recreation Area. Each park shall contain a recreation area. A minimum of one-half acre for such use shall be provided for each 50 sites, and for any remaining number of sites in excess of a multiple of 50.

(b) *Space Requirements.*

Space frontage.....	Minimum 50 ft.
Space area .....	Minimum 5,000 sq. ft.
Front yard.....	Minimum 25 ft.
Side yard .....	Minimum 15 ft.
Rear yard.....	Minimum 25 ft.
Off-street parking.....	2 spaces/mobile home

**17.15 B-1 URBAN BUSINESS DISTRICT.** The B-1 District is intended to provide for the orderly continuation of the traditional community business district. The business activities are of a general nature and have been characterized in the past by on-street parking. While continuing those existing businesses at their present level of service, new businesses located in the B-1 District should be required to provide for off-street parking and loading. Residential quarters for the owner or proprietor, or rental apartments on a non-ground floor level; provided that there shall be a minimum floor area of 500 square feet for a one (1) bedroom apartment, and 750 square feet for a two (2) bedroom apartment.

(1) PERMITTED USES.

- (a) Barber shops
- (b) Beauty shops
- (c) Grocery stores
- (d) Restaurants
- (e) Taverns
- (f) Variety stores
- (g) Antique stores
- (h) Living Quarters

(2) CONDITIONAL USES. See also sec. 17.25 of this chapter.

- (a) Automotive sales and service
- (b) Automotive body repair
- (c) Food lockers
- (d) Funeral homes
- (e) Other uses of a commercial nature not listed as a permitted or conditional use

(3) LOT, YARD AND BUILDING REQUIREMENTS.

Lot frontage .....	Minimum 60 ft.
Lot area.....	Minimum 7,200 ft.

Front yard .....	None
Side yards .....	None, except if side yard is provided, a minimum of 10 ft.
Rear yard .....	Minimum 25 ft.
Building height .....	Maximum 35 ft.

**17.16 B-2 HIGHWAY BUSINESS DISTRICT.** The B-2 District is intended to provide for the orderly and attractive grouping at appropriate locations along principal highway routes of those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

- (1) PERMITTED USES. None.
- (2) CONDITIONAL USES. See also sec. 17.25 of this chapter.

- (a) Drive-in establishments.
- (b) Gasoline service stations.
- (c) Hotels and motels.
- (d) Building supply and lumber yards.
- (e) Grocery stores.
- (f) Taverns and supper clubs.

(g) Animal hospitals, kennels and veterinarian services, provided that no structure or animal enclosure shall be located closer than 100 feet to a property line.

(h) Accessory garages where the storage of vehicles used in conjunction with the operation of the business or for occupants of the premises.

(i) Residential quarters where the owner, proprietor, commercial attendant, employe or caretaker resides in the same building as the business.

- (3) LOT, YARD AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage .....	Minimum 150 ft.
Lot area .....	Minimum one acre
Front yard .....	Minimum 50 ft.
Side yards .....	Minimum 25 ft.
Rear yard .....	Minimum 25 ft.
Building height .....	Maximum 35 ft.
Off-street parking and loading.....	See sec. 17.26 of this chapter

**17.17 M-1 URBAN INDUSTRIAL DISTRICT.** The M-1 District is intended to provide for the orderly development of manufacturing or industrial operations in the Waubeka area which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the Town as a whole by reason of smoke, noise, dust, odor, traffic, physical appearance, or other similar factors, and to establish such regulatory controls as will reasonably insure compatibility with the surrounding area in this respect. While existing opera-



tions in this district may be served by on-site soil absorption sanitary sewerage systems (septic tanks) and private wells, any new areas added to this district by rezoning shall be served by public sanitary sewerage facilities.

(1) PERMITTED USES.

- (a) Automotive body repairs
- (b) Commercial greenhouses
- (c) Distributors
- (d) Food processing, except cabbage
- (e) Farm machinery sales and repair
- (f) Food locker plants
- (g) Machine shops
- (h) Painting
- (i) Storage and sale of machinery and equipment
- (j) Warehousing
- (k) Wholesaling

(2) PERMITTED ACCESSORY USES. (a) Garages for the storage of vehicles used in conjunction with the operation of the industry.

(b) Off-street parking and loading areas.

(c) Offices, storage, power supply and other uses normally auxiliary to the principal industrial operations.

(4) CONDITIONAL USES. See also sec. 17.25 of this chapter.

(a) Sewerage treatment plants, provided that no structure shall be located closer than 50 feet from any lot line.

(b) Fueling stations and restaurants oriented toward industrial district users.

(c) Truck transfer stations and overnight truck storage.

(d) Meat and poultry slaughtering and processing, but not including outdoor confinement.

(e) Production of dairy products.

(5) LOT, AREA AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage .....	Minimum 60 ft.
Lot area .....	Minimum 7,200 sq. ft.
Front yard .....	None
Side yards .....	None, except if side yard is provided, minimum 10 ft.
Rear yard .....	Minimum 25 ft.
Building height .....	Maximum 35 ft.
Off-street parking and loading.....	See sec. 17.26 of this chapter

**17.18 M-2 GENERAL INDUSTRIAL DISTRICT.** The M-2 District is intended to provide for the orderly development of manufacturing or industrial operations in those areas where the relationships to surrounding land would create fewer problems of compatibility. This district also regulates those activities generally perceived as being of a nuisance nature or considered to be hazardous to human life. Such district should not normally abut directly upon a residential district.

(1) PERMITTED PRINCIPAL AND ACCESSORY USES. Same as the M-1 District.

(2) CONDITIONAL USES. See also sec. 17.25 of this chapter.

(a) Conditional uses permitted in the M-1 District.

(b) Fertilizer manufacture.

(c) Stockyards.

(d) Solid waste disposal sites and garbage incinerators.

(e) Outside storage, provided that all storage yards shall be surrounded by a solid fence not less than 6 feet nor more than 12 feet in height, or surrounded by an evergreen planting screen completely preventing a view from any other property or the public right of way. Storage yards shall be not closer than 600 feet to a residential district.

(3) LOT, AREA AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot frontage .....	Minimum 150 ft.
Lot area .....	Minimum one acre
Front yard .....	Minimum 75 ft.
Side yards .....	Minimum 25 ft.
Rear yard .....	Minimum 25 ft.
Building height .....	Maximum 35 ft.
Off-street parking and loading.....	See sec. 17.26 of this chapter

**17.19 M-3 EXTRACTIVE DISTRICT.** The M-3 District is intended to provide for the orderly continuation of existing quarries and related operations and to provide for new operations that provide maximum protection to the natural environment. This District further provides for the restoration of quarries in a manner that shall not deteriorate the natural environment of the Town.

(1) PERMITTED USES. None.

(2) CONDITIONAL USES. See also sec. 17.25 of this chapter and sub. (4) below.

(a) Mining or extraction of rock, slate, gravel, sand, top soil and other minerals; no blasting is permitted.

(b) Washing, refining or processing of rock, slate, gravel, sand or minerals.

(c) Processing of top soil.

- (d) Mixing of asphalt.
- (e) Aggregate or ready mix plant.
- (f) Manufacture of cement or concrete products.
- (g) Manufacture of lime, gypsum or plaster of Paris.
- (h) Storage of any of the mineral products enumerated above.

(3) LOT, AREA AND BUILDING REQUIREMENTS. (a) *Lot Area*. Lots shall provide sufficient area for the principal structure and its accessory structures, the extractive operation, and off-street parking and loading as required in sec. 17.26 of this chapter and all required yards.

(b) *Front Yard Setback*. 1. Extractive Industrial Operation. Minimum 200 feet from the right of way line of all highways or roads and from all property lines. Such setbacks could be reduced with the recommendation of the Planning Commission, and after a Public Hearing, with the approval of the Town Board and abutting property owners.

2. Accessory Uses. Accessory uses such as offices, parking areas and stockpiles shall be set back a minimum of 100 feet from the right of way line of all highways or roads and from all property lines.

(c) *Building Height*. Maximum 35 ft.

(4) RESTORATION PLAN REQUIRED. (a) The application for a conditional use permit in the M-3 District shall be made by the property owner or long-term lessee, either of whom shall be directly responsible for the operation of the quarry or related activity. The application shall include a plat survey of the proposed site and an adequate description of the operational methods; a list of equipment, machinery, and structures to be used; the source, quantity, and disposition of water to be used; a topographic map of the site showing existing contours with a minimum vertical of 5 feet; trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a restoration plan.

(b) The restoration plan provided by the applicant shall contain proposed contours after filling or restoration, depth of the restored topsoil, type of fill, planting or reforestation, restoration commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administration costs. The applicant and/or owner of the land from which the mineral, gravel, sand, rock, slate, or topsoil is being removed or extracted shall furnish the necessary sureties, which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of sureties shall be based upon cost estimates prepared by the Town Board or the Town Engineer and the form and type of such sureties shall conform with County Zoning, Ch. 295, Wis. Stats., and Wis. Adm. Code NR 135 and shall be approved by the Town Attorney.

**17.20 P-1 PARK DISTRICT.** The P-1 District is intended to provide for areas where the open space and recreational needs, both public and private, of the citizens of the Town can be met without undue disturbance of natural resources and adjacent uses.

- (1) PERMITTED USES.
  - (a) Boat rental and boat access sites
  - (b) Fairgrounds

- (c) Golf courses without country club facilities
- (d) Historic monuments or sites
- (e) Hiking and nature trails
- (f) Neighborhood tot lots
- (g) Outdoor skating rinks
- (h) Parks and playgrounds
- (i) Picnicking areas
- (j) Play fields or athletic fields
- (k) Sledding, skiing or tobogganing
- (l) Tennis courts
- (m) Buildings accessory to the permitted use

(2) CONDITIONAL USES. See also sec. 17.25 of this chapter.

- (a) Archery ranges.
- (b) Beaches, bathhouses and swimming pools.
- (c) Golf courses with country club/restaurant facilities.
- (d) Golf driving ranges.
- (e) Skeet and trap shooting ranges provided that the firing of rifled arms and shotgun slugs shall not be permitted directly toward or over any highway, road or navigable water; toward any building or structure; or toward any population concentration within 1-1/2 miles of the site.
- (f) Sportsmans' clubs.
- (g) Stadiums.
- (h) Zoological or botanical gardens.
- (i) Campgrounds.

(3) LOT, AREA AND HEIGHT REQUIREMENTS. See also sec. 17.03 of this chapter.

(a) *Area and Width.* No parcel used for recreation purposes, except tot lots, shall have a land area of less than one acre and all such parcels shall be not less than 150 feet in width. Tot lots shall be not less than 7,200 square feet in area and 60 feet in width.

(b) *Building Height.* Maximum 35 feet.

(c) *Yards.* No building or structure shall be erected, placed or moved closer than 40 feet to a lot line.

(4) CAMPGROUND REQUIREMENTS. (a) Each camp site shall be plainly marked.

(b) Maximum number of camp sites shall be 15 per acre.

(c) The maximum size of a travel trailer park or campground shall be 5 acres.

- (d) Minimum dimensions of a camp site shall be 25 feet wide by 40 feet long.
- (e) Each camp site shall be separated from other camp sites by a yard not less than 15 feet wide.
- (f) There shall be 1-1/2 automobile parking spaces per camp site.
- (g) No camp site shall be located closer than 75 feet from a public highway or road right-of-way nor closer than 40 feet to any other property boundary.
- (h) All campgrounds shall conform to the requirements of Wis. Adm. Code H 78 which shall apply until amended and then shall apply as amended.
- (i) Each campground shall be completely enclosed, except for permitted entrances and exits, by either of the following:
  - 1. A temporary planting of fast-growing material capable of reaching a height of 10 feet or more.
  - 2. A permanent evergreen planting, the individual trees to be of such a number and so arranged that within 10 years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than 10 feet.
- (j) Each trailer camp, campground, or camping resort shall have a service building similar to that required by Wis. Adm. Code H 7.
- (k) No trailer or camping unit shall be located on one site for a period of more than 120 days.

**17.21 P-2 URBAN INSTITUTIONAL DISTRICT.** The P-2 District is applied to the more urban areas of Waubeka and Little Kohler and is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent.

- (1) PERMITTED USES. (a) Public or private schools, colleges and universities.
  - (b) Churches.
  - (c) Hospitals, sanatoriums, nursing homes, and clinics.
  - (d) Libraries, museums and art galleries.
  - (e) Public administrative offices, and public service buildings, including fire and police stations.
  - (f) Public utility offices.
- (2) PERMITTED ACCESSORY USES. (a) Residential quarters for caretakers or clergy.
  - (b) Garages for storage of vehicles used in conjunction with the operation of a permitted use.

- (c) Service buildings and facilities normally accessory to the permitted uses.
- (3) **CONDITIONAL USES.** See also sec. 17.25 of this chapter.
  - (a) Bus terminals, motor freight terminals, and related equipment storage and maintenance.
  - (b) Electric generation plants and electricity regulating substations.
  - (c) Water storage tanks and towers.
  - (d) Radio and television transmitting and receiving towers and microwave relay stations.
  - (e) Cemeteries.

(4) **LOT, AREA AND BUILDING REQUIREMENTS.**

Lot area .....	Minimum 7,200 sq. ft.
Lot width .....	Minimum 60 ft.
Front yard .....	None
Side yards .....	None, except if side is provided, minimum 10 ft.
Rear yard .....	Minimum 25 ft.
Building height .....	Maximum 35 ft.
Parking requirements.....	See sec. 17.26 of this chapter

**17.22 P-3 RURAL INSTITUTIONAL DISTRICT.** The P-3 District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public purpose is anticipated to be permanent. This district is applied to the more rural areas of the Town where the lack of public sanitary sewerage facilities requires a larger lot size.

- (1) **PERMITTED USES.** (a) Public or private schools, colleges and universities.
  - (b) Churches.
  - (c) Public administrative offices and public service buildings, including fire and police stations.
- (2) **PERMITTED ACCESSORY USES.** (a) Residential quarters for caretakers or clergy.
  - (b) Garages for storage of vehicles used in conjunction with the operation of a permitted use.
  - (c) Service buildings and facilities normally accessory to the permitted uses.
- (3) **CONDITIONAL USES.** See also sec. 17.25 of this chapter.
  - (a) Airport, landing fields, heliport pads, and aircraft storage and equipment maintenance; provided that the site is not less than 20 acres.

- (b) Bus terminals, motor freight terminals and related equipment storage and maintenance.
- (c) Electric generation plants and electricity regulating substations.
- (d) Water storage tanks and towers.
- (e) Radio and television transmitting and receiving towers, and microwave relay stations.
- (f) Cemeteries.

(4) LOT, AREA AND BUILDING REQUIREMENTS. See also sec. 17.03 of this chapter.

Lot area .....	Minimum one acre
Lot width .....	Minimum 150 ft.
Front yard setback .....	Minimum 75 ft.
Side yards .....	Minimum 25 ft.
Rear yard .....	Minimum 25 ft.
Building height .....	Maximum 35 ft.
Parking and loading requirements .....	See sec. 17.26 of this chapter

**17.23 C-1 LOWLAND CONSERVANCY DISTRICT.** The C-1 District is intended to be used to prevent destruction of valuable natural or man-made resources and to protect water-courses including the shorelands of navigable waters, and areas that are not adequately drained, or which are subject to periodic flooding, where development would result in hazards to health or safety, or would deplete or destroy natural resources or be otherwise incompatible with the public welfare.

(1) PERMITTED USES. (a) Agricultural uses when conducted in accordance with Ozaukee County Conservation Standards.

- (b) Fishing.
- (c) Hunting.
- (d) Preservation of scenic, historic, and scientific areas.
- (e) Public fish hatcheries.
- (f) Sustained yield forestry.
- (g) Stream bank and lakeshore protection.
- (h) Water retention and wildlife preserves.

(2) Structures. None permitted, except those accessory to a permitted use. No onsite soil absorption sanitary sewerage system or private well used to obtain water for ultimate human consumption shall be constructed in the C-1 District.

**17.24 C-2 UPLAND CONSERVANCY DISTRICT.** The C-2 District is intended to preserve, protect, enhance, and restore all significant woodlands, areas of rough topography, and related scenic areas. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town.

(1) **PERMITTED USES.** (a) Agricultural uses when conducted in accordance with Ozaukee County Conservation Standards.

- (b) Hunting and fishing.
- (c) Preservation of scenic, historic, and scientific areas.
- (d) Forest and game management.
- (e) Park and recreation areas.
- (f) Single-family dwellings.

(2) **PERMITTED ACCESSORY USES.** (a) General farm buildings, including barns, silos, sheds, and storage bins.

(b) Keeping of domestic stock provided that no more than one animal unit, as defined in sec.17.08(4) of this chapter, is permitted for each 2-1/2 acres.

- (c) Private garages and carports.
- (d) Gardening tool and storage sheds incidental to the residential use.
- (e) Home occupations and professional offices.

(3) **CONDITIONAL USES.** None.

(4) **LOT, AREA AND BUILDING REQUIREMENTS.** See also sec. 17.03 of this chapter.

Lot area .....	Minimum 5 acres
Lot width .....	Minimum 330 ft.
Front yard setback .....	Minimum 100 ft.
Side yards .....	Minimum 50 ft.
Rear yard .....	Minimum 50 ft.
Building height .....	Maximum 35 ft.
Dwelling floor area.....	Minimum 1,600 ft.

**17.25 CONDITIONAL USES.** (1) **PROCEDURE.** (a) *Permits.* The Town Board may authorize the Town Clerk to issue a conditional use permit for conditional uses as specified in each district in secs. 17.07 through 17.22 of this chapter after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

(b) *Application.* Applications for conditional use permits shall be made in duplicate to the Town Clerk on forms furnished by the Clerk and shall include the following:



1. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

2. Description of the subject site by lot, block, and record subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

3. Plat of survey prepared by a registered land surveyor or a location sketch drawn to scale showing all the information required under ch. 14 of this Code for a building permit and, in addition, the mean and historic high water lines, on or within 40 feet of the subject premises, and existing and proposed landscaping.

4. Additional information as may be required by the Plan Commission or the Town Clerk.

(c) *Review and Approval.* The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking area, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

1. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.

2. Compliance with all other provisions of this chapter such as lot width and area, yards, height, parking, loading, traffic and highway access shall be required of all conditional uses. Variances shall only be granted as provided in sec. 17.33(4)(6) of this chapter.

3. A notification of each conditional use permit granted in the A-1 Agricultural District shall be transmitted to the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP).

(2) **MOVING EXISTING BUILDINGS.** See also sec. 8.06 of this Code. Moving an existing building from one lot to another inside or outside of the Town may be permitted by the Plan Commission after inspection by a committee of the Plan Commission consisting of not less than 2 members. A person intending to move a building shall comply with the following procedures:

(a) An application requesting authorization to move a building and requesting a site inspection. The application shall include: the name and address of the applicant; the existing location of the building; the proposed location of the building; the date and time the building will be moved; the moving route; the name and address of the moving contractor; a plan for road closures, police escorts, utility interruptions and other information required by the Plan Commission.

(b) *Inspection Fee.* See the Town Fee Schedule in the office of the Town Clerk.

(c) The Plan Commission shall review the report of the Inspection Committee and shall, within 60 days of the receipt of the application, approve or deny the request for moving a building.

(d) The Plan Commission may waive any or all of the above requirements for the moving of small accessory buildings.

(3) **CONVERSION OF SINGLE-FAMILY RESIDENCES TO TWO-FAMILY RESIDENCES.** (a) *Application.* The owners of residences which have been constructed for 10 years may apply for a conditional use permit in accordance with sec. (1)(b) above. In addition, a plan to convert the single-family residence shall accompany the application.

(b) *Requirements.* A plan shall be submitted to include location and alterations converting the dwelling to a 2-family dwelling. The completed structure shall meet the following requirements:

1. **Building Size.** Minimum of 2,000 square feet for entire structure.
2. **Toilet Facilities.** Two distinctly separate and complete interior toilet facilities, one for each unit. If no public sewerage is available, the sanitary system shall conform to County and State Codes.
3. **Entryways.** A minimum of 2 for each of the 2 units

(c) *Grant or Denial of Permit.* After hearing and review of the application and the report of the Plan Commission, the Town Board shall grant or deny the permit.

**17.26 TRAFFIC, PARKING AND ACCESS.** No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of 2-1/2 feet and 10 feet above the plane through the mean curb-grades within the triangular space formed by any 2 existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 20 feet from their intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 50 feet.

(2) **LOADING REQUIREMENTS.** On every lot on which a business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public right-of-way.

(a) *Retail Businesses.* One space of at least 10 x 25 feet for each 3,000 square feet of floor area or part thereof.

(b) *Wholesale and Industrial.* One space of at least 10 x 50 feet for each 10,000 square feet of floor area or part thereof.

(c) *Bus and Truck Terminals.* Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loaded or unloaded at the terminal at any one time.

(3) **PARKING REQUIREMENTS.** In all Districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls for all vehicles in accordance with the following:

(a) Adequate access to a public street shall be provided for each parking space, and driveways shall be at least 10 feet wide for one- and 2-family dwellings, at least 18 feet for farmsteads, and a minimum of 24 feet for all other uses.

(b) The size of each parking space shall be not less than 180 square feet, exclusive of the space required for ingress and egress.

(c) The location is to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway except in residential districts shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district.

(d) Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.

(e) *Spaces required:*

<u>USE</u>	<u>MINIMUM PARKING REQUIRED</u>
Single-family dwelling, two-family and mobile homes	2 spaces for each dwelling unit
Multi-family dwellings	1.5 spaces for each dwelling unit
Motels, hotels	1 space for each guest room plus 1 space for each 3 employees
Hospitals, clubs, lodges, dormitories, lodging and boarding houses	1 space for each 2 beds plus 1 space for each 3 employes
Sanatoriums, institutions, rest and nursing homes	1 space for each 5 beds plus 1 space for each 3 employees
Medical and dental clinics	5 spaces for each doctor
Churches, theaters, auditoriums community centers, vocational and night schools, and other places of public assembly	1 space for each 5 seats
Colleges, secondary and elementary schools	1 space for each 2 employees plus 1 space for each 10 students 16 years of age or more
Restaurants, bars, places of entertainment, lodges and clubs, repair shops, retail and service stores	1 space for each 150 square feet of floor area and 1 space for each 2 employees
Manufacturing and processing plants,	1 space for each 2 employees

laboratories and warehouses

Financial institutions, business,  
government, and professional offices

1 space for each 300 square feet of  
floor area and  
1 space for each 2 employes

Funeral homes

20 spaces for each viewing room

Bowling alleys

5 spaces for each alley

Motor vehicle sales  
(new and used)

1 space for each 500 square feet of  
floor area used plus  
1 space for each 300 square feet of  
outdoor display for each motor  
vehicle to be displayed

Automobile repair garages

1 space for each regular employe plus  
1 space for each 250 square feet of  
floor area used for repair work

Gasoline filling stations

3 spaces for each grease rack or  
similar facility plus  
1 space for each attendant

(g) *Uses not listed.* In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.

(h) Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.

(4) DRIVEWAYS. All driveways installed, altered, changed, replaced, or extended after the effective date of this chapter shall meet the following requirements:

(a) Islands between driveway openings shall be provided with a minimum of 6 feet between all driveways and 3 feet at all lot lines in the R-3, R-4, B-1, M-1, and P-2 Districts. In all other Districts, the driveway islands shall be a minimum of 16 feet between all driveways and 8 feet at all lot lines.

(b) Openings for vehicular ingress and egress shall not exceed 30 feet at the street line and 35 feet at the roadway

(c) Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service, washing and repair stations or garages shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.

(d) Driveways at or over 1000 feet in length must conform to Section 8.02 DRIVEWAYS AND CULVERTS (3) Specifications and Standards.

(e) *Driveways serving more than one residence.* Subject to the approval of the Plan Commission, a building may be permitted on a tract of land which does not abut on a public or approved way provided:

1. Such tract of land is in a residential district or in any other district is at least two acres in area, has access by permanent 66 foot reservation to a public street or approved way, and does not conflict with plans for the future development of streets in the area.

2. Not more than three homes may be served by such a reservation.
3. Driveways serving two or more homes are subject to the same requirements as those serving a single residence.
4. When three homes are served by a single driveway, an agreement, pertaining to driveway access and maintenance, shall be recorded with the County Register of Deeds for each lot/parcel using the common driveway, and a copy shall be provided to the Town Clerk.

(5) **HIGHWAY ACCESS.** (a) No direct private access shall be permitted to the existing or proposed rights-of-way of freeways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

(b) No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

1. Freeways, interstate highways, and their interchanges or turning lanes nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.

2. Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.

3. Local streets intersecting an arterial street within 50 feet of the intersection of the right-of-way lines. Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.

4. Temporary access to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

(c) Subject to the approval of the Plan Commission, a building may be permitted on a tract of land which does not abut on a public or approved way provided such tract of land is in a residential district or in any other district at least two (2) acres in area, has access by permanent 66 foot reservation to a public street or approved way, and does not conflict with plans for the future development of streets in the area. Not more than two (2) homes may be served by such a reservation.

**17.27 SIGNS AND BILLBOARDS.** (1) **PERMIT REQUIRED.** No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit except those signs excepted in sub. (2) below and without being in conformity with the provisions of this chapter. Application for sign permit may be obtained from the Town Clerk. See also the Town Fee Schedule on file in the office of the Clerk.

(2) **SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT.** The following signs are permitted in all zoning districts without a permit, subject to the following regulations:

(a) Signs over show windows or doors of a nonconforming business establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not exceeding 2 feet in height and 10 feet in length.

(b) Agricultural Signs pertaining to the sale of products on a farm and not exceeding 12 square feet in area for any one farm.

(c) Real estate signs not exceeding 8 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

(d) Name, home occupation, and warning signs not exceeding 8 square feet located on the premises.

(e) Bulletin boards for public, charitable or religious institutions not exceeding 24 square feet in area located on the premises.

(f) Memorial Signs, tablets, names of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(g) Official signs, such as traffic control, parking restrictions, information, and notices.

(h) Temporary signs or banners when authorized by the Plan Commission.

(3) SIGNS PERMITTED WITH A SIGN PERMIT. Signs are permitted in all Business and Industrial Districts subject to the following restrictions:

(a) Wall signs placed against the exterior walls of buildings shall not extend more than 12 inches outside of a building's wall surface, shall not exceed 24 square feet in area for any one premise, and shall not exceed 20 feet in height above the mean building (first floor) grade.

(b) Projecting signs fastened to, suspended from, or supported by structures shall not exceed 24 square feet in area for any one premises, shall not extend more than 6 feet into any required yard, shall not extend more than 3 feet into any public right-of-way, shall not be less than 10 feet from all side lot lines, shall not exceed a height of 20 feet above the mean building grade, and shall not be less than 10 feet above the sidewalk nor 15 feet above a driveway or an alley.

(c) Ground signs shall not exceed 20 feet in height above the mean building grade, shall not extend into the public right-of-way, shall not be less than 10 feet from side or rear lot lines, shall not exceed 150 square feet on one side nor 250 square feet on all sides for any one premises, and shall conform to section 17.27(8)(d) of these ordinances.

(d) Roof signs shall not exceed 10 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 24 square feet on all sides for any one premises.

(e) Window signs shall be placed only on the inside of commercial buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed.

(f) Combinations of any of the above signs shall meet all the requirements for the individual sign.

(4) **FACING.** No sign except those permitted in sub. (2) above shall be permitted to face a residential district within 100 feet of such district boundary.

(5) **TRAFFIC.** Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(6) **FLASHING SIGNS PROHIBITED.** No sign shall contain, include or be illuminated by a flashing light.

(7) **EXISTING SIGNS.** Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, size, or location does not conform with the provisions of this chapter. However, it shall be deemed a nonconforming use or structure and the provisions of sec. 17.04 of this chapter shall apply.

(8) **POLITICAL AND CAMPAIGN SIGNS.** Signs containing a political message as defined in §12.04(1)(b), Wis. Stats., provided that said signs are subject to the following regulations:

(a) Signs may be erected not earlier than the beginning of the election campaign period as defined in §12.04(1)(a), Wis. Stats., and shall be removed within 15 days following the end of the election campaign period.

(b) No sign, except billboards, shall exceed 16 square feet in any nonresidential zoning district.

(c) No sign shall exceed 11 square feet in a residential zoning district unless the sign is affixed to a permanent structure and does not extend beyond the perimeter of the structure and does not obstruct a window, door, fire escape, ventilation shaft or other area which is required to remain unobstructed.

(d) No sign shall be located in or over any street right of way not within the vision clearance triangle as established in the this chapter.

(8) **BONDS.** Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Town Board, but not to exceed \$25,000; and it shall be of a form and type approved by the Town Attorney, indemnifying the Town against all loss cost damages or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State and conforming to the requirements of this section may be permitted by the Town Attorney in lieu of a bond.

**17.28 MODIFICATIONS.** (1) **HEIGHT.** The District height limitations stipulated elsewhere in this chapter may be exceeded, but such modification shall be in accordance with the following:

(a) Architectural projections, such as spires, belfries, parapet walls, cupolas, domes, flues and chimneys, are exempt from the height limitations of this chapter.

(b) Special structures, such as elevator penthouses, gas tanks, grain elevators, observation towers, and scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, are exempt from the height limitations of this chapter.

(c) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this chapter.

(d) *Communication Structures*. See sec. 17.30 of this chapter.

(e) Agricultural structures, such as barns, silos, and windmills, shall not exceed in height twice their distance from the nearest lot line.

(f) Public or semipublic facilities, such as schools, churches, hospitals, monuments, sanatoriums, libraries, governmental offices and stations, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.

(2) YARDS. The yard requirements stipulated elsewhere in this chapter may be modified as follows:

(a) Uncovered stairs, landings, and fire escapes may project into any yard but not to exceed 6 feet and not closer than 3 feet to any lot line.

(b) Architectural projections, such as chimneys, flues, sills, eaves, belt courses, and ornaments, may project into any required yard; but such projection shall not exceed 2 feet.

(c) Open fences in the Agricultural District are exempt from the yard and distance requirements of this chapter.

(d) Residential fences, hedges, and walls are permitted on the property lines in the side and rear yards of residential districts, but shall not in any case exceed a height of 8 feet, and shall not be closer than 2 feet to any alley line.

(e) Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

(f) Accessory uses and detached accessory structures are permitted in the rear yard provided that they shall not be closer than 10 feet to the principal structure, shall not exceed 20 feet in height, shall not occupy more than 20% of the rear yard area, and shall not be closer than 4 feet to any lot line nor 5 feet to an alley line. Accessory structures in yards other than the rear yard shall be required to comply with all the yard requirements for the district in which they are located.

(g) Off-street parking is permitted in all yards of the business and industrial districts but shall not be closer than 25 feet to any public right-of-way, except in the B-1, M-1 and P-2 Districts.



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

(4) **AVERAGE SETBACKS.** The required setbacks for residences may be decreased in any residential district to the average of the existing setbacks of the abutting structures on each side, but in no case less than 15 feet.

(5) **CORNER LOTS.** The side yard requirements for corner lots shall be the same as the street yard requirement for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

(6) **EXISTING SUBSTANDARD LOTS.** A lot which does not contain sufficient area to conform to the dimensional requirements of this chapter but which is at least 50 feet wide and 5,000 square feet in area may be used as a single-family building site provided that the use is permitted in the zoning district, providing the lot is of record in the County Register of Deed's Office prior to the effective of this chapter, and provided that the lot is in separate ownership from abutting lands. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Board of Zoning Appeals. If 2 or more substandard lots with continuous frontage have the same ownership as of the effective date of this chapter, the lots involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard lots shall be required to meet the setbacks and other yard requirements of this chapter.

(7) **EXISTING SUBSTANDARD AGRICULTURAL PARCELS.** Any parcel of land within the A-1 Exclusive Agricultural District which does not contain sufficient area to conform to the dimensional requirements of that district, but which is at least 330 feet in width and 5 acres in area may be used for any use permitted in the A-1 or A-2 districts provided that the parcel is of record in the County Register of Deed's Office prior to the effective date of this chapter, and provided that the parcel is in separate ownership from abutting lands. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Board of Zoning Appeals. If 2 or more substandard agricultural parcels with continuous frontage have the same ownership as of the effective date of this chapter, the parcels involved shall be considered to be an individual parcel for the purpose of this chapter. Substandard agricultural parcels shall be required to meet the setbacks and other yard requirements of this chapter.

**17.29 PERFORMANCE STANDARDS.**(1) **COMPLIANCE.** This chapter permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air and waters shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards.

(2) **AIR POLLUTION.** No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 1 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718; except for not more than 3 minutes during any 24-hour period each stack or chimney, may emit smoke of Ringelmann No. 3. No activity shall emit more than 10

smoke units per hour per stack or chimney except that once during any 6 hour period each stack or chimney, may emit up to 20 smoke units when blowing soot or cleaning fires.

(3) **FIRE AND EXPLOSIVE HAZARDS.** All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following;

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187°F.	10,000
105°F to 187°F.	5,000
24°F to 105°F.	2,000
Less than 24°F.	1,000

In addition to these limits, the storage or utilization of flammable liquids or materials which produce flammable or explosive vapors shall not be permitted closer than 60 feet to any lot line.

(4) **GLARE AND HEAT.** No activity shall emit glare or heat that is visible or measurable outside its premises except activities which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

(5) **WATER QUALITY PROTECTION.** No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall withdraw water or discharge any liquid or solid materials so as to exceed, or contribute toward the exceeding of, the minimum standards and those other standards and the application of those standards set forth in Wis. Adm. Code NR 102 for the Milwaukee River and its use.

(6) **NOISE.** (a) No activity involving the production, processing, cleaning, testing, servicing or repair of any materials, goods, or products in a business or industrial district shall produce a sound level at the lot line of said business or industry that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Center Frequency (Hz)</u>	<u>Maximum Sound Pressure Levels (dB) Along the Lot Line</u>
31.5	79
63	78
125	72
250	64
500	58
1000	52
2000	46
4000	41
8000	39
A-Scale Levels (For Monitoring Purposes).	62 dB(A)

(b) No activity in any other district shall produce a sound level beyond the lot line that exceeds the following:

<u>Octave Band Center Frequency (Hz)</u>	<u>Maximum Sound Pressure Levels (dB) Along the Lot Line</u>
31.5	72
63	71
125	65
250	57
500	51
1000	45
2000	39
4000	34
8000	32
A-Scale Levels (For Monitoring Purposes).	55 dB(A)

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

(7) NOISE FOR PUBLIC PURPOSES EXCEPTED. Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards set forth in sub. (6) above.

(8) VIBRATION. No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity shall emit vibrations which exceed the following displacement measured with a 3-component measuring system:

<u>Frequency (Cycles Per Second)</u>	<u>Displacement (Inches)</u>	
	<u>Outside the Premises</u>	<u>Outside the District</u>
0 to 10	.0008	.0004
10 to 20	.0005	.0002
20 to 30	.0002	.0001
30 to 40	.0002	.0001
40 to 50	.0001	.0001
50 and Over	.0001	.0001

(9) ODORS. No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor

measurement and control shall be Ch. 13, Air Pollution Abatement Manual 1960, prepared by the Manufacturing Chemists' Association, Inc., Washington, D. C.

(10) RADIOACTIVITY AND ELECTRICAL DISTURBANCES. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

**17.30 WIRELESS COMMUNICATIONS TOWERS AND ANTENNAS**

(1) DEFINITIONS. (a) *Alternate Tower Structure*. Man-made structures such as clock towers, bell steeples, light poles and similar mounting structures.

(b) *Antenna*. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

(c) *Backhaul Network*. The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices and/or long distance providers or the public switch telephone network.

(d) *Collocation*. The provision of multiple antennas or more than one commercial wireless communications service provider or government entity on a single tower or structure.

(e) *FAA*. Federal Aviation Administration.

(f) *FCC*. Federal Communications Commission.

(g) *Height*. When referring to a tower or other structure, the distance measured from the grade to the highest point on the tower or other structure, including the base pad.

(h) *Personal Communications Service (PSC)*. The provider of personal wireless service as defined in Sec. 704 of the Telecommunications Act of 1996, 47 U.S.C. par. 332 and as the same may be amended from time to time.

(i) *Personal Wireless Facilities*. Transmitters, antenna structures and other types of installations used to provide personal wireless services.

(j) *Pre-Existing Towers/Antennas*. Any tower or antenna for which a building permit or conditional use permit has been properly issued prior to the effective date of this section.

(k) *Tower*. Any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communications purposes, including self-supporting lattice towers, microwave towers, common—carrier towers, cellular telephone towers, alternative tower structures and the like. The term includes the structure and any support thereto.

(2) STANDARDS AND EXCEPTIONS. (a) *Applicability*. 1. New Towers and Antennas. All towers or antennas constructed after passage of this section shall be subject to all applicable standards of this section.

2. Pre-existing Towers and Antennas. Any tower or antenna for which a permit has been properly issued prior to the effective date of this section shall not be

required to meet the requirements of this section other than the requirements of par. (b) below. Any such towers or antennas shall be referred to hereinafter as “pre-existing towers” or “pre-existing antennas.”

3. Amateur Radio and Receive-Only Antennas. This section shall not apply to any tower or the installation of any antenna that is under 70 feet in height and is owned by a Federally licensed amateur radio station operator or is used exclusively for a receive—only antenna.

(b) *General Requirements.* 1. Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, upon notice being provided to the owner of a tower, the owner shall immediately bring such tower into compliance with such standards. Failure to bring such tower immediately into compliance shall constitute grounds for the removal of the tower or antenna at the owner’s expense.

2. State or Federal Requirements. All towers shall meet or exceed standards and regulations of the FCC, the FAA and any other agency of the State or Federal government with the authority to regulate towers and antennas.

3. Collocation. a. Any proposed telecommunication tower and tower site shall be designed in all respects so as to accommodate collocation of the applicant’s antennas and at least 2 additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.

b. The holder of a permit for a tower shall permit collocation for at least 2 additional users and shall not make access to the tower and tower site for an additional user economically unfeasible. If an additional user demonstrates, through an independent arbitrator or other permitted means, that the holder of a tower permit has made access to such tower and tower site economically unfeasible, the permit shall become null and void.

4. Antenna Height. Antenna height shall not be restricted provided such device is installed and maintained in accordance with applicable State and local building codes and in compliance with current standards of the FAA, FCC and any other agency of the State or Federal governments with the authority to regulate antennas.

5. Tower Height. 180 feet maximum.

6. Separation Between Towers. Separation distances between towers shall be applicable for a proposed tower and any preexisting towers. The separation distance shall be measured by a straight line between the base of an existing tower and the base of a proposed tower.

NEW TOWER TYPE	EXISTING TOWER TYPE			
		Lattice	Guyed	Monopole 75 ft. in Height or Greater

Lattice	5000 Ft.	5000 Ft.	1500 Ft.	750 Ft.
Guyed	5000 Ft.	5000 Ft.	1500 Ft.	750 Ft.
Monopole Less than 75 Ft. in Height	1500 Ft.	1500 Ft.	1500 Ft.	750 Ft.
Monopole Greater than 75 Ft. in Height	750 Ft.	750 Ft.	750 Ft.	750 Ft.

7. Availability of Suitable Existing Towers, Other Structures or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant’s proposed antenna. Evidence submitted to determine that no existing tower, structure or alternative technology can accommodate the applicant’s proposed antenna may consist of any of the following:

- a. No existing towers or structures are located within the geographic area which meet the applicant’s engineering requirements.
- b. Existing towers or structures are not of sufficient height to meet the applicant’s engineering requirements.
- c. Existing towers or structures do not have sufficient structural strength to support the applicant’s proposed antenna and related equipment.
- d. The proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the proposed antenna.
- e. The fees, costs or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
- f. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
- g. The applicant demonstrates that an alternative technology that does not require the use of towers or structures such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

8. Aesthetics. a. Towers shall maintain either a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a light gray so as to reduce visual obtrusiveness and blend into the natural setting and built environment.

b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is

identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

9. Lighting. Towers shall not be artificially illuminated unless required by the FAA or any other applicable authority. If lighting is required, the lighting alternatives and design chosen shall cause the least disturbance to the surrounding views.

10. Fencing. A tower shall be enclosed by security fencing not less than 8 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.

11. Landscaping. A buffer of plant materials to effectively screen the tower compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscape strip of at least 5 feet in width outside the perimeter of the tower compound. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible. In some cases, such as towers placed on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

12. Accessory Equipment and Buildings. The equipment cabinet or structure used in association with an antenna shall be suited in accordance with the development standards of the underlying zoning district. Equipment cabinets or structures shall be screened from view by an evergreen hedge or other suitable landscape treatments, except where the use of nonvegetative screening would better reflect and complement the architectural character of the surrounding neighborhood.

13. Signs. No signage or advertising is permitted to be placed on a wireless communication tower.

(c) *Permitted Uses.* The installation of a tower or antenna as follows:

1. Antennas or Existing Towers. The attachment of a new antenna on an existing tower may be permitted to minimize adverse visual impacts associated with the proliferation and clustering of towers provided that:

- a. The height of the existing tower is not increased.
- b. No building addition is required.

2. Cable Microcell Network. The installation of a cable microcell network may be permitted through the use of multiple low-powered transmitters/receivers attached to existing wireline systems such as conventional cable or telephone wires or similar technology that does not require the use of towers.

(d) *Conditional Uses.* The installation of towers and antennas, including the placement of accessory equipment or buildings, may be permitted by conditional use permit in all parcels zoned agricultural which are 35 acres or more. In addition to the standards identified in this section, any request for a conditional use permit shall also comply with the standards identified by sec. 17.25 of this chapter.

(e) *Removal of Abandoned Antennas and Towers.* An antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the Town notifying the owner of such abandonment. Failure to remove the antenna or tower within

90 days shall be grounds to remove the antenna or tower at the owner's expense. If there are 2 or more users of a single tower, this provision shall not become effective until all users cease using the tower.

**17.31 Wind Energy Systems**

**(1) Purpose:** The purpose of this ordinance is to:

- (a) Oversee the permitting of wind energy systems in excess of 20' height but not exceed 150'
- (b) Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a wind energy system (per Wis. Stat. 66.0401).
- (c) Limit of 1 system per parcel.

**(2) Definitions:** In this ordinance:

- (a) "Board means the Town of Fredonia Board
- (b) "Meteorological tower" (met tower) is defined to include the tower, base plate, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location
- (c) "Owner" shall mean the individual or entity that intends to own and operate the wind energy system in accordance with this ordinance and to the property owner where the tower is installed.
- (d) "Rotor diameter" means the cross sectional dimension of the circle swept by the rotating blades.
- (e) "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point or to the highest extension of any other portion of such equipment.
- (f) "Tower" means the monopole or freestanding structure that supports a wind generator.
- (g) "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. 66.0403(1)(m). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.
- (h) "Wind generator" means blades and associated mechanical and electrical conversion components mounted on top of the tower.

**(3) Standards:** The wind energy system shall be a conditional use in all zoning districts subject to the following requirements:

- (a) Electric Generating Capacity. Not to exceed 100 kw.
- (b) Height. Never to exceed 150', however, may be further limited by the town board due to neighbors or geographical location.
- (c) Setbacks. A wind system shall be set back a distance equal to 1.1 times its total heights from:



- (1) any public road right of way, unless written permission is granted by the governmental entity with jurisdiction over the road;
  - (2) any overhead utility lines, unless written permission is granted by the affected utility;
  - (3) all property lines, unless a written easement is granted from the affected land owner or neighbor and is filed with the conditional use permit application in the town clerk/treasurer's office.
- (d) Access.
- (1) All ground mounted electrical and control equipment shall be labeled to prevent unauthorized access
  - (2) The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground and the owner shall maintain a (locked fence around the tower no less than 8 feet high ??).
- (e) Electrical Wires  
All electrical wires associated with a wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- (f) Lighting  
A wind energy system shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- (g) Appearance, Color and Finish  
The wind energy system shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless approved in the conditional use permit.
- (h) Signs  
All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a wind energy system visible from any public road shall be prohibited.
- (i) Code Compliance  
A wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.
- (j) Signal Interference  
The owner of a wind energy system or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
- (k) Utility notification and interconnection  
Wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
- (l) Met towers shall meet the same standards, permit requirements, restoration requirements, and permit procedures as wind energy system.
- (4) Abandonment**

- (a) A wind energy system that is out-of-service for a continuous 12-month period may be deemed to have been abandoned. The town board may request from the owner of a wind energy system that is deemed to have been abandoned an explanation of the apparent lack of service.
- (b) If the wind energy system is determined to be abandoned, the owner of a wind energy system shall remove the wind generator and the tower at the Owner's sole expense within six (6) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator and the tower, the town board may pursue a legal action to have these removed at the Owner's expense. Failure to do so will result in cost being added to the tax bill.
- (c) If the owner of the tower is unable to remove the tower, the owner of the property where the tower is located is equally responsible for the removal of the tower.

**(5) Permit Procedures**

- (a) An Owner shall first submit an application to the plan commission for a conditional use permit for a wind energy system, as provided in Chapter 12, Town of Fredonia Ordinances. The application shall be accompanied by two copies of the documents identified in paragraph (b)(1) below as well as all documents required in section 17.25(b) and section 14.06(2) of the municipal code and the required fees.
- (b) The plan commission shall then make its recommendation to the town board. If the conditional use permit is approved by the town board, application shall then be made for a building permit, requirements as follows:
  - (1) Documents: The building permit application shall be accompanied by a plot plan which includes the following:
    - I. Property lines and physical dimensions of the property.
    - II. Location, dimensions, and types of existing major structures on the property.
    - III. Location of the proposed wind system tower.
    - IV. The right-of-way of any public road that is contiguous with the property.
    - V. Easement to tower if property owner is different than tower owner.
    - VI. Any overhead utility lines
    - VII. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type.
    - VIII. Tower foundation blueprints or drawings
    - IX. Tower blueprint or drawing
  - (2) Fees: The application for a building permit for a wind energy system must be accompanied by the fee required for a building permit
  - (3) Expiration: the permit issued pursuant to this ordinance shall expire if the wind energy system is not installed and functioning within 24-months from the date the permit is issued.
- (c) The Owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the wind energy system is complete.

- (d) If the town determines that it is necessary to consult with one or more professionals such as attorneys or engineers for purposes of application review, the reasonable costs and expenses billed by such professionals may be charged to the applicant.

**(6) Violations**

It is unlawful for any person to construct, install, or operate a wind energy system that is not in compliance with this ordinance or with any condition contained in a conditional use permit issued pursuant to this ordinance.

**17.32 CONSTRUCTION SITE EROSION CONTROL.** The intent of this section is to require erosion control practices that will reduce the amount of sediment and other pollutants leaving construction sites during land development or land disturbance activities. This section applies to all land disturbing construction activities.

(1) **AUTHORITY.** This section is adopted under the authority granted in §60.627, Wis. Stats.

(2) **FINDINGS AND PURPOSE.** (a) *Findings.* The Town Board finds runoff from construction sites carries a significant amount of sediment and other pollutants to the waters of the State and the Village.

(b) *Purpose.* It is the purpose of this section to preserve the natural resources; to protect the quality of the waters of the State and the Town and to protect and promote the health, safety and welfare of the people to the extent practicable by minimizing the amount of sediment and other pollutants carried by runoff or discharges from construction sites to lakes, streams and wetlands.

(3) **APPLICABILITY.** This section applies to land disturbing and land developing activities on lands within the boundaries and jurisdiction of the Town. All State-funded or conducted construction is exempt from this section.

(4) **DEFINITIONS.** (a) *Agricultural Land Use.* Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

(b) *Commercial Land Use.* Use of land for the retail or wholesale sale of goods or services.

(c) *Construction Site Control Measure.* A control measure used to meet the requirements of sec. (7)(b) below.

(d) *Control Measure.* A practice or combination of practices to control erosion and attendant pollution.

(e) *Control Plan.* A written description of the number, locations, sizes and other pertinent information of control measures designed to meet the requirements of this section submitted by the applicant for review and approval by the Building Inspector.

(f) *Erosion.* The detachment and movement of soil, sediment or rock fragments by water, wind, ice or gravity.

(g) *Land Developing Activity*. The construction of buildings, roads, parking lots, paved storage areas and similar facilities.

(h) *Land Disturbing Construction Activity*. Any manmade change of the land surface, including removing vegetative cover, excavating, filling and grading, but not including agriculture land uses such as planting, growing, cultivating and harvesting of crops; growing and tending of gardens; harvesting of trees; and landscaping modifications.

(i) *Landowner*. Any person holding title to or having an interest in land.

(j) *Land User*. Any person operating, leasing, renting or having made other arrangements with the landowner by which the landowner authorizes use of his land.

(k) *Runoff*. The rain fall, snow melt or irrigation water flowing over the ground surface.

(l) *Site*. The entire area included in the legal description of the land on which the land disturbing or land development activity is proposed in the permit application.

(5) DESIGN CRITERIA, STANDARDS AND SPECIFICATIONS FOR CONTROL MEASURES. All control measures required to comply with this section shall meet the design criteria, standards and specifications for the control measures based on accepted design criteria, standards and specifications identified by the Building Inspector and in accordance with, but not limited to, the Wisconsin Construction Site Best Management Practice Handbook.

(6) MAINTENANCE OF CONTROL MEASURES. All sedimentation basins and other control measures necessary to meet the requirements of this section shall be maintained by the applicant or subsequent landowner during the period of land disturbance and land development of the site in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions.

(7) CONTROL OF EROSION AND POLLUTANTS DURING LAND DISTURBANCE AND DEVELOPMENT. (a) *Applicability*. This subsection applies to the following sites of land development or land disturbing activities.

1. Those requiring a subdivision plat approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved subdivision plats.

2. Those requiring a certified survey approval or the construction of houses or commercial, industrial or institutional buildings on lots of approved certified surveys.

3. Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 4,000 square feet or more.

4. Those involving excavation or filling or a combination of excavation and filling affecting 350 cubic yards or more of dirt, sand or other excavation or fill material. Excavation and filling of less than 350 cubic yards, at the discretion of the Building Inspector may require control of erosion and pollutants if judged necessary.

5. Those involving street, highway, road or bridge construction, enlargement, cut, relocation or reconstruction.

6. Those involving the laying, repairing, replacing or enlarging of an underground pipe or facility for a distance of 300 feet or more.

(b) *Erosion and Other Pollutant Control Requirements* The following requirements shall be met on all sites described in par. (a) above.

1. Discharged Water. Water may not be discharged in a manner that causes erosion of the site or receiving channels.

2. Waste and Material Disposal. All waste and unused building materials, including garbage, debris, cleaning wastes, wastewater, toxic materials or hazardous materials, shall be properly disposed of and not allowed to be carried by runoff into a receiving channel or storm building system.

3. Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by street cleaning (not flushing) before the end of each work day.

4. Drain Inlet Protection. All storm drain inlets shall be protected with a straw bale, filter fabric or equivalent barrier meeting accepted design criteria, standards and specifications.

5. Site Erosion Control. The following criteria apply only to land (development or land disturbing activities that result in runoff leaving the site).

a. Channelized runoff and sheet flow runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, channelized runoff and sheet flow runoff shall be protected as described in subpar. c.ii. below.

b. All activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. This shall include the planting of vegetative cover as soon as practical.

c. Runoff from the entire disturbed area on the site shall be controlled by meeting the following:

i. For sites with more than 10 acres disturbed at one time, or if a channel originates in the disturbed area, sedimentation basins/traps shall be constructed.

ii. For all sites, filter fences, straw bales or equivalent control measures shall be placed along all critical! necessary sides of the site as determined by the Director of Public Works. If a channel or area of concentrated runoff passes through the site, filter fences shall be placed along the channel edges to reduce sediment reaching the channel.

d. Soil or dirt storage piles containing more than 350 cubic yards of material shall be controlled by placing straw bales or filter fence barriers around the down slope side of the pile. Any soil or dirt storage pile under 350 cubic yards may be required at the discretion of the to be controlled by placing straw bales or filter fence barriers around the down slope side of the piles if conditions warrant. New in-street utility construction soil or dirt storage piles located closer than 25 feet to a roadway or drainage channel, if exposed for more than 7 days, shall be protected with straw bales or other appropriate filtering harriers.

(8) PERMIT APPLICATION, CONTROL PLAN AND PERMIT ISSUANCE. No landowner or land user may commence a land disturbance or land development activity, subject to this section, without receiving prior approval of a control plan for the site and a permit from the Building Inspector. At least one landowner or land user controlling or using the site and desiring to undertake a land disturbing or land developing activity subject to this section shall submit an application for a permit and a control plan and pay an application fee to the Building Inspector. By submitting an application, the applicant is authorizing the Inspector to enter the site to obtain information required for the review of the control plan.

(a) *Content of the Control Plan For Land Disturbing Activities Covering More than 2 Acres.* 1. Existing Site Map. A map of existing site conditions on a scale of at least one inch equals 100 feet showing the site and immediately adjacent areas:

- a. Site boundaries and adjacent lands which accurately identify site location.
- b. Lakes, streams, wetlands, channels, ditches and other water courses on and immediately adjacent to the site.
- c. 100 year floodplains, flood fringes and floodways.
- d. Vegetative cover.
- e. Location and dimensions of storm water drainage systems and natural drainage patterns on and immediately adjacent to the site.
- f. Locations and dimensions of utilities, structures, roads, highways and paving.
- g. Site topography at a contour interval not to exceed 2 feet.

2. Plan of Final Site Conditions. A plan of final site conditions on the same scale as the existing site map showing the site changes.

3. Site Construction Plan. A site construction plan, including the following:

- a. Locations and dimensions of all proposed land disturbing activities.
- b. Locations and dimensions of all temporary soil or dirt stock piles.
- c. Locations and dimensions of all construction site management control measures necessary to meet the requirements of this section.
- d. Schedule of anticipated starting and completion (date of each land disturbing or land developing activity, planting of vegetative cover and installation of construction site control measures needed to meet the requirements of this section.

- e. Provisions for maintenance of the construction site control measures during construction.

(b) *Content of Control Plan Statement For Land Disturbing Activities Covering Less Than 2 Acres, But Meeting the Applicability Requirements Stated in Sub. (7)(a) above.* An erosion control plan statement, with simple map, shall be submitted to briefly describe the site and erosion controls, including the site development schedule, that shall be used to meet the requirements of this section.

(c) *Review of Control Plan.* Within 30 days of receipt of the application, control plan, or control plan statement and fee, the Building Inspector shall review the application and control plan to determine if the requirements of this section are met. The Inspector may request comments from other departments or agencies. If the requirements of this section are met, the shall approve the plan, inform the applicant and issue a permit. If the conditions are not met the Inspector shall inform the applicant, in writing, and may either require needed information or disapprove the plan. Within 30 days of receipt of needed information, the Director shall again determine if the plan meets the requirements of this section. If the plan is disapproved, the inspector shall inform the applicant, in writing, of the reasons for the disapproval.

(d) *Permits.* 1. Duration. Permits shall be valid for a period of 180 clays or the length of the building permit or other construction authorizations, whichever is longer, from the date of issuance. The Building Inspector may extend the period one or more times for up to an additional 180 days. The Inspector may require additional control measures as a condition of the extension if they are necessary to meet the requirements of this section.

2. Permit Conditions. All permits shall require the permittee to:

- a. Notify the Building Inspector within 48 hours of commencing any land disturbing activity.
- b. Notify the Inspector of the completion of any control measures within 48 hours after their installation
- c. Obtain permission, in writing, from the Building Inspector prior to modifying the control plan.
- d. Install all control measures as identified in the approved control plan.
- e. Maintain all road drainage systems, storm water drainage systems, control measures and other facilities identified in the control plan.
- f. Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities.
- g. Inspect the construction control measures after each rain of 0.5 inches or more and at least once each week and make needed repairs.
- h. Permit the Inspector to enter the site for the purpose of inspecting compliance with the control plan or for performing any work necessary to bring the site into compliance with the control plan.
- i. Keep a copy of the control plan on the site.

(9) INSPECTION. The Building Inspector shall inspect construction sites at times appropriate to stages of construction. If land disturbing or land development activities are being carried out without a permit, the Inspector shall enter the land pursuant to the provisions of §66.0119, Wis. Stats.

(10) ENFORCEMENT. (a) The Building Inspector may post a stop-work order if:

1. Any land disturbing or land developing activity regulated under this section is being undertaken without a permit; or

2. The control plan is not being implemented in a good faith manner; or

3. The conditions of the permit are not being met.

(b) If the permittee does not cease the activity or comply with the control plan or permit conditions within 48 hours, the Inspector has the power to revoke the permit.

(c) If the landowner or land user, where no permit has been issued, does not cease the activity within 48 hours, the Inspector may request the Town Attorney to obtain a cease and desist order.

(d) The Inspector or the Town Board may retract the stop-work order or the revocation.

(e) Forty eight hours after posting a stop-work order the Inspector may issue a notice of intent to the permittee or landowner or land user of the intent to perform the work necessary to comply with this section. The Town or agents of the Town may go on the land and commence the work after 48 hours from issuing the notice of intent. The costs of the work performed by the Town plus interest at the rate authorized by the Town Board shall be billed to the permittee or the landowner. In the event a permittee or landowner fails to pay the amount due, the Town Treasurer shall enter the amount due on the tax roll and shall collect as a special assessment against the property, pursuant to §66.0627, Wis. Stats.

(f) Any person violating any of the provisions of this section shall be subject to a forfeiture of not less than \$10 nor more than \$1,000 and the costs of prosecution for each violation. Each day a violation exists shall constitute a separate offense.

(g) Compliance with the provisions of this section may also be enforced by injunction.

(11) APPEALS. (a) *Board of Zoning Appeals*. The Board of Zoning Appeals, created pursuant to sec. 17.32 of this chapter, pursuant to §62.23(7)(e), Wis. Stats.

(b) *Who May Appeal*. Any applicant, permittee, landowner or land user may appeal any order, decision or determination made by the Inspector in administering this section.

**17.33 BUILDING PERMIT REQUIRED.** No building or structure, or any part thereof, shall hereafter be built within the Town unless a permit therefor shall first be obtained by the owner or his agent from the Building Inspector. No construction shall be commenced prior to the issuance of such permit. Commencement of construction shall include such acts as beginning excavation or constructing forms for cement work. See ch. 14 of this Code.



**17.34 BOARD OF ZONING APPEALS.** (1) There is hereby established a Board of Zoning Appeals for the Town for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this chapter.

(2) **MEMBERSHIP.** The Board of Zoning Appeals shall consist of 5 members appointed by the Town Board Chairperson and confirmed by the Town Board.

(a) Terms shall be for staggered 3-year periods.

(b) Chairperson shall be designated by the Town Board Chairperson.

(c) An alternate member may be appointed by the Town Board Chairperson for a term of 3 years and shall act only when a regular member is absent or refuses to vote because of interest.

(d) One member shall be a member of the Plan Commission.

(e) The Secretary shall be the Town Clerk.

(f) The Building Inspector shall attend meetings for the purpose of providing technical assistance when requested by the Board.

(g) Official oaths shall be taken by all members in accordance with §19.01, Wis. Stats., within 10 days of receiving notice of their appointment.

(h) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(3) **ORGANIZATION.** The Board of Zoning Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.

(a) Meetings shall be held at the call of the Chairman and shall be open to the public.

(b) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.

(c) The concurring vote of 4 members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

(4) **POWERS.** The Board of Zoning Appeals shall have the following powers:

(a) *Errors.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector or the Town Clerk.

(b) *Variances.* To hear and grant appeals for variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement shall result in

practical difficulty or unnecessary hardship, so that the spirit and purpose of this chapter shall be observed and the public safety, welfare and justice secured. Use variances shall not be granted.

(c) *Interpretations.* To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.

(d) *Substitutions.* To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.

(e) *Permits.* The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may issue or direct the issue of a permit.

(f) *Assistance.* The Board may request assistance from other Town officers, departments, commissions, and boards.

(g) *Oaths.* The Chairperson may administer oaths and compel the attendance of witnesses.

(5) APPEALS AND APPLICATIONS. Appeals from the decision of the Building Inspector or the Town Clerk concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board, or bureau of the Town. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Building Inspector or the Town Clerk. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

(a) Name and address of the appellant or applicant and all abutting and opposite property owners of the record.

(b) Plat of survey prepared by a registered land surveyor, or a location sketch drawn to scale.

(c) Additional information required by the Plan Commission, Town Engineer, Board of Zoning Appeals, or Building Inspector.

(6) HEARINGS. The Board of Zoning Appeals shall fix a reasonable time and place for the required public hearing, and shall give notice as specified in sec. 17.35 of this chapter. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

(7) FINDINGS. No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

(a) *Preservation of Intent.* No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

(b) *Exceptional Circumstances.* There shall be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use

that do not apply generally to other properties of uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the this chapter should be changed.

(c) *Economic Hardship and Self-Imposed Hardship Not Grounds for Variance.* No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

(d) *Preservation of Property Rights.* The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.

(e) *Absence of Detriment.* No variance shall be granted that will create substantial detriment to adjacent property and will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

(8) **DECISION.** The Board of Zoning Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, and Plan Commission.

(a) Conditions may be placed upon any zoning permit ordered or authorized by this Board.

(b) Variances, substitutions, or use permits granted by the Board shall expire within 6 months unless substantial work has commenced pursuant to such grant.

(9) **REVIEW BY COURT OF RECORD.** Any person or persons aggrieved by any decision of the Board of Zoning Appeals may present to the 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 office of the Zoning Board of Appeals.

**17.35 CHANGES AND AMENDMENTS.** (1) **AUTHORITY.** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

(2) **INITIATION.** A change or amendment may be initiated by the Town Board, the Plan Commission, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

(3) **PETITIONS.** Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk, and shall describe the premises to be rezoned, or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

(a) Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.

(b) Owner's names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.

(c) Additional information required by the Plan Commission or the Town Board.

(4) **RECOMMENDATIONS.** The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. In addition no change in the A-1 Agricultural District shall be recommended unless the Plan Commission finds that:

(a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

(b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of local units of government to provide them.

(c) The land proposed for rezoning is suitable for development and development will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.

(5) **HEARINGS.** The Town Board shall hold a public hearing upon each recommendation, and shall give notice as specified in sec. 17.35 of this chapter.

(6) **TOWN BOARD'S ACTION.** Following such hearing and after careful consideration of the Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment. In addition, the Town Board shall notify the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP) of any change in the A-1 Agricultural District.

(7) **PROTEST.** In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by a 3/4 vote of the Town Board voting on the proposed change.

**17.36 PUBLIC HEARINGS.** Notice of any public hearing which the Town Board, Plan Commission, or Board of Zoning Appeals is required to hold under the terms of this chapter shall specify the date, time, and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be published in a newspaper of general circulation at least once each week for 2 consecutive weeks and the hearing shall not be held until at least 7 days following the last publication. The Town Board shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any lands included in the petition and the owners of all lands lying within 200 feet of any included in the petition. Failure to give notice to any property owner shall not invalidate the action taken by one of the aforementioned bodies.

**17.37 ENFORCEMENT.** It shall be the duty of the Building Inspector to enforce the provisions of this chapter.

**17.38 VIOLATION AND PENALTIES.** Any person who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall forfeit a sum of not less than \$10 nor more than \$200, together with the costs of prosecution, and, in case of nonpayment of such forfeiture, shall be imprisoned in the County Jail for a term of not more than 30 days or until such judgment is paid, and each day of violation shall constitute a separate offense.