

**(DATCP Submittal 12/30/14) (Corrections 9/24/15)(DATCP Certified 10/26/15)**

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## **SECTION 1.0 – INTRODUCTION**

### **1.1 Authority.**

The Town Board of the Town of Center, Rock County, Wisconsin has proceeded under the provisions of Sections 60.10(3)(c), 60.22(3), 60.61, 60.62, 61.35, and 62.23 and Chapter 91 of the Wisconsin Statutes and this Ordinance is adopted under the authority granted by Sections 60.62, 61.35, and 62.23 and Subchapter V of Chapter 91 of the Wisconsin Statutes.

### **1.2 Purpose.**

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community. Furthermore, the purpose of this Ordinance is to implement the land use goals, objectives, policies, and map resulting from the Town's comprehensive planning process as set forth in the Town's Comprehensive Plan.

### **1.3 Intent.**

It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; and preserve the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

### **1.4 Abrogation and Greater Restrictions.**

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

### **1.5 Interpretation.**

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

**1.6 Severability.**

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If any application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

**1.7 Repeal.**

The Town Board herein repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, including without limitation a certain zoning ordinance originally dated September 11, 1979, the Official Zoning (District) Map dated September 4, 1979, and any amendments to said zoning ordinance and zoning map that is a part of that originally enacted ordinance and map.

**1.8 Title.**

This Ordinance shall be known as, referred to or cited as the TOWN OF CENTER ZONING ORDINANCE.

**1.9 Effective Date.**

This Ordinance became effective after a public hearing, adoption by the Town Board, and posting as provided by law. Changes or Amendments to the text of this Ordinance or the "Official Zoning Map" shall be effective after the provisions of Section XX have been complied with and the Change or Amendment has been posted as provided by law.

## **SECTION 2.0 – GENERAL PROVISIONS**

### **2.1 Jurisdiction.**

The jurisdiction of this Ordinance shall include all lands and waters within the Town.

### **2.2 Compliance.**

No structure, land, or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations.

### **2.3 Use Restrictions.**

The following use restrictions and regulations shall apply:

- (1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in subsection (X) to (X) of this Section shall be permitted in each district.
- (2) Accessory Uses. Depending on the location, use and size, accessory uses and structures may be permitted in any district but not until their principle structure is present or under construction.

Accessory uses include incidental repairs, storage, parking facilities, gardening, servants, owners, itinerant agricultural laborers and watchman's quarters not for rent, private swimming pools, and private emergency shelters.

Residential accessory uses shall not involve the conduct of any business, trade, or industry at which individuals NOT residing on the property are employed that is apparent by the exterior appearance of the property or intensifies the amount of activity taking place on the property, unless it meets the requirements of a home occupation as set forth in Section XX.

- (3) Conditional Uses. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Planning & Zoning Committee and issuance of a Conditional Use Permit in accordance with Section X of this Ordinance.
- (4) Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by the Planning & Zoning Committee provided that such uses are similar in character to the principal uses permitted in the district.
- (5) 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 Planning & Zoning Committee for a period not to exceed one (1) Year.



- (6) Performance Standards. Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.

## **2.4 Soil Restrictions.**

Certain soil types in the Town, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a Soil Scientist from the Soil Conservation Service by either the Town or the applicant.

## **2.5 Penalties.**

Any person, firm, or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$250 nor more than \$5000, together with the costs of prosecution, for each violation. Each day a violation exists or continues shall constitute a separate offense.

## **2.6 Violations.**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Building Inspector, the Zoning Officer, the Town Planning & Zoning Committee, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

## **2.7 Civil Enforcement.**

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described in Section XX.

## **SECTION 3.0 TOWN PLANNING AND ZONING COMMITTEE**

### **3.1 Establishment of Committee**

There is hereby established a Planning & Zoning Committee for the Town (hereafter called the Committee).

### **3.2 How Constituted**

The Committee shall consist of five (5) members. The Town Board chair shall appoint five (5) citizen members, two (2) shall be appointed for three (3) year terms and two appointed for two (2) year terms. The Zoning Administrator shall be an ex-official member and shall attend all Committee meetings but not as voting members.

### **3.3 Terms of Office**

Terms of office for the citizen members shall start the 1st day of May.

### **3.4 Qualifications**

All citizen members shall be persons with recognized experience, qualifications, have Town residency, and shall hold office until their respective successors are selected and qualified.

### **3.5 Town Zoning Administrator**

- (A) There is herewith created the position of Town Zoning Administrator, said position may be a full-time or part-time, as the Town Board in its discretion shall determine. The Zoning Administrator shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His/Her duties shall be to administer, supervise, and enforce the provisions of the Town Zoning Ordinance. His/Her compensation shall be determined by the Town Board.
- (B) The duties of the Zoning Administrator shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Zoning Administrator may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Administrator is refused entry, a special inspection warrant shall be issued for said premises pursuant to Sections 66.122 and 66.123, of the Wisconsin Statutes. The Zoning Administrator may set time limits and conditions for the correction of violations.
- (C) The Zoning Administrator shall make a monthly report of his/her activities to the Committee and the Town Board.
- (D) The Zoning Administrator shall prepare building permit forms; assist the applicant in preparing his/her application; advise the applicant as to the provisions of the Town Zoning Ordinance;

inspect each project for which a permit has been applied for or granted; report violations; and provide this information to the Planning & Zoning Committee. The Zoning Administrator may issue building permits which are within strict compliance with the requirements of this ordinance when delegated such authority by the Planning & Zoning Committee. Whenever there is a question other than the literal requirements of this ordinance, it is to be brought directly to the Planning & Zoning Committee Chair.

### **3.6 Vacancies**

Whenever a vacancy shall occur, the Town Board shall appoint an appropriate member to complete the unexpired term.

### **3.7 Matters Referred to the Committee**

(A) The Town Board shall refer to the Committee, for its consideration and report before final action is taken by the Town Board on the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; all proposed and final certified surveys and subdivision plats in the Town; the location, character and extent, or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the abandonment or repeal of any ordinance adopted pursuant to planning and zoning. Unless such report is made within 45 days or such longer period as may be authorized by the Town Board, the Town Board may take final action without it.

(B) The Committee shall have the following powers:

- (1) To review and approve or deny conditional use permits within the provisions of this Zoning Ordinance.
- (2) To review and recommend to the Town Board the approval, conditional approval, or denial of preliminary land divisions.
- (3) To review and recommend approval, conditions of approval, or denial of amendment to the text or Official Zoning Map of this ordinance.
- (4) Substitutions To hear and grant applications for substitution of more restrictive non-conforming uses for existing non-conforming uses, provided no structural alterations are to be made. Whenever the Committee permits such a substitution, the use may not thereafter be changed without application.

- (5) Unclassified Uses To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.
- (6) Temporary Uses to hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

### **3.8 Meetings**

Meetings shall be called when necessary, as specifically determined by the Chair of the Committee. Special meetings may be called by the Chair or upon written request of two committee members. At least a 24 hour notice of meeting is required; however, if 24 hours is impossible or impractical for good cause, a shorter notice may be given, but in no case may the notice be less than 2 hours. Sections 19.84(3) of the Wisconsin Statutes “good cause” provision allowing short notice should be used sparingly and only when truly necessary.

### **3.9 Minutes**

The minutes shall be kept by the secretary.

### **3.10 Quorum**

Three (3) members shall constitute a quorum to transact any business and formulate its proper action thereon.

### **3.11 Compensation**

The members shall be compensated as determined by the Town Board.

### **3.12 Town Board**

The Town Board is the public body having authority thereon to change or amend this Ordinance after review and recommendation of the Committee. The Town Board may also direct that Building Permits be issued when the Board indicates by majority vote that the permit is in compliance with this Ordinance and the Land Use Plan.

## **SECTION 4.0 - ZONING DISTRICTS**

### **4.1 Establishment.**

For the purpose of this Ordinance, the Town of Center is divided into the following Zoning Districts:

- Rural Residential District (R-R)
- Agricultural District One (A-1)
- Agricultural District Two (A-2)
- Agricultural District Three (A-3)
- Special Purpose District (SP)
- Conservancy Overlay District
  - Conservancy Overlay District C-1 Lowland
  - Conservancy Overlay District C-2 Highland
- Natural Resources Open Space District (NROS)
- Antennas and Communications Towers Overlay District (ANT)

### **4.2 Zoning Map and District Boundaries.**

(A) The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Center, Wisconsin", dated (insert adoption date) which accompanies and is made a part of this Ordinance. Such boundaries shall follow: Town and corporate limit lines; U.S. Public Land Survey Lines; parcel lines; right-of-way lines, centerlines of streets, roads, highway, alleys, and railroad right-of-way line.

One copy of said map shall be kept on file in the office of the Town Clerk and a copy correct only as of the day of passage of this Ordinance. The Town Clerk or Town Board designed shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency. Amendments shall be included on the Official Zoning Map as soon as possible. The original Official Zoning Map shall be kept in the Rock County Planning and Development Agency Office and the Town Clerk shall receive an update copy as revised current version of said map reflecting current zoning boundary locations. The Clerk shall save at least one copy of all updates Official Zoning Map editions.

Overlay districts, as presented in this Section, are created for the purpose of imposing special regulations in given designated areas of the Town to accomplish stated purposes that are set forth for each overlay district.

Overlay districts shall be in addition to and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

### 4.3 General District Regulations.

The following regulations set forth requirements that may not apply universally throughout the town, but rather cover issues that are applicable to one or more districts:

- (1) Erection of more than one principal structure on a lot. In any district, no more than one structure housing a permitted or conditional use may be erected on a single lot except in the A-1, A-2, and A-3 districts where the requirements of those districts shall be met for each structure. Manufactured homes are permitted only when in a manufactured home park in a Manufactured Home Park District.
- (2) Maximum Zoning Permits. A maximum of two Zoning Permits for new residential construction will be issued in each calendar year for those areas depicted as “Agriculture/Scattered Residential” on the Town’s Smart Growth Land Use Plan Map.
- (3) Exceptions to Height Regulations. The height limitation contained in the requirements for permitted and conditional uses does not apply to grain elevators, silos, barns, spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (4) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (5) Lot Width at Public Street. All lots located in the A-1, A-2 and A-3 Zoning Districts shall have a minimum width of 100 ft. at the public street, which lot width shall extend back a minimum of 50 ft.
- (6) Parking and Storage of Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored unless completely enclosed buildings.
- (7) Setback. A setback less than the setback required by this Ordinance may be permitted where there are at least two (2) existing main buildings existing at the date of enactment of this Ordinance within two hundred (200) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback, such setback shall be granted by a permit from the Planning and Zoning Committee and shall not require a special exception or variance.
- (8) Loading Space. In Special Purpose, or Agricultural Districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial, agricultural or industrial use so that the highway shall at all times are free and unobstructed to the passage of traffic.

- (9) Undersized Lots. Where a residential lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record at the time of the passage of this Ordinance, such lot may be occupied by one (1) family. If the zoning district setbacks, septic system, and well requirements can be met.
- (10) Vacation of Public Streets. Alleys and Right-of-Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (11) Criteria for Evaluation of Conflicting Land Use. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of a farm operation. Those charged with reviewing this situation shall consider which land use has existed for the longest period of time and what land use existed at the time the adjacent use was created.
- (12) Underground Utility Lines. Utility lines which will serve individual lots to include electric lines under 12,000 volts, internet, fiber optic, cable T.V., telephone, natural gas, etc. shall be installed underground within the utility easements indicated on the land division map and provisions made to assure that installation of said utilities will take place prior to conveyance of any lots so created.
- (13) Overhead Utility Lines. No overhead power, internet or telephone lines shall be erected within one half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- (14) Community living arrangements as provided in Section 60.63 of the Wisconsin Statutes dated May 5, 2014 shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 people or one percent (1%) of the town's population, whichever is greater.
- (15) Storage of a recreational vehicle, mobile home, manufactured home, camper, pull trailer, 5th wheel, snowmobile, ATV, or boat without a current registration/license issued by the State of Wisconsin shall not be parked or placed on any land parcel located in the Town unless within a completely enclosed building. Exception: Pop-up campers and pull trailers under 3,000 pounds are exempt because they do not require Wisconsin registration or licenses.
- (16) Permanent Foundation. A permanent foundation is required for all residential structures and shall comply with the design standards set forth in Section SPS 321.18 dated May 5, 2014 of the Wisconsin Administrative Code as that section may be amended, re-created, or re-numbered from time to time. In addition to the requirements of that section, the foundation for all residential structures shall be constructed in one of the following manners:
- (A) As a continuous poured wall with footings of no less than 4 feet in depth;

- (B) As a mortared concrete block wall on poured footings of no less than 4 feet in depth; or
- (C) As a monolithic slab to which the structure is permanently attached.

The parking of a trailer on a poured slab does not constitute a permanent attachment under this section. The requirements of this subsection shall also apply to all structures used as offices. This subsection shall not be deemed to require a foundation for an open-air screened porch or a gazebo-type structure which is accessory to a residential structure. Further, this subsection shall not be deemed to apply to construction trailers which are temporarily placed for 120 days or less and used for the purpose of housing temporary office and storage space to aid in the construction of a structure.

- (17) Required Compliance of New Land Parcels. No new land parcel shall be created that is not in compliance with the requirements and standards of this Ordinance.
- (18) Garages. Each single-family dwelling and each residential unit of a two-family dwelling may have one private garage only being either an attached garage or an unattached garage, provided:
  - (A) Such garage is clearly incidental to the residential use of the property.
  - (B) The square footage of an attached or unattached garage shall not exceed 90% of the total square footage of the residential structure.
  - (C) An attached garage shall not exceed the height of the residential structure.
  - (D) An unattached garage shall not exceed maximum building height, measured from floor to peak of roof.
  - (E) No portion of a garage may be used as a separate dwelling unit.

A garage, whether attached or unattached, shall not be counted as an accessory building. The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall. Garages, whether attached or unattached, for multi-family dwellings of three units or more may only be permitted as a Conditional Use after public hearing and approval by the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance provided however, that in no event shall the square footage of the garage be greater than 90 percent of the finished livable floor area of the multi-family residential dwelling. Finished livable floor area shall not include a garage, breezeway, attic, or basement.

- (19) Flag Lots. Flag lots shall be allowed only in special circumstances when various factors render creation of a more proportionate lot, in length and width, unachievable. The "pole" of a flag lot shall not exceed two hundred fifty (250) feet in length unless additional length is needed to either avoid significant degradation or depletion of ESA, cultural resources, productive agricultural soils, and/or woodlands, or diminish of efficient agricultural operations. The "pole" shall be used exclusively for vehicular access with specified improvements including



landscaping, fencing, utilities, mailboxes, and signs also permitted on the "pole". The "pole" shall maintain a minimum width of one hundred (100) feet for all lots without access to a public sanitary sewer system, and fifty (50) feet for all lots with access to public sanitary sewer system, for the entire length of the "pole". No "pole" shall be located within two hundred (200) feet of another on the same side of the street unless said "poles" utilize a joint driveway.

#### **4.4 Rural Residential District (R-R)**

##### **(A) Purpose and Intent of R-R District**

The purpose of the Rural Residential (R-R) District is to provide a method of obtaining the residential goals, objectives, and policies of the Land Use Plan. The intent of the R-R District is to provide for rural residential development on sites served by private sewer systems. The areas zoned R-R should be in and around existing residential development areas indicated on the Land Use Plan Map. These areas should be designed to be quiet, pleasant and relatively spacious living areas protected from traffic hazards and the intrusion of incompatible land uses.

##### **(B) Permitted Uses**

The following uses are permitted uses in this District:

- (1) One (1) single family or one-two (2) family structure. One private garage not to exceed 90% of the total square footage of the residential structure.
- (2) One accessory structure of up to 800 square feet, for the first 40,000 square feet of the land parcel with an additional 100 square feet being able to be added to the accessory structure size for each 10,000 square feet of the parcel above 40,000 square feet but, not to exceed 90% of the total square footage of the residential structure.
- (3) Governmental buildings to include Town Halls, Police Department Offices, and Fire Department Facilities.
- (4) Public and quasi-public owned parks, playgrounds, public owned community buildings and grounds.
- (5) Grade schools, churches and their affiliated uses.
- (6) Home occupation offices, when such office is conducted solely by a member of the resident household, entirely within the residence and incidental to the residential use of the premises. Home Occupation offices do not involve any external alteration that would affect the residential character of the building.
- (7) Water-storage facilities and their accessory structures

- (8) A wind turbine or solar energy facility that collects wind or solar energy on the residential structure, and uses or transforms it to provide energy primarily for use for residence so long as said wind turbine or solar energy facility complies with all height restrictions.

(C) Conditional Use

The following uses require a Conditional Use Permit be approved by the Committee prior to being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the conditional use application.

- (1) Educational Buildings, Colleges, Universities, including private music and dancing schools.
- (2) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, professional organizations, and fraternities, except those which provide goods and services similar to a business.
- (3) Telephone and electric transmission buildings or structures.
- (4) Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.
- (5) Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- (6) Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood aesthetics.
- (7) Home Occupations with up to two (2) non-resident workers, when such business is owned and managed by a member of the resident household. The home occupation shall be contained entirely within the residence or an outbuilding which shall be incidental to the residential use of the premises. Home offices shall not involve any external alteration that would affect the residential character of the building.

(D) Requirements for Permitted and Conditional Uses

- (1) Maximum Building Height ..... 35 ft.
- (2) Minimum Building Front Yard Setback on Local Road.....50 ft.

(All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.)

- (3) Minimum Front Yard Setback on Corner Lot .....50 ft. on each Road
- (4) Minimum Building Rear Yard Setback ..... 20 ft.
- (5) Minimum Building Side Yard Setback .....15 ft.
- (6) Minimum Lot Width .....100 ft.
- (7) Minimum Lot Frontage on Public Road .....100 ft.
- (8) Minimum Lot Frontage on Cul-de-Sac Road Bulb .....50 ft.
- (9) Minimum Lot Area Single Family .....40,000 sq. ft.
- (10) Minimum Lot Area for Two Family Dwelling .....55,000 sq. ft.
- (11) Accessory Buildings Minimum Side Yard Setback .....5 ft.
- (12) Minimum Floor Area Per Family .....1,200 sq. ft.
- (13) Minimum Building Width .....24 ft.
- (14) Maximum Accessory Building Height .....35 ft. or not to exceed the height of the principal building.

(E) Prohibited Uses

- (1) No structure or improvement may be built, or land used in this district unless it is a permitted use or an approved conditional use in this district.
- (2) Sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (3) Semi-tractors and trailers shall not be parked or stored in this district for periods of more than seven (7) days at a time.

#### 4.5 AGRICULTURAL DISTRICT ONE (A-1)

##### (A) Purpose and Intent.

- (1) The purpose of the A-1 District is to provide a method of obtaining the agricultural goals and objectives and protecting the Agricultural Preservation Areas indicated in the Town Land Use Plan and the County Farmland Preservation Plan. This district exclusively provides for agricultural uses and uses consistent with agriculture. The intent in having this district is to conserve prime agricultural soils and historically farmed areas for agricultural production. Furthermore, to prevent unsightly development sprawl, uneconomical spread of development which results in excessive costs to the community for the provision of essential public services. Prime agricultural soils are predominant in this district and are to be very sparsely developed to protect the Town's and the County's agricultural economic base.
- (2) All structures and improvements in this district shall be "consistent with agricultural use" as defined in the definitions section of this ordinance. This district's boundaries shall be consistent with the Exclusive Agricultural Preservation areas on the certified County Farmland Preservation Plan Map and to be eligible for the State of Wisconsin Farmland Preservation Program.

##### (B) Permitted Uses.

The following uses are permitted in the A-1 Zoning District:

- (1) Agricultural Uses. The following agricultural activities conducted for the purpose of producing an income or livelihood shall be permitted:
  - (a) General farming including dairying, keeping livestock under 600 animal units at a density of more than one (1) animal unit for each 100 square feet of area, poultry raising, and other similar agricultural enterprises uses in accordance with 91.01(2) of the Wisconsin Statutes.
  - (b) Forestry, beekeeping, grazing, hatcheries, nurseries, orchards, mint, seed crops and other similar agricultural enterprises or uses in accordance with 91.01 (2) of the Wisconsin Statutes.
  - (c) Enrolling land in federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  - (d) Any other use that Department of Agriculture, Trade and Consumer Protection, by rule identified as an agricultural use.
- (2) Agricultural Accessory Uses on Farms. The following agricultural accessory uses on a Farm shall be permitted:

- (a) An activity or business operation that is an integral part of or incidental to an agricultural use as set forth above.
  - (b) One (1) Farm Residence, including normal residential appurtenances with an attached or unattached garage. The single family farm residence location shall not:
    - i. Significantly impair or limit the current or future agricultural use of other protected farmland, and
    - ii. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.
  - (c) An accessory building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
    - 1. A facility used to keep livestock on the farm.
    - 2. A facility used to store or process inputs primarily for agricultural uses on the farm.
    - 3. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the farm.
    - 4. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm so long as said wind turbine or solar energy facility complies with all height restrictions.
  - (d) Paddocks, stables, and holding pens.
- (3) Truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.
- (4) Transportation, utility, communication, or other uses required under state or federal law that preempts the requirement of a conditional use permit in accordance with Chapter 91.44 (1)(f) of the Wisconsin State Statutes.
- (C) Conditional Uses.

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

(1) Procedures

(a) Conditional Use allowed under the district are required to meet both the following requirements before a permit is granted:

1. The use must be consistent with Agricultural use as defined in Chapter 91 of the Wisconsin Statutes.
2. The use must be found necessary in light of alternative location for that use.

(2) Conditional Uses Permit

The following uses require approval of a Conditional Use Permit by the Committee and Town Board prior to the use being established:

(a) Agricultural-Related Uses. Any farm-related, commercial or industrial uses, whether or not said use is located on a farm, that are directly related to the farm operation, including the following:

1. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
2. Supportive agri-business activities to include grain elevators seed federalize and farm chemical sales, commercial feedlots, feed mills, grain elevators and similar agricultural activities.
3. Veterinary services primarily serving livestock, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural related uses that may cause additional traffic, noxious odors, or noise.
4. Slaughtering livestock
5. A manure digester, bio-fuel facility or other facility that produces energy primarily for use off-site.
6. Second Farm Residence. The second farm residence shall obtain any driveway or access control permit in addition to a separate well and private onsite wastewater treatment system. The location of the second farm residence shall not:
  - a. Significantly impair or limit current or future agricultural use of other protected farmland, and

- b. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.
  
- (b) A Livestock Facility which exceed 600 animal units at a density of more than one (1) animal unit for each 100 square feet of area.
  - 1. Livestock Facilities will follow the guidelines and file all necessary applications materials as defined in WI ADMIN CODE ATCP 51. The Rock County Land Conservation Department will verify that all necessary applications materials meet the intent of the ATCP 51 and will report findings of fact to the board.
  
- (c) Governmental, Institutional, Religious, or Nonprofit community uses qualify if the Town determines that all of the following apply. Additionally, the Ice Age Trail under Sections 23.17 and 23.293 of the Wisconsin State Statutes dated May 5, 2014:
  - 1. The use and its location in the zoning district are consistent with the purposes of the zoning district.
  - 2. The use and its location in the zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
  
- (d) A Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage use and not requiring authorization under SS. 196.491 Wis. Stats., provided they are enclosed by an eight-foot or more protective fence must meet the following:
  - 1. The use and its location in the zoning district are consistent with the purposes of the zoning district.
  - 2. The use and its location in the zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  - 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- (e) Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.
- (f) Storing, processing or handling raw agricultural commodities obtained directly from farms.
- (g) Home Occupation. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  1. It is conducted on a farm by an owner or operator of that farm.
  2. It requires no buildings, structures, or improvements other than those existing as a permitted, accessory or conditional use.
  3. It employs no more than four (4) full-time employees annually.
  4. It does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(D) Requirements for Permitted and Conditional Uses.

Within the A-1 District the following standards shall apply:

- (1) Minimum Lot Size: 35 acres;
- (2) Maximum Building Height:
  - Residential Buildings: 35 ft.
  - Non- Residential Buildings: No Maximum
- (3) Minimum Front Yard Setback: 50 ft.
- (4) Minimum Front Yard Setback (arterials): 150 ft. from ROW
- (5) Minimum Rear Yard Setback: 35 ft.
- (6) Minimum Side Yard:
  - Principal Buildings: 20 ft. on each side
  - Accessory Buildings: 10 ft. on each side
- (7) Minimum Lot Width at Building Line: 100 ft.
- (8) Height Requirements. Farm structures over 50 feet in height shall be setback from lot lines a distance equal to the height of the structure.



- (9) Minimum Residential Structure Size: 1,200 sq. ft.
- (10) Minimum Residential Structure Width 24 ft.
- (11) General Setbacks. All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (12) Maximum Accessory Building Size: None
- (13) No buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary, residential or commercial building.
- (14) All new livestock facilities, regardless of size must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.

All expanding livestock facilities greater than expansion is greater than 20% of the existing facility size, must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. This requirement is only applicable to the proposed expansion component. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.

- (15) Farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no buildings for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- (16) General Setbacks Applicable to Livestock Structures

a. Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

b. Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have

fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(17) Waste Storage Structure

A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure
- no closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(18) Water Quality and Related Setback Requirements

(a) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable Rock County shore land or wetland zoning ordinances or chapter enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(b) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance or chapter that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(b) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are

located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(E) Rezoning Land in Farmland Preservation Zoning District

- (1) The Town of Center may rezone land out of Farmland Preservation Zoning District, after a public hearing, if it meets the following in addition to the requirements of Section 91.48 Wisconsin State Statutes:
  - (a) The rezoned land is better suited for a use not allowed in the Farmland Preservation Zoning District.
  - (b) The rezoning is consistent with any applicable comprehensive plan.
  - (c) Per WI §91.48(1)(c) the rezoned land is substantially consistent with the County Certified Farmland Preservation Plan.
  - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) Existing farm dwelling and related farm structures that have been constructed prior to January 1st, 2014, may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-1 District and the new parcel with the existing farm dwelling and related farm structures shall be rezoned to the A-3 District.
- (3) The Town Board may approve petitions for rezoning areas zoned under this district only after findings are made after a public hearing, based upon consideration of the following:
  - (a) The Town Board shall document that items were considered by providing their findings on each of these issues in writing to the Department of Agriculture, Trade and Consumer Protection along with notification of any land zoned out this district. This shall be accomplished by:
    1. The Town Clerk providing an approved copy of the zoning change and findings approved by the Town Board, to the Rock County Planning and Development Agency.
    2. The County Planning and Development Agency will assign the zoning change to the respective land parcel on the Official Town Zoning Map.
    3. The Town shall notify the Department of Agriculture, Trade and Consumer Protection of all zoning changes, approved in this district, on an annual basis when the land division map is finalized, as part of the Administration of the Farmland Preservation Program. The Town shall by March 1 of each year provide to the DATCP a report of the number of acres

that the Town has rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres.

(F) Prohibited Uses

- (1) No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

#### **4.6 AGRICULTURAL DISTRICT TWO (A-2)**

(A) Purpose and Intent.

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Land Use Plan for land parcels located in the General Agricultural Area. This district is designed to promote the maintenance and to be eligible for the State of Wisconsin Farmland Preservation Program. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units.

(B) Permitted Uses.

The following uses are permitted in the A-2 Zoning District:

- (1) Agricultural Uses. The following agricultural activities conducted for the purpose of producing an income or livelihood shall be permitted:
  - (a) General farming including dairying, keeping livestock under 30 animal units or where there is under one (1) animal unit for each 100 square feet, poultry raising, and other similar agricultural enterprises uses in accordance with 91.01(2) of the Wisconsin Statutes dated May 5<sup>th</sup> 2014.
  - (b) Forestry, beekeeping, grazing, hatcheries, nurseries, orchards, mint, seed crops and other similar agricultural enterprises or uses in accordance with 91.01(2) of the Wisconsin Statutes dated May 5<sup>th</sup> 2014.
  - (c) Enrolling land in federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  - (d) Any other use that Department of Agriculture, Trade, and Consumer Protection, by rule identified as an agricultural use.
- (2) Agricultural Accessory Uses on Farms. The following agricultural accessory uses on a farm shall be permitted:

(e) An activity or business operation that is an integral part of or incidental to an agricultural use as set forth above.

(f) One (1) Farm Residence, including normal residential appurtenances with an attached or unattached garage. The single family farm residence location shall not:

1. Significantly impair or limit the current or future agricultural use of other protected farmland, and
2. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.

(g) An accessory building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:

1. A facility used to keep livestock on the farm.
2. A facility used to store or process inputs primarily for agricultural uses on the farm.
3. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the farm.
4. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm so long as said wind turbine or solar energy facility complies with all height restrictions.

(h) Paddocks, stables, and holding pens.

(3) Truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(4) Transportation, utility, communication, or other uses required under state or federal law that preempts the requirement of a conditional use permit in accordance with Chapter 91.44 (1)(f) of the Wisconsin State Statutes.

#### (C) Conditional Uses.

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

##### (1) Procedures

(a) Conditional Use allowed under the district are required to meet both the following requirements before a permit is granted:

1. The use must be consistent with Agricultural use as defined in Chapter 91 of the Wisconsin Statutes.
2. The use must be found necessary in light of alternative location for that use.

(2) Conditional Uses Permit

The following uses require approval of a Conditional Use Permit by the Committee prior to the use being established:

(a) Agricultural-Related Uses. Any farm-related, commercial or industrial uses, whether or not said use is located on a farm, that are directly related to the farm operation, including the following:

1. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
2. Supportive agri-business activities to include grain elevators seed fertilizers and farm chemical sales, commercial feedlots, feed mills, grain elevators and similar agricultural activities.
3. Veterinary services primarily serving livestock, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural related uses that may cause additional traffic, noxious odors, or noise.
4. Slaughtering livestock.
5. A manure digester, bio-fuel facility or other facility that produces energy for use off-site.
6. Second Farm Residence. The second farm residence shall obtain any driveway or access control permit in addition to a separate well and private onsite wastewater treatment system. The location of the second farm residence shall not:
  - a. Significantly impair or limit current or future agricultural use of other protected farmland, and
  - b. Convert prime farmland from agricultural use or convert land previously used as cropland, other than woodland, from agricultural use if on the farm there is a reasonable alternative location.

7. Agricultural-related airport airstrips.
- (b) Holding pens, feed lots, and animal confinement operations exceeding 30 animal units or more. Or, where there is over one (1) animal unit for each 100 square feet where livestock are housed for given period of time, in a limited area, confined building, yard, or shed where the manure is removed, feed and water are brought to the animals.
    - 1. Livestock Facilities will follow the guidelines and file all necessary application materials as defined in WI ADMIN CODE ATCP 51. The Rock County Land Conservation Department will verify that all necessary application materials meet the intent of the ATCP 51 and will report findings of fact to the board.
  - (c) Riding schools, and shooting preserves that require no structures or meet the definition of accessory use under s. 91.01(1), Stats dated May 5, 2014.
  - (d) Water storage facilities, gas, towers and electric utility uses not requiring authorization under Section 196.491 of the Wisconsin Statutes, provided structures are enclosed by an eight-foot or more protective fence. These uses shall meet Section 91.46(4) or (5) of Wisconsin State Statutes.
    - 1. The use and its location in the zoning district are consistent with the purposes of the zoning district.
    - 2. The use and its location in the zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
    - 3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
    - 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
    - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
  - (e) Land application of municipal sanitary sewer sludge and contaminated soil disposal which meets the Wisconsin Department of Natural Resources requirements.
  - (f) Governmental, institutional, religious, or nonprofit community uses qualify if the Town determines that all of the following apply: Additionally, the Ice Age Trail under Sections 23.17 and 23.293 of the Wisconsin State Statutes dated May 5, 2014. These uses shall meet Section 91.46(4) or (5) of Wisconsin State Statutes.

1. The use and its location in the zoning district are consistent with the purposes of the zoning district.
  2. The use and its location in the zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (g) A transportation, communications, pipeline, electric transmission, utility, or drainage use and not requiring authorization under SS. 196.491 Wis. Stats., provided they are enclosed by an eight-foot or more protective fence shall meet Section 91.46(4) or (5) of Wisconsin State Statutes.
1. The use and its location in the farmland preservation zoning zoning district are consistent with the purposes of the zoning district.
  2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (h) Storing, processing or handling raw agricultural commodities obtained directly from farms.
- (i) Home Occupation. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
1. It is conducted on a farm by an owner or operator of that farm.
  2. It requires no buildings, structures, or improvements other than those existing as a permitted, accessory or conditional use.
  3. It employs no more than four (4) full-time employees annually.



4. It does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (j) A Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage use and not requiring authorization under SS. 196.491 Wis. Stats., provided they are enclosed by an eight-foot or more protective fence must meet the following:
1. The use and its location in the zoning district are consistent with the purposes of the zoning district.
  2. The use and its location in the zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
  4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(D) Requirements for Permitted and Conditional Uses.

Within the A-2 District the following standards shall apply:

- |   |                     |
|---|---------------------|
| (1) Minimum Lot Size:                       | 10 acres            |
| (2) Maximum Lot Size:                       | 34.99 acres         |
| (3) Maximum Building Height:                |                     |
| Residential Buildings:                      | 35 ft.              |
| Non- Residential Buildings:                 | No Maximum          |
| (4) Minimum Front Yard Setback:             | 35 ft.              |
| (5) Minimum Front Yard Setback (arterials): | 150 ft. from ROW    |
| (6) Minimum Rear Yard Setback:              | 50 ft.              |
| (7) Minimum Side Yard:                      |                     |
| Principal Buildings:                        | 20 ft. on each side |
| Accessory Buildings:                        | 10 ft. on each side |

- (8) Minimum Lot Width at Building Line: 100 ft.
- (9) Height Requirements. Farm structures over 50 feet in height shall be setback from lot lines a distance equal to the height of the structure.
- (10) Minimum Residential Structure Size: 1,200 sq. ft.
- (11) Minimum Residential Structure Width: 24 ft.
- (12) General Setbacks. All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (13) Agricultural use shall be calculated using contiguous parcels. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purpose of this ordinance.
- (14) No buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary, residential or commercial building.
- (15) All new livestock facilities, regardless of size must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.
- (16) All expanding livestock facilities greater than 20% of the existing facility size, must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. This requirement is only applicable to the proposed expansion component. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.
- (19) Farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no buildings for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- (20) General Setbacks Applicable to Livestock Structures
- a. Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have

1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

b. Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(21) Waste Storage Structure

A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure
- no closer to the road or property line than the existing structure.

This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(22) Water Quality and Related Setback Requirements

(a) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable Rock County shore land or wetland zoning ordinances or chapter enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(b) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance or chapter that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(c) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

- (17) Farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no buildings for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(E) Rezoning Land in Farmland Preservation Zoning District

- (1) The Town of Center may rezone land out of Farmland Preservation Zoning District, after a public hearing, if it meets the following in addition to the requirements of Section 91.48 Wisconsin State Statutes.
- (a) The rezoned land is better suited for a use not allowed in the Farmland Preservation Zoning District.
  - (b) The rezoning is consistent with any applicable comprehensive plan.
  - (c) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
  - (d) Per WI §91.48(1)(c) the rezoned land is substantially consistent with the County Certified Farmland Preservation Plan.
- (2) Existing farm dwelling and related farm structures that have been constructed prior to January 1st, 2014, may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-2 District and the new parcel with the existing farm dwelling and related farm structures shall be rezoned to the A-3 District.

- (3) The Town Board may approve petitions for rezoning areas zoned under this district only after findings after a public hearing are made, based upon consideration of the following:
  - (a) The Town Board shall document that items were considered by providing their findings on each of these issues in writing to the Department of Agriculture, Trade and Consumer Protection along with notification of any land zoned out this district. This shall be accomplished by:
    1. The Town Clerk providing an approved copy of the zoning change and findings approved by the Town Board, to the Rock County Planning and Development Agency.
    2. The County Planning and Development Agency will assign the zoning change to the respective land parcel on the Official Town Zoning Map.
    3. The Town shall notify the Department of Agriculture, Trade and Consumer Protection of all zoning changes, approved in this district, on an annual basis when the land division map is finalized, as part of the Administration of the Farmland Preservation Program. The Town shall by March 1 of each year provide to the DATCP a report of the number of acres that the Town has rezoned out of a farmland preservation zoning district during the previous year and a map that clearly shows the location of those acres.

(F) Prohibited Uses

- (1) No structure or improvement may be built on a parcel of land in this district unless it is consistent with the permitted or conditional agricultural uses listed in this district.

#### **4.7 AGRICULTURAL DISTRICT THREE (A-3)**

(A) Purpose and Intent.

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Town's Comprehensive Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for combined rural residential/agricultural use and to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes

The intent of the A-3 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which do not have on-site sewer limitations.

## (B) Permitted Uses

The following uses are permitted in this district:

- (1) One residential structure per parcel.
- (2) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms; farms operated for the disposal or reduction of garbage, sewage, rubbish or offal; provided that no buildings for the housing livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than the residence of the owner or lessee of the parcel.
- (3) In-season roadside stands for the sale of farm products produced on the premises, and up to two signs not larger than eight square feet each advertising such sale.
- (4) Gardening, including truck gardens, nurseries and greenhouses.
- (5) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (6) Publicly owned parks, playgrounds, recreational and community center buildings and grounds.
- (7) Pre-schools, K-12 schools, churches and their affiliated uses.
- (8) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (9) Water storage facilities and their accessory structures.
- (10) Accessory buildings, including buildings clearly incidental to the residential use of the property provided that no accessory building may be used as a separate dwelling unit.
- (11) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (12) Home occupation offices, when such office is conducted solely by a member of the resident household, entirely within the residence and incidental to the residential use of the premises. Home Occupation offices do not involve any external alteration that would affect the residential character of the building.
- (13) Installation of an antenna on a communication tower when consistent with the number of antennas authorized under the towers conditional use permit.

(C) Conditional Uses

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- (1) Home Occupations with up to two (2) non-resident workers, when such business is owned and managed by a member of the resident household. The home occupation shall be contained entirely within the residence or an outbuilding which shall be incidental to the residential use of the premises. Home occupations shall not involve any external alteration that would affect the residential character of the building.
- (2) Professional offices, when such office is conducted solely by a member or members of the resident family, if the use is conducted entirely within the residence and incidental to the residential use of the premises.
- (3) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, community buildings, private clubs, and fraternities except those whose principal activity is a service customarily carried on as a business, or also riding club.
- (4) Fur farms, kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations.
- (5) If a proposed family farm business, agribusiness, storage building, or sewage sludge disposal site is located on a Town road, no Conditional Use Permit shall be issued unless the Committee is assured that any damage to the road caused by the applicant will be repaired or reconstructed at the applicants full expense by a letter of credit that will protect the Town against any expense due to the inability or refusal of the applicant to repair any damage to the road.
- (6) The location of semi-trailers for agricultural storage in and around the farmstead, when they have their wheels and axles removed; signs, names and labels removed; and are painted to blend in with dominate colors of the farmstead buildings.
- (7) Telecommunication towers and any antenna on a tower that does not have a conditional use permit.

(D) Requirements for Permitted and Conditional Uses

- |                                |        |
|--------------------------------|--------|
| (1) Maximum Building Height    | 35 ft. |
| (2) Minimum Side Yard Setback: |        |
| (3) Principal Buildings        | 20 ft. |

- |   |                        |
|---|------------------------|
| (4) Accessory Buildings   | 10 ft.                 |
| (5) Minimum Front Yard Setback on Local Road  | 50 ft.                 |
| All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.) |                        |
| (6) Minimum Rear Yard Setback   | 30 ft.                 |
| (7) Minimum Lot Area  | 3 Acres                |
| (8) Maximum Lot size  | 9.99 Acres             |
| a. Animals per acre.....  | 1 animal unit per acre |
| b. Additional animals per acre require a Conditional Use Permit.  |                        |
| (9) Minimum lot width on Public Road  | 100 ft.                |
| (10) Minimum Residential Building Width   | 24 ft.                 |
| (11) Minimum Residential Building Size  | 1,200 sq. ft.          |

(E) Prohibited Uses

No structure or improvement may be built, or land used, in this district unless it is a Permitted Use or an approved Conditional Use in this district.



#### **4.8 SPECIAL PURPOSE DISTRICT (SP)**

##### **(A) Purpose and Intent of Special Purpose Districts (SP)**

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The S-P District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.

##### **(B) Permitted Uses**

The following uses are permitted in this district:

- (1) None.

##### **(C) Conditional Uses**

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section 5 of this Ordinance prior to taking action on the application.

- (1) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- (2) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other paving or road surfacing or building materials.
- (3) Airports open to the public, hangars, or accessory structures.
- (4) Cemeteries.
- (5) Racetracks, sewerage treatment facilities.
- (6) Accessory structures required by the principal use as part of the original application.
- (7) Junkyard and automobile salvage yards.

(8) Sand and gravel quarry and process operations. If on-site mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned, and, prior to any further excavation or processing, a new conditional use permit shall be required.

(9) Telecommunication towers and any antenna on a tower

(D) Requirements For Conditional Uses

(1) Minimum Lot Area .....5 Acres

(2) Minimum Front Yard Setback from Public Road...50 ft.

(3) Minimum Side Yard Setback .....50 Feet

(4) Minimum Rear Yard Setback .....50 Feet

(5) Off Street Parking .....1 Space Per 5 Seats, or 1 Space Per 5 Anticipated Uses at Maximum Usage of Facility.

(6) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.

(7) Sand and Gravel Operations

(a) Minimum Lot Area .....5 Acres

(b) Setback From Existing Street or Highway .....100 Feet

(c) Setback From Right-of-Way Public Utility .....50 Feet

(d) Setback From Boundary of Zoning District .....100 Feet

(e) Fencing and Screening - any mining operation within one-half mile of any residential district shall have a chain link or similar fencing no less than six (6) feet high around the entire mining site.

(f) No dumping of waste products or by-products shall be allowed anywhere on the site.

(g) Restoration Plan to be developed approved by the Committee and conform to the Rock County non Metallic Mining Ordinance.

(h) Minimum Accessory Side yard Setback .....50 ft.

(E) Prohibited Uses

No structure or improvement may be built, or land used in this district unless it is a Permitted use or an approved Conditional Use in this district.

**4.9 Conservancy Overlay District**

(A) **Purpose and intent.** The purpose of the Conservancy Overlay District is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Comprehensive Plan. The intent of the zoning district is to protect public health, safety, and general welfare, property from flooding and inundation of ground water, and the community from costs incurred when development occurs in specified lowland, by limiting uses in said areas to open space, agricultural, recreational, or other uses which do not require extensive development, including building location and construction. The intent of the zoning district is also to provide for the protection, preservation, maintenance, and enhancement of specified highland, including unique natural, scenic, wildlife habitat, and outdoor recreation areas, and to mitigate against soil erosion and sedimentation, by limiting uses in said areas to open space, agricultural, outdoor recreational, or other uses which do not require extensive development, including location and construction of buildings.

(B) All permitted and conditional uses identified in the Conservation Overlay district shall be allowed only if similarly permitted or conditional use are allowed in the underlying zoning district

(C) The Conservation Overlay district consist of highland and lowland and districts and shall be identified as the following:

(D) **Conservancy Overlay District C-1 Lowland**

(1) **Lowland** shall be identified as any of the following, (a) – (f), with the location of said areas reflecting the most current and best data and information available to the Town at the time of administration and enforcement of this Ordinance:

(a) Floodplain – Lands identified as floodplain by the Federal Emergency Management Agency, as delineated in accordance with the most current FEMA floodplain maps adopted by the Rock County Board of Supervisors.

(b) Hydric soils – Lands with soils identified as hydric.

(c) Kettles and depressional topography – Lands identified as kettles and/or depressional topography.

(d) Shorelands – Lands identified within 300 feet of the ordinary high water mark of river or streams (Rock County Shoreland Zoning chapter 4.2 of the Code of Ordinances).

(e) Wetland – Lands identified as wetland, as delineated by the Wisconsin Department of Natural Resources or another qualified entity.

(f) Wetland buffers – Lands identified within fifty (50) feet of wetlands.

(2) **Permitted uses.**

The following uses are permitted in the Lowland:

- (a) Agricultural uses to include crop and pasture land when conducted in accordance with Rock County's Land Conservation Standards or State Standards, not including the erection of buildings or structures.
- (b) One (1) single family residence or one (1) single family farm residence per underlying zoning requirements shall be located in a natural area of 12 percent slope or less, which does not contain any wetlands, floodway, hydric soils, bedrock at or near the surface, and is not located within 75 feet of a navigable body of water.

In these areas a drainage and erosion control plan, based on the requirements of the One and Two Family Dwelling Code is required indicating: the location of any existing, proposed buildings, or building additions, the finished grades and erosion control measures (including temporary erosion controls needed during construction) is to be submitted, reviewed and approved by the Building Inspector prior to a building permit being issued.

- (c) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (d) Forestry and the management of forests.
- (e) Wildlife preserves.
- (f) The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- (g) Hunting, fishing, trapping, piers, and docks.
- (h) Public and private parks, picnic areas, and similar uses.
- (i) Hiking trails and bridle paths.
- (j) Preservation of areas of scenic, historic, or scientific value.
- (k) Watershed conservation areas.
- (l) Uses similar and customarily incident to any of the above uses.

(3) **Conditional uses.**

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section X of this Ordinance prior to taking action on the application.

- (a) Dams, reservoirs, ponds, water storage and primary facilities.
  - (b) Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
  - (c) Utilities such as, but not restricted to telephone, internet, power, or other transmission lines.
  - (d) Relocation of any watercourse.
  - (e) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to Section 59.971 of the Wisconsin Statutes, "Zoning of Shorelands on Navigable Waters".
  - (f) Removal of the top soil, which consists of the earth's surface, containing rock and mineral particles mixed with organic matter, in addition to the removal of peat.
  - (g) Sewage disposal plants.
  - (h) Agricultural accessory buildings when conforming to NRCS standards and guidelines.
  - (i) Camping grounds open to the public with no buildings or structures.
- (4) The following uses are not permitted in any land eligible for the State of Wisconsin Farmland Preservation Program.
- (a) Camping grounds open to the public with buildings or structures.
  - (b) Golf courses both public and private.
  - (c) Hunting and fishing clubs for permitted and approved conditional uses provided that the area will not be adversely affected.
  - (d) Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.
- (5) Requirements for Permitted and Conditional Uses
- (a) Maximum Building Height .....35 ft.
  - (b) Minimum Front Yard Setback .....50 ft.
  - (c) Minimum Setback from ordinary High Water Mark .....75 ft.
  - (d) Minimum Rear Yard Setback .....50 ft.

- (e) Minimum Lot Size .....No minimum Lot Size
- (f) Minimum District Width .....30 ft.
- (g) Minimum Side Yard Setback .....20 ft.
- (h) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (i) Off-street Parking, Public Gathering .....1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.
- (j) Buildings are not allowed, unless an implied component of the permitted or conditional use.

**(E) Conservancy Overlay District C-2 Highland**

- (1) Highland within the EC-H zoning district shall be identified as any of the following, (a) – (d), with the location of said areas reflecting the most current and best data and information available to the Town at the time of administration and enforcement of this Ordinance:
  - (a) Groundwater protection areas – Lands identified as groundwater protection areas.
  - (b) Natural areas – Lands with scores of five (5) or higher in accordance with the *Rock County Natural Areas Survey – 2001*.
  - (c) Shallow bedrock – Lands identified with bedrock within twenty (20) inches of the surface.
  - (d) Steep slopes – Lands identified with slopes twelve percent (12%) and greater.
- (2) Permitted uses. The following are permitted uses in the Highland district:
  - (a) Forest and woodland crop management.
  - (b) Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
  - (c) Installation of soil and water conservation structures.
  - (d) Parks and recreational areas, arboretums, and botanical gardens.
  - (e) Forest preservation, wildlife reservations, and conservation projects.
  - (f) Other recreational activities that do not require a structure or earth movement.

- (3) Conditional uses. The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. The Committee shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Sections 5.4 and 5.5 of this Ordinance prior to taking action on the application.
- (a) Horse stables, riding clubs, and fairgrounds.
  - (b) Public golf courses and country clubs with no buildings or structures.
  - (c) Earth movements involving site disturbing in excess of one half-acre not related to farming activity.
  - (d) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
  - (e) One single family dwelling.
  - (f) Ski hills, ski trails, hunting and fishing clubs with no buildings or structures.
  - (g) Public or private campgrounds and recreation with no buildings or structures.
  - (h) Telephone, internet and electrical transmission lines, building or structures and similar public utility facilities that meet requirements per state statute 91.46 (4).
  - (i) Radio, television, and communication transmitters or relay towers and facilities that meet requirements per state statute 91.46(4).
- (4) The following Conditional Uses are not permitted in any land eligible for the State of Wisconsin Farmland Preservation Program.
- (a) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located at least 200 feet from the boundaries of the property involved.
  - (b) Animal hospitals, shelters and kennels.
  - (c) Public or private campgrounds and recreation areas with buildings or structures.
  - (d) Ski hills, ski trails, hunting and fishing clubs with buildings or structures.
  - (e) Public golf courses and country clubs with buildings or structures.
- (5) Requirements for Permitted and Conditional Uses
- (a) Maximum Building Height .....35 ft.
  - (b) Minimum Front Yard Setback .....50 ft.

- (c) Minimum Setback from High Water Mark .....75 ft.
- (d) Minimum Rear Yard Setback .....50 ft.
- (e) Minimum Lot Size .....No minimum Lot Size
- (f) Minimum District Width .....30 ft.
- (g) Minimum Side Yard Setback .....20 ft.
- (h) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (i) Off-street Parking, Public Gathering .....1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.
- (j) Building are not allowed, unless an implied component of the permitted or conditional use.

**4.10 Natural Resource Open Space District (NROS)**

(A) **Purpose and intent.** The purpose of the Natural Resource Open Space District (NROS) zoning district is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Town of \_\_\_\_\_ Comprehensive Plan or similar document. The intent of the NROS zoning district is to provide for lands that maintain and enhance ecosystem health and/or offer passive and active outdoor recreation opportunities.

(B) **Permitted uses.** The following uses are permitted in the Natural Resource Open Space District:

- (1) Parks and recreational areas, arboretums, and botanical gardens.
- (2) Public athletic fields and facilities including but not limited to soccer fields, baseball softball diamonds, basketball courts, volleyball courts, swimming beaches, horseshoe pits, ice skating areas, golf course, driving ranges, disk golf courses, tennis sledding area.
- (3) Forestry, management of forest, forest preservation, wildlife reservations, wildlife preserves, and conservation projects.
- (4) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (5) The management of wildlife, including waterfowl, fish, and other similar lowland animals.
- (6) Hunting.



- (7) Public water recreation facilities including but not limited to boat launches, fishing piers and courtesy docks.
- (8) Public and private parks, picnic areas, and similar uses.
- (9) Hiking trails and bridle paths.
- (10) Preservation of areas of scenic, historic, or scientific value.
- (11) Watershed conservation areas.
- (12) Uses similar and customarily incident to any of the above uses.

**(C) Conditional uses.**

The following uses require a Conditional Use Permit be approved by the Committee or Town Board prior to the use being established. The Committee or Town Board shall hold a public hearing, review the applicable facts pertaining to the proposed Conditional Use, and apply the provisions and standards in Section X of this Ordinance prior to taking action on the application.

- (j) Dams, reservoirs, ponds, water storage and primary facilities or any stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- (k) Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- (l) Utilities such as, but not restricted to telephone, internet, power, or other transmission lines.
- (m) Relocation of any watercourse.
- (n) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to Section 59.692 of the Wisconsin Statutes, "Zoning of Shorelands on Navigable Waters".
- (o) Sewage disposal plants.
- (p) Golf courses both public and private.

- (q) Horse stables, riding clubs, and fairgrounds.
- (r) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located at least 200 feet from the boundaries of the property involved.
- (s) Residences for a park supervisor.
- (t) Non Domestic Animal: shelters, animal hospitals and kennels.
- (u) Any building or structure used in conjunction with a permitted or conditional use. This may include but not limited to removable shelters, clubhouses, nature centers, maintenance buildings and restroom facilities.

(D) Requirements for Permitted and Conditional Uses

- (1) Maximum Building Height .....35 ft.
- (2) Minimum Front Yard Setback .....50 ft.
- (3) Minimum Setback from High Water Mark .....75 ft.
- (4) Minimum Rear Yard Setback .....50 ft.
- (5) Minimum Lot Size .....No minimum Lot Size
- (6) Minimum District Width .....30 ft.
- (7) Minimum Side Yard Setback .....20 ft.
- (8) All front yard setbacks are to also refer to Section X of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (9) Buildings are not allowed, unless an implied component of the permitted or conditional use.

#### **4.11 ANTENNAS AND COMMUNICATIONS TOWERS OVERLAY DISTRICT (ANT)**

(A) Purpose.

The purpose of the ANT district is to provide a means obtaining the goals and objectives of the Development Plan. The ANT District is designed to protect public health, safety and general welfare of the citizens of the community in mitigating the impact of tower installations, on the community and within three (3) miles of the Rock County Airport. The ANT District is to provide a balance between the federal interest (Section 704 Telecommunications Act of 1996) by regulating the:

- (1) The siting and construction of any new Mobile Service Support Structure and Mobile Service Facility.
- (2) The substantial modification of an Existing Structure, Support Structure, or Mobile Service Facility in the case of a Class 1 Collocation.
- (3) The collocation of an Existing Structure which does not require the Substantial Modification of an Existing Structure or Mobile Service Facility in the case of a Class 2 Collocation.

The intent of this ordinance is to protect land uses from the potential adverse impacts of antennas and towers; encourage collocation of new and existing antenna and tower sites as a means to minimize the total number of towers within the county; encourage the proprietors of antennas and tower facilities to configure them in a way which would minimize adverse visual impact through design, landscaping, visual screening and camouflaging techniques; consider the health and safety of antennas and towers; avoid potential damage to property or individuals due to tower failure through engineering; and consider collocation on existing towers within adjacent counties and municipalities which may provide adequate coverage for areas within and adjacent to the town. The overlay district shall consist of the antennas and/or tower and the fall zone around said antennas and/or towers.

(B) Definitions.

As used in this Section, the following definitions apply, except to the extent they may be inconsistent with the definitions set forth in Wis. Stat. § 66.0404(1), as amended from time-to-time and, in all other respects, the definitions set forth in Wis. Stat. § 66.0404(1) and any amendment to that subsection shall apply:

- (1) Antenna: Communication equipment that transmits and receives electromagnetic radio signals and is used in the provision of Mobile Services.
- (2) Class 1 Collocation: The placement of a new Mobile Service Facility on an existing Support Structure such that the owner of the facility does not need to construct a free standing Support Structure for the facility but does need to engage in Substantial Modification.

- (3) Class 2 Collocation: The placement of a new Mobile Service Facility on an existing Support Structure such that the owner of the facility does not need to construct a free standing Support Structure for the facility or engage in Substantial Modification.
- (4) Collocation: A Class1 Collocation, Class 2 Collocation, or both.
- (5) Distributed Antenna System: A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides Mobile Service within a geographic area or structure.
- (6) Equipment Compound: An area surrounding or adjacent to the base of an Existing Structure within which is located Mobile Service Facilities.
- (7) Existing Structure: A Support Structure that exists at the time a request for permission to place Mobile Service Facility on a Support Structure is filed with the Town.
- (8) FAA: Federal Aviation Administration.
- (9) Fall Zone: The area over which a Mobile Service Support Structure is designed to collapse.
- (10) FCC: Federal Communications Commission.
- (11) Mobile Service: Has the meaning given in 47 USC 153(33).
- (12) Mobile Service Facility: The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide Mobile Service to a discrete geographic area, but does not include the underlying Support Structure.
- (13) Mobile Service Provider: A person who provides Mobile Service.
- (14) Mobile Service Support Structure: A freestanding structure that is designed to support a Mobile Service Facility.
- (15) Search Ring: A shape drawn on a map to indicate the general area within which a Mobile Service Support Structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (16) Substantial Modification: The modification of a Mobile Service Support Structure, including the mounting of an Antenna on such a structure, that does any of the following:
  - (a) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet;

- (b) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more;
- (c) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the Support Structure by 20 feet or more, unless a larger area is necessary for collocation; or
- (d) Increases the square footage of an existing Equipment Compound to a total area of more than 2,500 square feet.

(17) Support Structure: An existing or new structure that supports or can support a Mobile Service Facility, including a Mobile Service Support Structure, Utility Pole, water tower, building, or other structure.

(18) Utility Pole: A structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01(1d); public utility, as defined in s. 196.01(5); telecommunications utility, as defined in s. 196.01(10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017(1g)(cq); for video service, as defined in s. 66.0420(2)(y); for electricity; or to provide light.

(C) Permitted Uses.

A permit is required from the Town of Center for the following permitted use:

- (1) Replacement of an existing antenna on an existing Tower. The existing tower shall have obtained a Conditional Use permit at the time of the construction. The replacement antennas shall not substantially modify the tower. The replacement antenna shall not exceed the design weight limits of the existing Tower.

(D) Conditional Uses

(1) Condition Use Permit

The following uses require a Conditional Use Permit be approved by the Committee prior to the use being established. In addition, any towers must meet State Statute 91.46(4) if found to be in agriculturally certified districts. The Committee shall hold a public hearing and review the applicable facts pertaining to the proposed Conditional Use. A Conditional Use Permit shall be required for all of the following:

- (a) The siting and construction of a new Antenna or Collocation.
- (b) The Substantial Modification of an Existing Structure, Support Structure, or Mobile Service Facility.

(2) Application Process.

- (a) An application for a Conditional Use Permit required herein shall be in writing, filed the Town Clerk, and shall contain all of the following information:
1. The name and business address of, and the contact individual for, the applicant.
  2. The location of the proposed or affected Support Structure.
  3. The location of the proposed Mobile Service Facility.
  4. If the application is to substantially modify an Existing Structure, a construction plan which describes the proposed modifications to the Existing Structure and the equipment and network components, including Antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  5. If the application is to construct a new Mobile Service Support Structure, a construction plan which describes the proposed Mobile Service Support Structure and the equipment and network components, including Antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new Mobile Service Support Structure.
  6. If an application is to construct a new Mobile Service Support Structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose Collocation, including a sworn statement from an individual who has responsibility over the placement of the Mobile Service Support Structure attesting that Collocation within the applicant's Search Ring would not result in the same Mobile Service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the Mobile Service Provider.
- (b) If an applicant submits an application for a Conditional Use Permit to engage in an activity described herein, the Planning and Zoning Committee shall consider the application complete. If the Planning and Zoning Committee does not believe that the application is complete, the Town Planning and Zoning Committee shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (c) Within 90 days of its receipt of a complete application, the Planning and Zoning Committee shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning and Zoning Committee may agree in writing to an extension of the 90 day period:
1. Review the application to determine whether it complies with all applicable aspects of the Town's Building Code
  2. Make a final decision whether to approve or disapprove the application.

3. Notify the applicant, in writing, of its final decision.

4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

(d) The Planning and Zoning Committee may deny an application if an applicant refuses to evaluate the feasibility of Collocation within the applicant's Search Ring and provide the sworn statement.

(E) Requirements for Permitted and Conditional Uses

(1) Utilization of Existing Structures - No tower shall be approved and/or issued a permit unless the applicant demonstrates that the equipment planned for a new tower cannot be accommodated on an existing or approved tower or structure. In the event the Committee determines that it is necessary to consult with a third party considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. The applicant may provide names of consultants, which the applicant believes, are qualified to assist in resolving the issues. Such demonstration may include one or more of the following reasons:

(a) Existing towers or structures are not of sufficient height to meet the engineering requirements.

(b) Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.

(c) The planned equipment would cause interference affecting the usability of the other or existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.

(d) The fees, cost or contractual provisions required by the owner to share an existing tower or structure are cost prohibitive.

(2) Collocation – Any proposed tower shall be designed structurally, electronically and in all respects to accommodate the applicant's antenna and comparable antenna for up to two additional uses. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

(3) In the event of collocation, the owner of the tower or structure shall offer space for additional antennas at current market rates.

- (4) Construction – All towers constructed, erected, modified or located within the jurisdictional limits of this ordinance shall comply with all applicable state and local building codes, as well as applicable standards for towers that are published by the Electronic Industries Association.
- (5) Tower Design – Proposed or modified towers shall blend in with the surrounding environment so as to not be “readily visible”, except as may be required by the FAA or FCC. Any associated utility buildings shall blend in with the character of the district in which it is located. All towers shall be of “mono-pole” construction unless engineering documentation is provided from a licensed professional engineer stating that such a design is not structurally possible. In the event that a “mono-pole” design is not feasible, options for alternate tower designs shall be brought before the Committee for a design approval. No towers utilizing guy wires shall be permitted.
- (6) Building Mounted Antennas – Antennas mounted on buildings or other structures not built specifically for the purpose of mounting communications antennas shall meet the following criteria:
  - (a) Height – No antenna, including all mounting structures, lights and any additional equipment shall exceed ten (10) feet above the roof surface upon which it is mounted.
  - (b) Design – No more than four non-reflective panel antennas shall be installed per provider. The total area of antennas per provider shall not exceed 1,440 square inches and no single antenna shall exceed 480 square inches.
  - (c) All antennas and support structures shall be screened from view and be architecturally compatible with the building.
  - (d) All equipment enclosures shall be located within the building in which the facility is placed or located underground if site conditions permit. All equipment enclosures shall be architecturally compatible with the building.
- (7) Lighting – Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. When lighting is required, it shall be designed to cause the least disturbance to the views and property owners as possible.
- (8) Signage – No signs or billboards, other than warning or equipment information signs, shall be located on any tower.
- (9) Security and Landscaping – Ground mounted equipment and utility buildings shall be placed underground if site conditions permit and if technically feasible and screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the character of the surrounding area. The base of the tower and associated buildings shall be fenced with materials impervious to sight and secured so that it is not



accessible to the general public. Fencing shall not exceed six (6) feet in height and shall be painted or coated in non-reflective material.

(10) Setbacks – Towers shall be setback from adjacent property lines, easements and roadways a minimum of 105 percent of the towers height, including antennas and lights. When a portion of the parcel is being leased for the tower, the boundary of the leased area shall be considered the property line. Appurtenant equipment and buildings shall comply with the requirements of the underlying zoning district in which it is located.

(11) Height Restrictions – The maximum height of a proposed or tower shall be based on the following criteria:

- Up to 180 feet (monopole towers only)
- 181 to 300 feet (monopole and self-supporting towers only)
- 301 + feet (monopole and guy wire towers only)

All towers shall be engineered to accommodate a minimum of three collocating antenna users.

(12) Separation between towers – Separation distances between towers shall be measured by a straight line between the base of an existing tower and the base of a proposed tower. No proposed tower shall be permitted to locate within 5280 feet (one statute mile) from an existing tower, unless for reasons beyond the applicant’s control, such as unusual or unique topography, no other option is available. This includes distances measured from towers outside the jurisdiction of this ordinance.

(13) Interference - The towers and antennas shall be shielded, filtered and grounded in a manner consistent with FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. Additionally, the owner and operator of such towers shall execute an agreement holding the Rock County harmless for any transmission or reception interference caused by such tower

(14) Obstruction Marking – All towers shall comply with the “Obstruction and Marking” requirements of the FAA in cooperation of the FCC. Where “Dual Lighting Systems” are suggested, it shall be mandatory that white strobe lighting be used only during daylight hours and only red lights shall be utilized at night.

(15) Inspections – All towers may be inspected once a year by the local Building inspector to determine compliance with this and other ordinances and regulations. Deviation from original construction parameters for which the permit was issued shall constitute a violation and will be evaluated by the Board of Review for potential tower removal.

(F) Removal and Abandonment of Antennas and Towers

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned. The owner of such antenna or tower shall remove the tower, antennas, associated structures and buildings within 90 days of receipt of notice from the town notifying the owner of such abandonment. If the owner wishes to resume use of the tower or antenna after such time has passed, the owner shall need to repeat the process and review for a Conditional Use Permit. If a Conditional Use Permit is denied the owner has 90 days to remove the tower, antennas, associated structures and buildings. Upon removal, the area on which the tower and buildings were located shall be restored to its original appearance. If the tower, antennas, associated structures, and buildings are not removed within the said 90-day period, the structures shall be removed by the town at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease operation.

- (1) Security For Removal – The Tower owner(s) and provider(s) shall provide the Town of Center, prior to the issuance of the Conditional Use Permit, a performance bond in the amount of Twenty Thousand Dollars (\$20,000) to guarantee that the tower facility will be removed when no longer in operation. The Town of Center will be named as obligee in the bond and must approve the bonding company.

(G) Annual Information Review Report

The purpose of the Annual Information Review Report is to:

Provide the Town of Center, Rock County with accurate current information concerning the tower owner(s) and provider(s) who offer or provide wireless communication services within the Town of Center, Rock County; Provide information relating to the wireless communication tower facilities operated or utilize within the Town of Center, Rock County; To assist The Town of Center, Rock County in the enforcement of this ordinance, and to assist The Town of Center, Rock County in monitoring compliance with Local, State and Federal laws. The Annual Information Review Report pertains to and is required for both new towers and towers established before the implementation of this ordinance.

- (1) Annual Information Review Report – All wireless communications facility owners and providers, of any new or existing wireless communications facility, shall submit annually on or before January 31 of each year, to The Town of Center, Rock County, a Wireless Communications Facility Annual Information Review Report. The Annual Report shall include the owner and operator name(s), addresses, phone number(s), contact person(s), annual review fee, proof of bond, proof of insurance and any other appropriate information deemed necessary by The Town of Center, Rock County. Tower owners and operators shall supply the number of co-location positions designated, occupied or vacant. This information shall be submitted on a The Town of Center, Rock County Annual Information Report form, and after review, shall become evidence of compliance to this ordinance.

*Technological Change – This ordinance recognizes that Wireless Communications Facilities and communication technologies in general are currently subject to rapid change. Innovations in*

*such things as switching hardware and software, transmission/receiving equipment, communications protocols, and development of hybrid cable/wireless systems may result in reducing the impacts of individual facilities and to render specific portions of this ordinance obsolete. Therefore, the Town of Center, Rock County shall review this ordinance at least once every five (5) years and make appropriate amendments to this ordinance*

## **SECTION 5.0 CONDITIONAL USE PERMITS**

### **5.1 General Provisions**

Any use listed as a Conditional Use in this Ordinance shall be permitted only upon application in duplicate to the Town Clerk and issuance of a Conditional Use Permit by the Committee. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

### **5.2 Required Information**

In order to secure evidence upon which to base its determination, the Planning & Zoning Committee may require, in addition to the information required for a Conditional Use Permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of this Ordinance.

### **5.3 Procedure**

(A) The procedure for obtaining a Conditional Use Permit is as follows:

- (1) A Conditional Use Permit Application is submitted to the Town Clerk or the Zoning Administrator. Such application shall contain the exact legal description of the premises for which the Conditional Use Permit is requested, a list of the reasons justifying the application, and shall specify the proposed use and have attached the following:
  - (a) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area for which the Conditional Use Permit is requested, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 500 feet of the area for which the Conditional Use Permit is requested.

- (b) Owners' Names and Addresses of all properties lying within 500 feet of the area for which the Conditional Use Permit is requested.
  - (c) Additional information required by the Planning & Zoning Committee.
  - (d) Fee Receipt from the Town Treasurer for the Conditional Use Permit Fee.
- (2) The Town Clerk or designee shall notify all property owners within 500 feet of the parcel in question and publish a Class II Legal Notice listing the time and place of the public hearing, conditional use being proposed, and the location of the proposed Conditional Use.
  - (3) A public hearing is held by the Committee Planning & Zoning Committee (hereafter, "the Committee").
  - (4) The application and information obtained at the public hearing is reviewed by the Committee at a public meeting as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
  - (5) Upon consideration of these factors and the standards in Section X of this Ordinance, the Committee may approve, approve with conditions, or deny the Conditional Use Application.
  - (6) Upon approval, the Chair of the Committee is to forward a copy of the approved conditional use application and any conditions of approval to the Town Clerk and to the County Planning and Development Agency.
  - (7) If a permit is denied, the Committee shall provide its decision in written form, listing the reasons for denial and explaining the applicant's appeal rights to Circuit Court.
- (B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Committee if the: conditional use is not actively utilized for a period of twelve months, conditions of approval are not being met, or the conditional use is expanded without Committee approval. The Committee at its discretion and without going through the full conditional use process, may make changes that are less than substantial changes to a Conditional Use Permit and its conditions.
- (C) The owner of a parcel of land upon which a conditional use permit has been issued may voluntarily surrender said permit, whereupon the permit shall terminate and no longer run with the parcel.

## 5.4 Standards Applicable to All Conditional Uses

- (A) In considering a Conditional Use Permit application, the Committee shall consider the following factors:
- (1) Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
  - (2) Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.
  - (3) Whether the conditional use will substantially diminish or impair values within the vicinity of the subject property.
  - (4) Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding vicinity.
  - (5) Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use.
  - (6) Whether adequate measures will be taken to minimize traffic congestion.
  - (7) Whether the conditional use will comply with all applicable regulations of this Ordinance.
  - (8) Whether the conditional use is appropriate given its proposed location, nature and size.
  - (9) Whether the conditional use is appropriate given the parcel's existing topography, drainage, soils types, and vegetative cover.
  - (10) Whether the amount of land is limited to that which is reasonably necessary to accommodate the proposed use.

Note: Siting Livestock Facilities is regulated by WI ADMIN CODE ATCP 51

- (B) No conditional use permit shall be issued for any use which might result in damage to town roads, including, but not limited to, the operation of an agri-business or the use of sewage sludge for fertilizer purposes, unless the committee is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond or a irrevocable letter of credit, or cash deposit, assuring that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense, that will protect the town against any expense due to the inability or refusal of the applicant to repair any damage to the road.

(C) Per WI §91.46(4) in considering a Conditional Use Permit in the ANT District, the Committee and Town Board shall also consider the following factors:

- (1) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (2) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (3) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
- (4) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

## **5.5 Standards Applicable to Conditional Uses within the Agricultural District**

(A) In considering a Conditional Use Permit application in the Agricultural District, the Committee and Town Board shall also consider the following factors:

- (1) The potential for conflict with agricultural use.
- (2) The need of the proposed use for a location in an agricultural area.
- (3) The availability of alternative locations.
- (4) Compatibility with existing or permitted uses on adjacent lands.
- (5) Wherever possible a proposed use shall be placed on that portion of a parcel which contains the poorest quality agricultural soils or that portion of the parcel which would be the least productive for agricultural purposes, and the use shall be placed as close as possible to other non-agricultural uses.
- (6) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- (7) The need for public services created by the proposed use.
- (8) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.

- (9) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

## **5.6 Conditions Attached to Conditional Use Permit**

Upon consideration of the factors listed above, the Planning & Zoning Committee may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

## **5.7 Notice and Public Hearing**

Before issuing a Conditional Use Permit, the Planning & Zoning Committee shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Committee shall be posted as a Class 2 notice as referred to in Chapter 985 of the Wisconsin State Statutes. The Town Clerk or Designee shall also notify all property owners within 500 feet of the land parcel in question by regular mail with the above information.

## **5.8 Conditional Use Permit Fee**

The applicant, upon filing of an application, shall pay a fee to the Town in accordance with a schedule of fees.

## **5.9 Conditional Use Permit Procedure for Livestock Facilities.**

### **(A) Approval Required.**

These procedures apply to livestock facilities that may require a Conditional Use Permit under this Ordinance.

### **(B) Permits for Existing Livestock Facilities.**

- (1) A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
  - (a) The applicable size threshold for a Conditional Use Permit established in the zoning district where the facility is located.

(b) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006 or on the effective date of the permit requirement, whichever date is later.

(2) A permit is not required for a livestock facility that existed before May 1, 2006 or before the effective date of the permit requirement in this Ordinance (except as provided in subparagraph (A)).

(C) Permit Required. A permit is not required for a livestock facility that was previously issued a Conditional Use Permit or other local approval (except as provided in subparagraph (B)). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(D) Application Procedure.

(1) A livestock operator must complete the application and worksheets prescribed by ATCP 51, including any authorized local modifications. The application requirements specified in ATCP 51, WI ADMIN CODE, are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this Ordinance.

(2) This operator must file 4 duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

(E) Application Fee.

The applicant, upon filing of an application, shall pay a fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.

(F) Application Review Procedure.

(1) Within 45 days after the Planning & Zoning Committee receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Planning & Zoning Committee shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.



- (2) Within 14 days after the Planning & Zoning Committee notifies an applicant that the application is complete, the Committee shall notify adjacent landowners of the application. The Committee shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.
- (3) The Committee shall grant or deny an application within 90 days after the notice of a complete application is provided as required by subparagraph (B) above. The Committee may extend this time limit for good cause, including any of the following:
  - (a) The Committee needs additional information to act on the application.
  - (b) The applicant materially modifies the application or agrees to an extension.

The Committee shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Committee will act on the application.

(G) Public Hearing.

The Committee shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.

(H) Standards.

The standards for issuing a permit are as follows:

- (1) The state livestock facility standards adopted under ATCP 51, WI ADMIN CODE. These standards are incorporated by reference, without reproducing them in full.
- (2) Setbacks authorized by this Ordinance.

(I) Criteria for Issuance of a Permit.

- (1) A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Ordinance.
- (2) A permit may be denied if any of the following apply:
  - (a) The application, on its face, fails to meet the standards for approval.

- (b) The Committee finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with applicable standards in this Ordinance.
  - (c) Other grounds authorized by Section 93.90, Wis. Stats, that warrant disapproving the proposed livestock facility.
- (3) No conditions may be imposed on the permit other than the standards provided in this Ordinance.

(J) Record of Decision.

- (1) The Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.
- (2) In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(K) Notice to the Department of Agriculture, Trade and Consumer Protection.

The Town Clerk as required by ATCP 51.36, WI ADMIN CODE, within 30 days of the Committee's decision on the application, shall do all of the following:

- (1) Give the Department of Agriculture, Trade and Consumer Protection written notice of the decision.
- (2) File with the Department of Agriculture, Trade and Consumer Protection a copy of the final application, granted or denied, if the Committee has granted or denied an application under this Ordinance (the copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications).
- (3) If the Committee has withdrawn a local approval under this Ordinance, file with the Department a copy of the final notice or order withdrawing the local approval.

(L) Expiration of Permit.

A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Committee may treat a permit as lapsed and withdraw the permit if the

permit holder fails to do all of the following within 2 years after issuance of the permit:

- (1) Begin populating the new or expanded livestock facility; and
- (2) Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

(M) Permit Modifications.

The operator may make reasonable changes that maintain compliance with the standards in this Ordinance, and the Committee shall not withhold authorization for those changes.

(N) Compliance Monitoring.

The Committee shall monitor compliance with this Ordinance as follows:

- (1) Upon notice to the livestock facility owner request the right of the Zoning Officer to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
- (2) If the livestock facility owner refuses the Zoning Officer the right to view the permitted facility, the Zoning Officer may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.122 of Wis. Statutes.
- (3) If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Officer shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in such written notice.
- (4) If non-compliance of the permit conditions as described in the written notice given by the Zoning Officer continue past the stated reasonable time to comply, the Zoning Officer may take further action as provided in this Ordinance, including but not limited to the seeking of a forfeiture or injunctive relief.
- (5) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Committee shall schedule a hearing within five days to determine if the

conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

(O) Terms of the Permit.

A permit and the privileges granted by a permit issued under this Ordinance is conditioned on the livestock operator's compliance with the standards in this Ordinance, and with commitments made in the application for a permit. The Committee is authorized to suspend a permit or seek other redress provided in this Ordinance for non-compliance.

(P) Transferability.

(1) A permit and the privileges granted by the permit run with the land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

(2) Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

## **SECTION 6.0 BUILDING PERMITS**

### **6.1 Explanation**

A Building Permit is required to be obtained from the Zoning Administrator as a requirement of this Ordinance and as a requirement of General Ordinance NO. 3 Building Code that is herein made part of this zoning ordinance. Prior to issuing a Building Permit the Zoning Administrator shall review the proposed use, the existing zoning district assigned to the building site land parcel, and determine if the proposed use is consistent with the district and other provisions of the ordinance. The permit shall expire 12 months after issuance if the dwelling exterior has not been completed.

### **6.2 Building Permits**

(A) Cases where Building Permit is required.

- (1) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.

- (2) Where any land use is substantially altered.
  - (3) Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.
  - (4) Where electrical is updated.
- (B) Cases where Building Permit is not required.
- (1) For any accessory building that is less than 81 square feet provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
  - (2) For any improvements or alterations to an existing building where the materials and the labor will be \$2,500 or less, where there is not a structural change, a land use change, or encroachment upon any yard requirement or open space
  - (3) For any maintenance repairs that do not involve a change to the structure.
- (C) The Building Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

### **6.3 Application for Building Permit**

An application for a Building Permit shall be made to the Zoning Administrator upon forms furnished and shall include, for the purpose of proper enforcement of these regulations, the following data:

- (A) When a new building or addition to an existing building is being proposed an accurate map is required of the land parcel including proper dimensions showing:
  - (1) The lot line distances and setback line distances of the land parcel involved.
  - (2) The current zoning applied to the land parcel, building plans, and building estimated costs.
  - (3) The location of the centerline and the road right-of-way lines of any abutting streets or highways.
  - (4) The location on the lot of: all existing buildings, proposed additions to existing buildings, and all proposed new buildings; the measured distances between existing buildings and from two lot lines, and from the centerline or road right-of-way lines of any abutting streets or highways to the nearest portion of such building.
  - (5) The floodway, floodfringe, and the normal high water line of any stream or lake on which the property adjoins or includes.

- (6) Where the use involves an on-site sewer system, the map shall include the location of the water well and pipe system and sewage system, which shall conform to the requirements set forth in the Wisconsin Administrative Code. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.

#### **6.4 Building Permit Fee**

The applicant, upon filing of the Building Permit with the Zoning Administrator, shall pay a fee to the Zoning Administrator in accordance with the following schedule:

- (A) Building Permit .....To Be Determined by Town Board.
- (B) Accessory Building Permit .....To Be Determined by Town Board.

### **SECTION 7.0 BOARD OF ADJUSTMENT**

#### **7.1 Establishment**

There is hereby established a Board of Adjustment (hereinafter in this Section, the “Board”) for the Town for the purposes set forth in this Section.

#### **7.2 Membership**

The Board of Adjustment shall consist of three (3) members appointed by the Town Chairman and confirmed by the Town Board.

- (A) Terms shall be for staggered three-year periods.
- (B) Chairman shall be elected annually by the Board from among its members.
- (C) Conflict of Interest: Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.
- (D) An Alternate Member shall be appointed by the Town Chair for a term of three (3) years and shall act only when a regular member is absent or cannot vote because of conflict of interest.
- (E) No member shall be a Town Board member, Committee member or the Zoning Administrator.

- (F) Secretary shall be the Town Clerk.
- (G) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.
- (H) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- (I) Vacancies shall be filled for the un-expired term in the same manner as appointments for a full term.
- (J) Compensation shall be as determined by the Town Board.

### **7.3 Organization**

The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- (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, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its finding of fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- (C) The Concurring Vote of two (2) members of the Board shall be necessary to exercise the powers enumerated in Section 7.4.

### **7.4 Powers**

The Board of Adjustment 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 Planning & Zoning Committee or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- (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 will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted, nor shall a variance be granted where the conditions exist as a result of a self-imposed hardship.

- (C) Interpretations - To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Planning & Zoning Committee has made a review and recommendations.
- (D) Procedures - Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, or bureau of the Town affected or by any decision of the zoning administrator, or other administrative officer.
- (E) Permits - The Board may reverse, affirm wholly or partly, modify any decision of the Zoning Administrator, Building Inspector, plumbing Inspectors, or Electrical Inspector and may direct the issuance of a permit.
- (F) Assistance - The Board may request assistance from other town and county officials, departments, agencies and boards.
- (G) Oaths - The Chair shall administer oaths and may compel the attendance of witnesses by subpoena.

## **7.5 Appeals and Applications**

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an Administrator, department, committee, board, or bureau of the Town. Such appeals shall be filed with the Town Clerk within sixty (60) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the Town Clerk. 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 record, and owners within five hundred (500) feet.
- (B) Map of the Area showing all of the information required under Section XX for a Building Permit.
- (C) Additional Information required by Town Planning & Zoning Committee, Board of Adjustment, Town Attorney, or Zoning Administrator.
- (D) Fee Receipt from the Town Clerk. Fee to be set by the Town Board by Resolution.

## **7.6 Hearings**

The Board of Adjustment shall hold a public hearing within thirty (30) days of receiving written application for the hearing. The Board, or designee shall give a Class 2 Legal Notice under Chapter 985



of the Wisconsin Statutes. Written notice of the public hearing shall be sent to the parties in interest, land owners within five hundred (500) feet of the applicant land parcel, the Zoning Administrator, and the Committee. At the hearing, the appellant or applicant shall appear in person, by agent, or by attorney.

## **7.7 Standards for Evaluating Variances**

The variance procedure allows the dimensional standards in an ordinance to be varied in response to unusual circumstances which constitute unnecessary hardship. Variances are not to be granted routinely. The applicant for a variance must clearly show the Board of Adjustment that three statutory standards that govern the granting of a variance will be met. These three standards require the existence of unnecessary hardship, the presence of a unique property limitation, and the protection of the public interest. Use variances shall not be granted by the Board - a change in use requires a zoning map or text amendment.

- (A) Unnecessary Hardship is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity is unnecessarily burdensome. Board members must judge what is a feasible use for a particular parcel as a whole. A variance is not warranted if the physical character of the property allows a landowner to build or develop in compliance with the zoning ordinance.
  - (1) The hardship or difficulty must be peculiar to the zoning parcel in question and different from that of other parcels, not one that affects all parcels similarly. Hardship arises because of some unique property limitation of a parcel, or because the property was created before the passage of the zoning ordinance. If either circumstance renders the parcel unsuitable for any use permitted under the existing ordinance - if all area, yard and setback requirements are observed - the parcel may qualify for a hardship.
  - (2) Loss of profit or pecuniary (financial) hardship is not in and of itself grounds for a variance.
  - (3) Self-imposed hardship is not grounds for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, deed restrictions imposed by the owner's predecessor in title, and improvements that were made in violation of the ordinance are generally considered to be self-imposed hardships.
  - (4) The hardship cannot be one that would have existed in absence of a zoning ordinance. Sometimes, a legitimate hardship results from the interaction of the provision of the zoning ordinance with other actions or regulations adopted by public authorities.
- (B) Unique Property Limitation is where unique physical characteristics of the property, not the desires of or conditions personal to the applicant, must prevent the applicant from developing in compliance with the zoning ordinance. These features may be wetland, soil type, parcel shape or a steep slope that limits the reasonable use of the property.

- (C) Protection of the Public Interest is where granting a variance must neither harm the public interest nor undermine the purpose of the ordinance. The Boards actions should be consistent with the "Purpose" and "Intent" sections stated in this Ordinance. The public interest includes the interests of the public at large, not just that of the nearby property owners. Lack of opposition does not in itself mean that a variance will not harm the public interest.
- (1) In granting variances the Board may impose special conditions to ensure that the public welfare is not damaged. The conditions must relate reasonably to the purpose and intent established in this ordinance.
  - (2) A variance should include only the minimum relief necessary to allow reasonable use of a property.
  - (3) Violations by or variances granted to neighboring owners do not justify a variance.
  - (4) Variances are attached to the property as a permanent right. Once a variance has been granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to a previous owner if all the conditions that are attached to the variance are met.
- (D) The Board is not authorized to grant a variance from the State requirements related to livestock facility siting. The Board may reduce the general setbacks as provided in Section 93.90 of the Wisconsin Statutes and in ATCP Chapter 51 of the WI ADMIN CODE.

## **7.8 Findings**

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

(A) Exceptional Circumstances

There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(B) Absence of Detriment

The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

(C) Findings of Fact

The decision of the Board shall be accompanied by findings of fact stating the basis for the decision.

**7.9 Decision**

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

(A) Conditions may be placed upon any Building Permit ordered or authorized by the Board.

(B) Variances granted or building permits directed by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

**7.10 Review by Court of Record**

Any person or persons aggrieved by any decision of the Board of Adjustment may present to a court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be filed in Circuit Court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

**SECTION 8.0 – STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES**

The following information may be used by the Committee, Town Board or Board of Adjustment prior to or during the proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Committee, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this ordinance. The following guidelines are not all inclusive.

**8.1 Site Design and Physical Characteristics**

(A) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.

(B) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.

(C) Where public sewers are not available, the percolation characteristics of the soil.

- (D) Adequacy of the proposed internal circulation system, including safety consideration.
- (E) Access to sites from the internal circulation system.
- (F) The costs of providing various public services.
- (G) Appearance -- how the area will look

## **8.2 Site Location Relative to the Public Road Network**

- (A) Convenient access to a public road network -- safety of access points.
- (B) Visibility from the proposed road and the need for visibility.
- (C) Location to provide access primarily by right-hand turning movements.

## **8.3 Land Use**

- (A) Compatibility with existing or proposed uses in the area.
- (B) Relation to any existing land use plan.
- (C) Relation to existing or proposed development at nearby interchanges.

## **8.4 Traffic Generation**

- (A) Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.
- (B) Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- (C) Expected composition of site-generated traffic by vehicle types.
- (D) Effect of site-generated traffic on the operation of the area.
- (E) Safety and convenience to future users.

## **8.5 Community Effects**

- (A) Immediate and long-range tax base.
- (B) Access to market or service area.
- (C) Relation to scenic or recreation values.
- (D) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- (E) Compliance with the Comprehensive Plan's Goals and Objectives.

## **8.6 Other Relevant Factors**

- (A) Performance Standards in Section 12 of this Ordinance.
- (B) Additional impacts.

## **SECTION 9.0 - HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS**

### **9.1 Classification and Setbacks.**

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the Town are hereby divided into the following classifications according to the Wisconsin Department of Transportation Functional Classification System or a locally adopted Transportation Plan.

- (A) Arterial Highways.
  - (1) The setback line for arterial highways shall be 150 feet from the centerline of the highway or 100 feet from the right-of way line, whichever is greater.
  - (2) Minimum Road right-of-way for Arterial Highways shall be 100 feet, 50 feet for one-half road right-of-ways.
- (B) Collector Roads.
  - (1) The setback for collector roads shall be a minimum of 90 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater

- (2) Minimum road right-of-way for Arterial Highway shall be 80 feet and forty feet for a half road right-of-way

(C) Local Roads.

- (1) All local roads shall have a minimum setback of 85 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. A minimum setback along local roads where public sewer is available is 35 feet. Minimum road right-of-way shall be 70 feet.
- (2) Frontage roads along Arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.

(D) Lesser Setbacks.

Lesser setbacks may be permitted by the Planning and Zoning Committee in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

(E) Special Width Road Right of Ways.

Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements.

## **9.2 Vision Clearance at Intersections.**

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerline and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated on the page following this section and titled Basic Illustration of Clear Vision Triangles. The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

The term "centerline" in this Section shall be interpreted as follows:

- (A) Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
- (B) Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection (3) below.
- (C) Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavement, measured along the centerline of the intersecting street or road, is 60 feet or

greater, the centerline of the pavement shall be used separately, in the manner illustrated on the page following this section and entitled Illustration of Designation of Centerline for Clear Vision Triangles, to designate the clear vision triangles.

The distance specified from the point of intersection of the centerline to the aforesaid points on the centerline shall be as specified in the table as follows:

<u>Classification</u>	<u>Triangle Side Distance</u>
Arterial	300 ft.
Collector	200 ft.
Local	150 ft.

Within the clear vision triangle, no object shall be allowed above a height of two and one-half feet above the average elevation of the streets at the aforesaid points on their respective centerlines, if it substantially obstructs the view across the triangle.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed, in a like manner; this restriction shall not apply to the posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

### **9.3 Object Permitted Within Setback Lines and Vision Triangles.**

- (A) Open fences.
- (B) Telephone and power transmission poles, lines and portable equipment that are readily removable in their entirety.
- (C) The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.

### **9.4 Signing.**

Permit and temporary signing is recommended to follow minimal guidelines set forth in the Manual on Uniform Traffic Control Device (MUTCD).

## 9.5 Access Control.

The Planning & Zoning Committee may require that common access be provided to any lots created by a division of land.

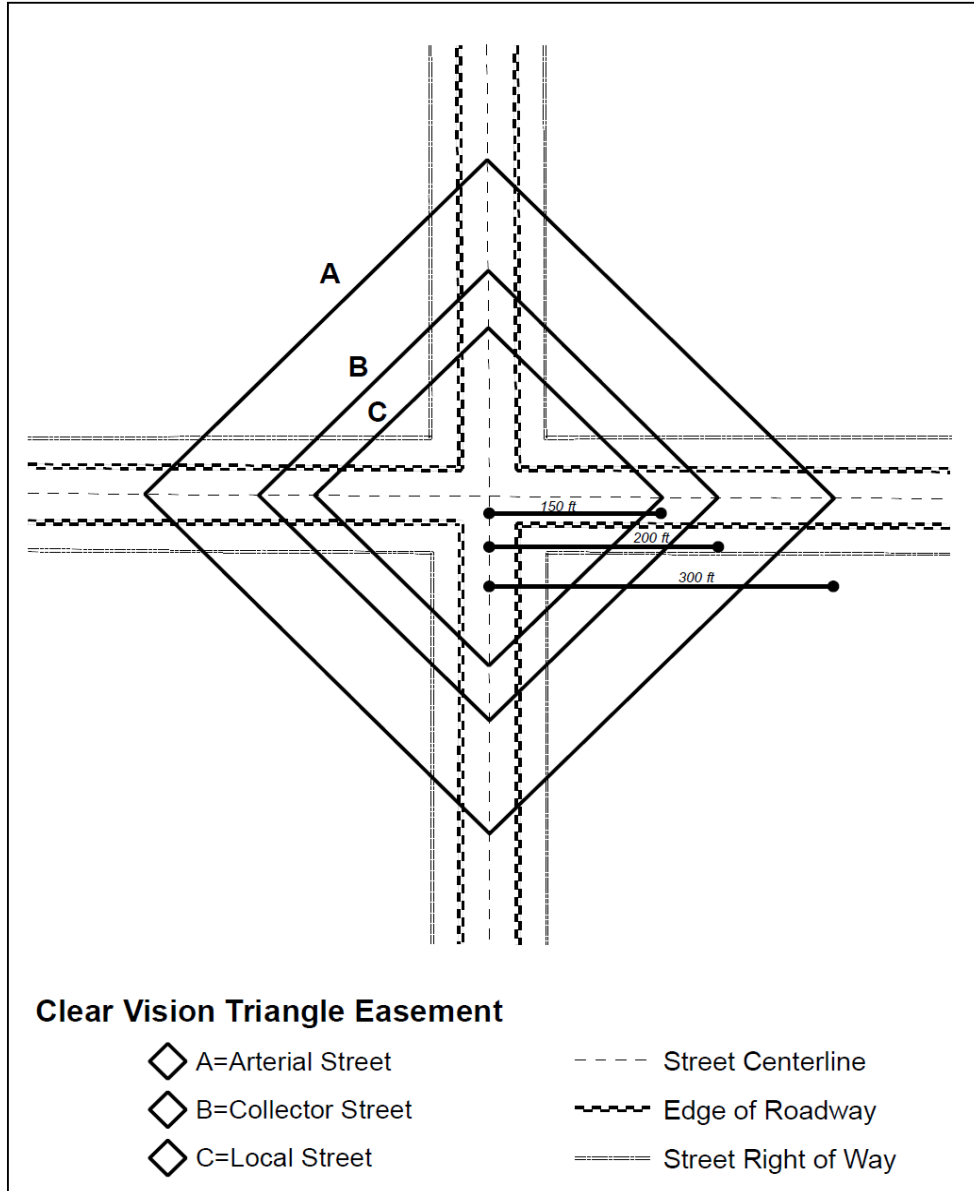
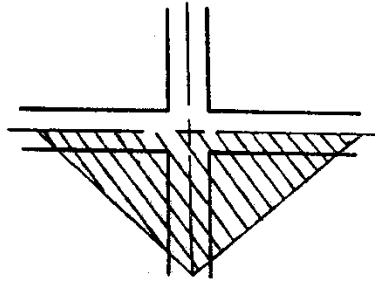


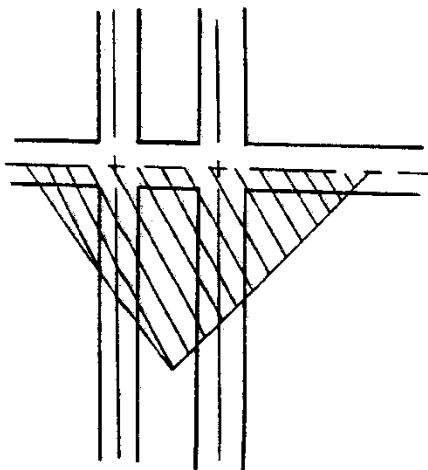


ILLUSTRATION OF  
DESIGNATION OF CENTERLINE  
FOR CLEAR VISION TRIANGLES

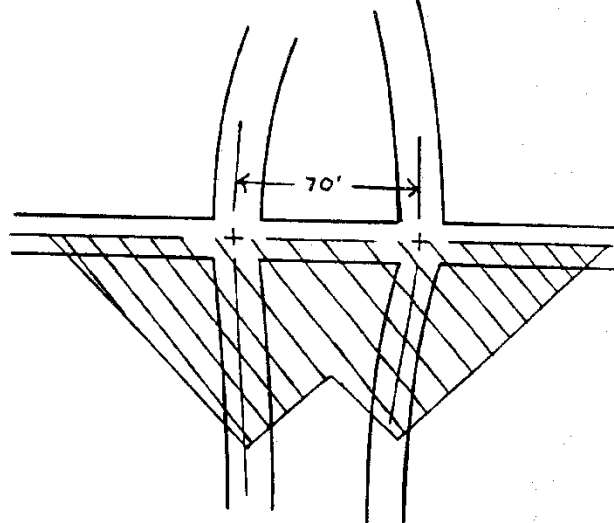
a. Undivided Pavement



b. Divided Pavement  
Not Widely Separated



c. Divided Pavement  
Widely Separated



## **SECTION 10.0 – NON-CONFORMING USES, STRUCTURES, AND LOTS**

### **10.1 Existing Non-conforming Uses**

The lawful non-conforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; however:

- (A) 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 Ordinance.
- (B) Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- (C) Substitution of New Equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.
- (D) Licenses - This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as to the effective date of this Ordinance.

### **10.2 Abolishment or Replacement**

Restoration of Certain Nonconforming Structures. The restrictions contained in this Ordinance applicable to damaged or destroyed nonconforming structures, do not prohibit the restoration of a nonconforming structure if the structure will be restored to the size, subject to 10.1 subpart B, location and use that it had immediately before the damage or destruction occurred, nor shall the limitations of this Ordinance concerning the costs of repair, reconstruction or improvement, pertain to such structure if all of the following apply:

1. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
2. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
3. The size of a structure shall be allowed to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

### 10.3 Existing Non-conforming Structures

The lawful non-conforming structure existing at the time of the adoption or amendment of this Ordinance 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 Ordinance. However, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or as to comply with the provisions of this Ordinance.

### 10.4 Changes and Substitutions

Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use or structure. Once the Committee has permitted the substitution of a more restrictive non-conforming use for an existing non-conforming use, the substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Committee.

### 10.5 Substandard Lots

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the Rock County Register of Deeds Office before September 11, 1979, subject to the following requirements:

(A) All the district requirements shall be complied with insofar as practical but shall not be less than the following.

- Lot Width: 50 ft. (minimum)
- Lot Area: 7,500 sq. ft. (minimum)
- Yards
  - Street: Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.
  - Rear: Minimum 20 ft.
  - Side: Minimum 10 percent (10%) of the frontage, but not less than 5 ft.

(B) In the A-1 and A-2 Farmland Preservation Districts the location and size of a nonfarm residence built on a substandard lot will not do any of the following:

- (1) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residence.
- (2) Significantly impair or limit the current or future agricultural use of other protected farmland

(C) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a Zoning Permit and a Building Permit.

(D) If two or more substandard lots are abutting or have continuous frontage and are of the same ownership as of effective date of this Ordinance the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.

## **SECTION 11.0 CHANGES AND AMENDMENTS**

### **11.1 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 the text of this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Committee to the approval of the Town Board.

### **11.2 Initiation**

A change or amendment may be initiated by the Town Board, the Committee, or by a petition of one or more of the owners of property proposed to be changed.

### **11.3 Applications for Amendment**

Applications for an amendment to the text of this Ordinance or to district boundaries on the "Official Zoning Map" shall be filed with the Town Clerk. The application shall include:

(A) A map using copy of the final certified survey map, subdivision plat, condominium plat, plat of survey, or aliquot part of the Section indicating the land parcel(s) location and dimensions. The map shall use the lot lines of land parcel(s) in proposing the new zoning district; provide the location, current zoning, and owner names of land parcels within two hundred and fifty (250) feet of the parcel boundaries proposed to be rezoned.

(B) The Town's Zoning Change Application Form shall: be completely filled out, list the owner of the parcel(s) as the applicant for the zoning change, reasons for the proposed change, current zoning district assigned, the proposed zoning district being requested, and whether or not the proposed zoning is consistent with the Land Use Plan.

(C) The Owners' Names and Addresses of all the properties lying within five hundred (500) feet of the parcel proposed to be rezoned.

(D) Additional Information required by the Planning & Zoning Committee, or Town Board.

(E) Fee Receipt from the Town Treasurer in the minimum amount to be determined by the Town Board.

#### **11.4 Recommendations**

The Committee shall review all proposed changes and amendments within the Town and shall recommend that the application be granted as requested, modified, or denied. The recommendation of the Committee shall be made no later than the second meeting after the meeting at which the application was first submitted. The application shall be considered at the next Town Board meeting.

#### **11.5 Standards for Zoning Changes**

The following land use decision standards shall be used by the Committee and Town Board when considering proposed zoning changes. The Town may approve petitions for rezoning only after consistent findings are made based on the following:

(A) Whether the proposed change is consistent with the Town's Land Use Plan.

(B) Whether the proposed change is consistent with the Purpose and Intent Section of the new zoning district.

(C) Wisconsin Case Law relating to the proposed change.

(D) Whether adequate public facilities are available or can be made available to accommodate the proposed use within a reasonable time.

(E) Whether public facilities needed to accommodate the proposed use will place an unreasonable burden on the ability of affected units of government and school districts to provide them.

(F) 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 unreasonable adverse effect on rare or irreplaceable natural resources.

(G) The protection of property values and the property tax base.

(H) Amount of daily and peak-hour traffic that will be generated, related to site size, and existing automobile traffic on the existing road network.

- (I) Amount of daily and peak hour traffic that will be generated relative to existing and anticipated traffic from other land uses affecting the existing and planned road network.
- (J) Expected composition of site-generated traffic by vehicle types.
- (K) Safety and convenience to future users.
- (L) Access to commercial areas.
- (M) Relation to aesthetic, scenic and recreation values.

### **11.6 Public Hearing**

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

### **11.7 Town Board's Action**

Following such hearing and after careful consideration of the Committee recommendations, the Town Board shall vote on the proposed amendment. A majority of the Town Board members present at the meeting is required to approve the amendment. The Town Board Chair shall sign the application.

### **11.8 Protest to Proposed Change**

A proposed amendment, supplement or change to the town zoning ordinance must be adopted by not less than a three-fourths vote of the Town Board if a protest against the proposed amendment, supplement, or change is presented to the Town Board prior to or at the public hearing under Section 11.6 of this Ordinance and:

- (A) The protest is signed and acknowledged by the owners of at least 50 % of the areas proposed to be altered; or
- (B) The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

## **11.9 Reversion to Previous Zoning District**

When a land owner requests a parcel to be rezoned from the original zoning district assigned when this Ordinance was adopted, and the owner has not established a permitted or conditional use as provided in the district within 12 months of the date of the Town Board's zoning action, the zoning district assigned to the land parcel shall automatically revert to the original zoning district that had been assigned when this ordinance became effective.

## **11.10 Airport Affected Area Amendment**

A proposed amendment, supplement or change to this zoning ordinance must be adopted by not less than a two-thirds vote of the Town Board if the proposed amendment, supplement or change would make any change in an airport affected area, as defined under Section 62.23(6)(am)1.b. of the Wisconsin Statutes and if a protest against the proposed revision is presented to the Town Board prior to or at the public hearing under Section 11.6 of this Zoning Ordinance by the owner or operator of the airport bordered by the airport affected area.

## **SECTION 12.0 – PERFORMANCE STANDARDS**

### **12.1 Compliance**

This Ordinance 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. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

### **12.2 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. 2 on the Ringelmann Chart described in the United States bureau of Mine's Information Circular 7718.

### **12.3 Fire and Explosive Hazards**

All activities involving the manufacturing, utilization, processing, or storage of inflammable 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 Degrees F.	400,000
105 Degrees F. to 187 Degrees	200,000
Below 105 Degrees F.	100,000

#### **12.4 Glare and Heat**

No activity shall emit glare or heat that is visible or measurable outside its premises. 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.

#### **12.5 Liquid or Solid Wastes**

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

#### **12.6 Noise**

No activity shall produce a sound level outside the M-1 or A-1 District boundaries that exceeds the following sound level measured by a sound level meter and associated octave band filter:

<u>Octave Band Frequency</u> <u>( Cycles Per Second )</u>	<u>Sound Level</u> <u>( Decibels )</u>
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1200	53
1200 to 2400	47
2400 to 4800	41
Above 4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:



<u>Octave Band Frequency</u> <u>( Cycles Per Second )</u>	<u>Sound Level</u> <u>( Decibels )</u>
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1200	46
1200 to 2400	40
2400 to 4800	34
Above 4800	32

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.

### **12.7 Odors**

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthy outside its premises. Agriculture odors associated with normal agricultural activities are exempt from this ordinance.

### **12.8 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.

### **12.9 Vibration**

No activity in any district shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Outside the Premises	Outside the District
0 to 10	.0020	.0001
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

## **12.10 Water Quality Protection**

- (A) 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 would be likely to 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.
- (B) In addition, no activity shall discharge any liquid, gaseous, 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 Chapter NR102 of the Wisconsin Administrative Code for all navigable waters.
- (C) The land adjacent to a body of water which is identified as within 300 feet of the ordinary high water mark of river or streams is subject to Rock County Shoreland Zoning chapter 4.2 of the Code of Ordinances.

## **SECTION 13.0 – SIGNS**

### **13.1 Permit Required**

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit. The sign shall also meet all the structural requirements of local and state building codes.

### **13.2 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 non-conforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two feet in height and eight feet in length.
- (B) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than four feet in height and eight feet in length advertising such sale.
- (C) Real Estate Signs not to exceed four feet in height and four feet in length in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

- (D) Name, Occupation, Home Office, Home Occupation Signs Shall not to exceed two (2) square feet in display area located on the premises, and limited to one sign per land parcel.
- (E) Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area located on the premises.
- (F) Memorial Signs, tablets, name 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) Political Signs, Signs for political candidates which shall not be larger than four feet in height and eight feet in length. Political signs shall not be placed in the road right-of-way. Political signs shall not be setup prior to thirty (30) days before election day and removed within five (I) days after election day.
- (I) Temporary Signs or Banners, when authorized by the Committee.

### **13.3 Traffic Signs**

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 interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

### **13.4 Existing Signs**

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However it shall be considered a non-conforming use or structure and the provisions of Section 10.0 shall apply.

### **13.5 Bonds**

Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a bond, give a letter of credit, or cash deposit in the sum to be fixed by the Committee, but not to exceed Twenty-Five Thousand Dollars (\$25,000); and it shall be of a form and type approved by the Town Attorney; indemnifying the municipality against all loss, cost damages or expense incurred or sustained by or recovered against the municipality 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 of Wisconsin, and conforming to the requirements of this section, may be permitted by the Town Attorney in lieu of a bond, letter of credit or cash deposit.

### **13.6 Moveable or Temporary Signs**

No moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any licensed motor vehicle or trailer, used on the highways on a regular basis, for a bona fide business purpose other than advertising, is exempt from the above prohibition.

### **13.7 Lighting of Signs**

The following standards is to mitigate the impact of exterior illumination related to development on surrounding properties, particularly in areas proximal to residential uses, while providing safe, healthy and visually attractive nighttime environments. In order to achieve that, good lighting design shall be practiced. Good lighting design is characterized by:

- (A) Consideration of the compatibility and aesthetics of illumination and the mechanical improvements that create it as those relate to surrounding properties and the character of the community.
- (B) Illuminated signs are permitted when the lighting is one sustained impulse.
- (C) No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this ordinance.
- (D) Reasonably uniform illumination levels on adjoining sites.
- (E) An absence of glare.

### **13.8 Roof-Mounted Signs**

Signs erected on the roof of a building shall be prohibited by this ordinance.

### **13.9 Areas of Special Control**

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

- (A) Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to insure that all signs used within the area are compatible with each other and with the area.
- (B) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this ordinance.

### **13.10 Permit Fees**

Signs less than 200 square feet in area....To be determined by the Town Board by Resolution.

Signs 200 square feet or larger in area....To be determined by the Town Board by Resolution.

## **SECTION 14.0 – DEFINITIONS**

### **14.1 Usage.**

- (A) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Section.
- (B) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the work "regulations" means "these regulations."
- (C) "Shall" is always mandatory.
- (D) A "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."
- (E) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club.
- (F) Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent edition of Webster's Collegiate Dictionary or by ATCP 51 and other Wisconsin State Statue.

## 14.2 Words and Terms Defined.

Accessory Building: Any building on a lot except the principal building and garage, whether attached or unattached.

Accessory Structure: A structure constructed on a mobile home lot apart from the basic mobile home unit including awnings, cabanas, storage cabinets or sheds.

Accessory Use: Minor land uses that are secondary uses directly supported by the principal use or a permitted use.

### Agricultural Use:

- a. Any of the following activities conducted for the purpose of producing an income or livelihood:
  - i. Crop or forage production
  - ii. Keeping livestock
  - iii. Beekeeping
  - iv. Nursery, sod, Christmas tree production
  - v. Floriculture
  - vi. Aquaculture
  - vii. Fur farming
  - viii. Forest management
  - ix. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural conservation payment program
- b. Any other use that the Wisconsin Department of Agriculture, Trade and Consumer Protection Department, by rule, identifies as an agricultural use.

### Agricultural Accessory Use:

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

Agricultural-Related Use:

- h. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes
- i. Any other use that the Wisconsin Department of Agriculture, Trade and Consumer Protection, by rule, identifies as an agricultural-related use.

Adjacent: Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream or transportation or utility right-of-way.

Airport Not Open to the Public: Any airport on privately owned land used solely by the property owner.

Airport Open to the Public: Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.

Alley: A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

Animal Unit: means a unit of measure used to determine the total number of single animal types or combination of animal types, as specified in s. NR 243.11 (April 2004), that are at an animal feeding operation.

Applicant: The owner of the land or his representative. If the owner's representative is the applicant, consent shall be required in writing from the legal owner of the premises.

Arterial Roads & Highways: Streets serving inter-community travel within and outside the area, providing a high level of urban mobility with little variation in operating conditions, and forming a continuous system with other arterials as indicated on the Rock County Functional Highway Classification Map.

Basement: A story partly underground.

Boarding House: A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.

Bond: Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Planning & Zoning Committee wherever a bond is required by these regulations.

Building: Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property.

Building Area: Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Building Height: The vertical distance from the top of the building roof to the top of the basement or to the foundation whichever is less.

Certified Survey Map: A division of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where the act of division creates not more than four (4) parcels of land.

Child or Children: A first degree descendant, not a grandchild or one farther removed in degree of descendance.

Collector Roads & Highways: Streets serving intermediate to long trips within an area, collecting and distributing traffic to and from local roads and adjacent land within the area, providing fair mobility, and forming a generally continuous pattern when combined with the arterial system as indicated on the Rock County Functional Highway Classification Map.

Committee: The Planning & Zoning Committee.

Common Area: An area or space designed for joint use of tenants or owners residing in a Planned Unit Development.

Common Ownership: Ownership by the same person or persons, or by persons that are solely owned by the same person or persons. Common ownership includes joint tenancy and tenancy in common. Solely for purposes for this definition, parcel owned by one member of a married couple is deemed to be owned by the married couple. Land is deemed to be under common ownership for purposes of this Ordinance if it is all owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. If land parcels are owned by separate legal entities, but those legal entities are solely owned by exactly the same person or persons, those land parcels are deemed to be under common ownership for purposes of this Ordinance, but not necessarily for all other purposes.

Common Sewerage: A legal sewage system that serves two or more dwelling units.

Community: A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.

Community Living Arrangement: Any of the following facilities licensed, operated, or permitted under the authority of the Wisconsin Department of Health and Family Services: child welfare agencies under Section 48.60 of the Wisconsin Statutes, group foster homes for children under Section 48.02(7) of the Wisconsin Statutes, and community-based residential facilities under Section 50.01 of the Wisconsin Statutes, but not including day care centers, nursing homes, general hospitals, special hospitals, prisons, or jails.

Complete Application for Local Approval: An application that contains everything required under Sections ATCP 51.30(1)-(4) of the WI ADMIN CODE.



Conditional Use: A use allowed under this Ordinance, provided that certain conditions are met and a Conditional Use Permit is granted by the Planning & Zoning Committee.

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

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

Dependent Mobile Home or Manufactured Home: A mobile home or manufactured home which does not have complete bathroom facilities.

Density: The number of living units per acre allowable under a schedule of district regulations.

Department: The Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Developer: The owner of land proposed for subdivision or his or her representative. If the owner's representative is the developer, consent shall be required from the legal owner of the premises.

Drive-in Establishment: A place of business in which patrons can be served while remaining in their automobiles.

Driveway: A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

Dwelling, Single-Family: A detached building designed for, or occupied exclusively by, one family or household.

Dwelling, Two-Family: A detached or semi-detached building designed for, or occupied exclusively by, two families or households.

Dwelling, Multiple-Family: A building or portion thereof designed for, occupied by, three or more families or households.

Easement: Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his or her property.

Emergency Shelter: Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions; and from aerial, radiological, biological, or chemical warfare.

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, electricity, steam, water, sanitary sewer, 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, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

Expanded Livestock Facility: The entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing, or altered.

Expansion: An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

Expressway: A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.

Family: A group of persons related by blood or marriage and living together as a single housekeeping entity.

Farm: All land under common ownership that is primarily devoted to agricultural use as defined in each zoning district. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:

- (1) The land produces at least six thousand dollars (\$6,000) in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use.
- (2) Majority of the land areas are in agricultural use.
- (3) In determining whether land is in agricultural use herein, the Town may consider how the land is classified for property tax purposes.

Farm Acreage: The size of a farm in acres.

Farm Residence: Any of the following structures located on a farm:

- (1) A single family residence that is the only residential structure on the farm.
- (2) A single family or duplex residence that is occupied by any of the following:
  - An owner or operator of the farm.
  - A parent or child of an owner or operator of the farm.
  - An individual who earned more than fifty-percent (50%) of his or her gross income from the farm.

(3) A migrant labor camp that is certified under section 103.92, Wis. Stats.

Flood Plain: The land adjacent to a body of water which is subject to periodic overflow therefrom as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floodway: The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floor Area: The area within the exterior walls of a building which is usable as living quarters not including the basement or porches.

Freeway: An expressway with full control of access and with fully grade-separated intersections.

Frontage: The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; but it shall not be considered as the ordinary side of a corner lot.

Garage, Attached: A closed shelter for the storage of automobiles attached to a residence. The combined area of a carport and attached garage may not exceed the maximum area for an attached garage as allowed in this Ordinance.

Garage, Private: Any building or space for the storage of automobiles.

Garage, Public: Any building or premises, other than a private or storage garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

Garage, Storage: Any building or premises used for storage only of motor vehicles.

Grade School: A facility used for the education of students, kindergarten through the twelfth grade.

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

High Density: Those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.

Home Occupation: A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (Home occupation includes, for example, such activities as

babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include, for example, such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios).

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

Household Pet: Tame animals which have been traditionally kept in the home to include dogs, cats, rabbits, birds, hamsters, and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.

Household: A body of persons who live together in a common living area, usually sharing kitchen and bathroom facilities. The persons comprising a household will normally be related by blood, marriage, co-habitation, or a similar social connection other than their common address.

Intensive Soils Survey: The testing of soil at a particular geographic location as to its individual assets and limitations.

Interchange: A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

Kennel: An establishment, structure or premises where dogs, cats and other household domestic animals are raised and sold, bred, boarded, trained or groomed for compensation. The raising and selling of household domesticated animals shall constitute a "kennel" if one or more litters are raised and sold per year.

Land Division: The division of a tract or interest in real property by the owner thereof for the purpose of sale or building development which creates one or more lots, parcels, ownership units, or the need for a public land dedication.

Large Farm Animal: Any horse, head of cattle, pony, sheep, goat, or hog (Ungual).

Livestock: Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, farm-raised fish.

Livestock facility: A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this Ordinance, except that an operator may elect to treat a separate species facility as a separate "livestock facility."

Livestock Structure: A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store

waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

Loading Area: A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Local Roads & Highways: Streets serving primarily to provide direct access to adjacent land, providing for short distance travel within the area, and providing access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.

Lodging House: A building other than a hotel where lodging only is provided for compensation for not more than twelve (12) persons not members of the owner's family.

Lot: A parcel of land described in a recorded plat or deed.

Lot Area: The total area reserved for exclusive use of the owners of a particular piece of real property.

Lot, Corner: A lot abutting on two or more streets at their intersection.

Lot Lines and Area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Width: The width of a parcel of land measured at the rear of the specified road side of the parcel.

Low Density: Those residential zoning districts in which the density is between 12,000 and 40,000 square feet per dwelling unit.

Master Plan: A comprehensive plan for development of the local government prepared and adapted by the local government, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Medium Density: Those residential zoning districts in which the density is between 8,500 and 12,000 square feet per dwelling unit.

Minor Structure: Any small, moveable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4 ) feet in height.

Mobile Home or Manufactured Home: A structure which is, or has as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped and used primarily

for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.

Mobile Home or Manufactured Home Lot: A parcel of land designed for the placement of a single mobile home or manufactured home and for the exclusive use of its occupants.

Mobile Home or Manufactured Home Park: A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more mobile homes or manufactured homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or manufactured home park or its facilities; except that a mobile home subdivision shall not be deemed a mobile home park.

Mobile Home Stand or Manufactured Home Stand: The part of an individual lot, which has been reserved for the placement of one mobile home unit or manufactured home.

Mobile Home Subdivision or Manufactured Home Subdivision: A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home or manufactured home and its facilities.

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

Navigable waters: The meaning given in s. 30.01(4m), Wis. Stats.

New livestock facility: A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

Non-Conforming Structure: A building or premises lawfully used, occupied, or erected at the time of the passage of this Ordinance or amendment thereto, which does not conform to the regulations of this Ordinance with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Non-Conforming Use: The use or occupancy of a building or premises, which is lawful at the time of the enactment of this Ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.

Nondependent Mobile Home: A mobile home that has complete bathroom facilities.

Nonfarm Residence: Any residence other than a farm residence.

Open Space Parcel: A parcel in which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

Operator: A person who applies for or holds a local approval for a livestock facility.

Ordinance: Any legislative action, however nominated, of a local government, which has the force of law, including any amendment or repeal of any ordinance.

Overlay District: A zoning district established by this Ordinance which is created for the purpose of imposing special uses and regulations in designated areas to accomplish the stated purposes that are set forth in each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within the lands placed in each district, so that any parcel of land lying in an overlay district shall also lie in one or more of the zoning districts provided for by this Ordinance. The most restrictive provision of the districts shall prevail.

Owner: Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land or water which is subject to the terms of this Ordinance, or in any building or structure located thereon.

Park Management: The person who owns or has charge, care or control of mobile home or Manufactured Home Park.

Park Street: A private way which affords principal means of access to individual mobile home lots, spaces, or auxiliary buildings.

Permitted Use: Uses listed under this heading are permitted as of right. This means that an applicant for a Zoning Permit must be given a permit if he meets the other requirements of this Ordinance, e.g., yards, setbacks, and so forth.

Person: an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

Populate: To add animal units for which a permit or other local approval is required.\

Prime Farmland:

- (1) An area with class 1 or class 2 land capabilities classification as identified by the Natural Resources Conservation Service of the United States Department of Agricultural.
- (2) Land, other than the land described in paragraph 1, which is identified as prime farm land in the county certified farmland preservation plan.

Principal Structure: The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. In an agricultural district a barn for agricultural use or swine confinement facilities can be considered a principal structure.

Property Line: A line that separates parcels of land owned by different persons.

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

Qualified Nutrient Management Planner: A person qualified under s. ATCP 50.48 of the WI ADMIN CODE.

Recreational Vehicle: A touring or recreational unit other than a primary housing unit designed to be either self-propelled or towed which does not exceed the minimum statutory size of a mobile home under Section 348.07(2) of the Wisconsin Statutes. Commonly referred to as a motor home, pop-up-camper, fifth wheel mobile home, or similar type of vehicle equipped and used or intended to be used for temporary human habitation. A unit may or may not include plumbing, heating, and electrical systems or appliances.

Related Livestock Facilities: Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

- (1) They are located on the same tax parcel or adjacent tax parcels of land.
- (2) They use one or more of the same livestock structures to collect or store manure.
- (3) At least a portion of their manure is applied to the same landspreading acreage.

Roadside Stand: A building or part of a building no more than 500 square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located.

Rooming House: A building other than a hotel where lodging only is provided for compensation from three or more persons not members of the owner's family.

Separate Species Facility: a livestock facility that meets all of the following criteria:

- (1) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a "related livestock facility"):
  - Cattle;
  - Swine;
  - Poultry;
  - Sheep;
  - Goats.
- (2) It has no more than 500 animal units.



- (3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (4) It meets one of the following criteria:
  - (A) Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
  - (B) It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

**Service Building:** A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this Ordinance.

**Setback:** The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof. The nearest point of a building for purposes of this definition shall not include uncovered steps or roof overhangs of 36 inches or less. If a roof overhang exceeds 36 inches, the setback shall be measured to the point on the underside of the overhang located 36 inches from its outer edge.

**Sign:** A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

**Signage:** Outdoor advertising attached to, made a part of, or placed in front, rear, sides, or top of any structure or on any land to announce the name or nature of a farm business including a roadside stand. Signs are limited to 8 square feet of panel area, not to exceed eight feet (8') in height above grade, unlighted.

**Single Family Residence:** The principal use of a lot is only for one dwelling unit.

**Stable, Commercial:** A building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

**Standards:** The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this Ordinance.

**Standard Soils Survey:** A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.

**Story:** That portion of a building included between the surface of the floor and the surface of the floor next above it, or the space between the floor and the ceiling next above it if there is no floor above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Story, Half: The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street: All property dedicated or intended for public or private street purposes or subject to public easements 21 feet or more in width.

Street Right-of-Way Line: The dividing line between a lot, tract or parcel of land and an abutting street.

Structure: Anything constructed or having stationary location on the ground, not including roadways and small landscaping accoutrements, or small non-permanent structures of less than 40 square feet, such as dog houses, play houses, and compost bins, but including, without limitation, other storage sheds, and further including swimming pools, tennis courts, and their related accessories, such as fencing and lighting structures.

Structural Alteration: Any change in the supporting elements of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Structure, Single-Family: A building designed to be occupied by one household.

Structure, Two-Family: A building designed to be occupied by two households.

Structure, Multiple-Family: A building or portion thereof designed to be occupied by three or more families or households.

Subdivision Plat: Any divisions of a lot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of sale or building development where:

- (1) The act of division creates five (5) or more parcels or building sites;
- (2) Five or more parcels or building sites are created by successive divisions within a period of 5 years; or
- (3) There is a dedication or reservation for public improvements.

Taper: Point at which the access road to or from a highway interchange meets another intersecting road.

Temporary Structure: A removable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Tenant Storage Area: An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

Tourist Camp or Court: A tract of land of at least one acre upon which two or more camp cottages are located or where temporary accommodations are provided for two or more trailers or house cars, open to the public either free or for a fee.

Track: A course or trail which may be permitted in the Special Purpose District, as a Conditional Use, where mini-bikes, motorcycles, dirt bikes, 3-wheelers, 4-wheelers and/or cars are allowed to ride, subject to, but limited to, the following conditions: (a) The operation of the track being limited to 8 hours in a week (measured from Monday through Sunday), (b) The operation of the track shall not be allowed prior to noon on Sundays, (c) The operation of the track shall not be allowed between dusk and dawn, and (d) The operation of the track shall not involve concessions, outdoor lighting, permanent structures, permanent seating, parking facilities or on-street parking, and (e) The operation of the track shall not disperse dirt and/or dust to neighboring properties.

Trailer Space: A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.

Travel Trailer: A vehicular, portable unit designed as a temporary living unit for travel, recreation, and vacation, which may take one of the following forms, or a similar form:

- (1) A unit built on a chassis, having a body width not exceeding 8 feet and body length not exceeding 32 feet;
- (2) A unit designed to be mounted on a truck chassis;
- (3) A unit constructed as an integral part of a self-propelled vehicle; or
- (4) A canvas, folding unit mounted on wheels.

Travel Trailer Camp: A parcel of land in which two or more spaces are occupied or intended for occupancy (not more than 7 days) by travel trailers for transient dwelling purposes.

Turning Lane: An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

Use (Land Use): That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of this Ordinance.

Variance: A departure from the terms of this Ordinance where it is shown that, due to unique physical characteristics of a land parcel, application of a given provision of this Ordinance to that land parcel causes a hardship to the owner, and that the condition permitted by the departure will still be in fundamental harmony with surrounding uses.

- (1) Area Variance: A variance which does not involve a use prohibited by this Ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density regulations, and yard requirements.
- (2) Use Variance: A variance which permits a use of land other than that which is prescribed by this Ordinance. It is primarily a grant to erect, alter, or use a structure for a permitted use in a manner other than that prescribed by this Ordinance. A Use Variance shall not be granted under this Ordinance.

Vehicles and Equipment: Any motor vehicles, including but not limited to automobiles, trucks, buses, and motorcycles, and any machinery, equipment, trailers, semi-trailers, and mobile homes.

- (1) Abandoned Vehicles and Equipment. Any vehicles and equipment which remain in one location on public property for more than 48 hours. Also included are any vehicles and equipment which remain in one location on private property without any permission of the occupant of the private property for more than 1 hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.
- (2) Inoperable Vehicles and Equipment. Any vehicles and equipment or any substantial part or parts thereof which are incapable of being operated.
- (3) Unlicensed Vehicles and Equipment. Any vehicles and equipment subject to a license law which do not have affixed thereto a current license under the applicable licensing law.

Vision Clearance Triangle: An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

Waste: Manure, milking center waste and other organic waste generated by a livestock facility.

Waste Storage Facility: One or more waste storage structures, including stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. "Waste storage facility" does not include equipment used to apply waste to land.

Waste Storage Structure: A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. "Waste storage structure" does not include equipment used to apply waste to land. For purposes of Sections ATCP 51.12(2) and 51.14 of the WI ADMIN CODE, "waste storage structure" does not include any of the following:

- (1) A structure used to collect and store waste under a livestock housing facility.
- (2) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

Water Line: The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75% of the length of such water line shall be on or on the landward side of the normal high-water mark of such stream.

Winter grazing area: Cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:

- (1) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
- (2) An area which at any time has an average of more than 4 livestock animal units per acre.
- (3) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
- (4) An area in which manure deposited by livestock causes nutrient levels to exceed standards in ATCP 5 1.16.

WPDES Permit: A Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front: A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.

Yard, Rear: A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.

Yard, Side: A yard extending from the front yard, or from the lot line where no front yard is required, to the rear yard between the side lot line and the nearest part of the principal building.