

## Chapter 425. Zoning

[HISTORY: Adopted by the Town Board of the Town of Fulton 7-14-2015. Amendments noted where applicable.]

### GENERAL REFERENCES

Building construction — See Ch. **190**.

Junkyards — See Ch. **272**.

Manufactured homes and mobile homes — See Ch. **294**.

Nonmetallic mining — See Ch. **302**.

Subdivision of land — See Ch. **380**.

### ATTACHMENTS

Appendix A 

Appendix B 

Appendix C 

Figure II, LESA Map 

Appendix D 

## Article I. Introduction

### § 425-1-1. Authority.

The Town of Fulton Board, Rock County, Wisconsin, has heretofore been directed at an Annual Town Meeting of qualified electors to exercise all powers relating to and conferred upon villages, and as such this chapter, Chapter **425**, Zoning and Land Use, Town of Fulton, Code of Ordinances, is adopted by said Town of Fulton Board pursuant to §§ 60.10(2)(c), 60.22(3), 60.62, 61.34(1), 61.35, and 62.23, Wis. Stats.

### § 425-1-2. Title; effective date.

This chapter, Chapter **425**, Zoning and Land Use, Town of Fulton, Code of Ordinances, shall hereafter be known, cited, and referred to as the Town of Fulton Zoning Ordinance and shall be effective October 9, 1980 (hereafter "effective date"), and as revised and re-created July 14, 2015, after adoption at a public hearing by the Town of Fulton Board.

### § 425-1-3. Purpose and intent.

The purpose and intent of this chapter is to identify the process, standards, and requirements for regulating uses of land, water, and air, siting and construction of buildings and other structures and uses thereof, and all related activities within the Town of Fulton, so as to maintain and advance the public health, safety, and general welfare of the Town by ensuring all of the following:

- A. Orderly, economical, efficient, equitable, and environmentally sound layout and use of land, water, and air, siting and construction of buildings and other structures and uses thereof, protection and

preservation of environmentally sensitive areas, cultural resources, productive agricultural lands, woodlands, and open space, promotion of a coordinated land use and community planning and development vision, and enhancement of community character;

- B. Prevention and minimization of hazards to life or property, including but not limited to those related to overcrowding of land, congestion, pollution, fire, flood, disease, noise, soil, bedrock formation, topography, drainage, steep slope, erosion, and sewage treatment and disposal, water supply, and all other utilities;
- C. Consistency with the Town of Fulton Comprehensive Plan (hereafter "Comprehensive Plan") and Town of Fulton Agriculture Resources: Farmland Preservation Map as contained in the Rock County Agriculture Plan, or any similar or other relevant county or Town plan, map, or document, Chapter 60, Wis. Stats., and all other applicable Town ordinances, regulations, or plans;

## § 425-1-4. Compliance with other regulations and plans.

Any use of land, water, and air, siting and construction of buildings and other structures and uses thereof, and all related activities subject to this chapter, shall also be subject to and consistent with all of the following:

- A. Chapter 60, Wis. Stats., and any similar or other relevant statute or administrative code;
- B. The Comprehensive Plan and Town of Fulton Agriculture Resources: Farmland Preservation Map as contained in the Rock County Agriculture Plan, or any similar or other relevant county, Town plan, map, or document, and all other applicable Town ordinances, regulations, or plans;
- C. All other applicable ordinances, statutes, rules, regulations, plans, or other provisions of law.

## § 425-1-5. Interpretation, abrogation and restrictions, severability, and repeal.

- A. Interpretation. The provisions of this chapter shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town of Fulton (hereafter "Town") and shall not be deemed a limitation or repeal of any other power granted by Wis. Stats.
- B. Abrogation and greater restrictions. This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, standard, statute, or other provision of law. Where any provision of this chapter imposes a restriction similar to those imposed by any other provision of this chapter or any other ordinance, rule, regulation, standard, statute, or other provision of law, whichever is more restrictive or imposes higher standards shall control.
- C. Severability. Each article, section, subsection, paragraph, sentence, clause, word, and provision of this chapter is severable. If any of the aforementioned components of this chapter are held unconstitutional or invalid for any reason, such decision shall not affect the remainder of said ordinance.
- D. Repeal. All other Town ordinances, regulations, or plans, or parts of ordinances, regulations, or plans inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are hereby repealed.

## § 425-1-6. Revision and amendment.

The text of this chapter and the Town of Fulton Official Zoning Map (hereafter "Zoning Map"), as defined in § 425-1-7 of this chapter and made a part hereof,<sup>[1]</sup> may be revised and amended by the Town of Fulton Board (hereafter "Board"). A revision or amendment to the Ordinance text may be initiated by the

Board or the Town Plan Commission (hereafter "Commission"), and a revision or amendment to the Zoning Map may be initiated by the Board, Commission, or by application by one or more landowners in the Town, in accordance with § 425-4-3H of this chapter. The Town shall publish a Class 2 Legal Notice and hold a public hearing(s) on all proposed revisions and amendments to this chapter, in accordance with §§ 62.23(7)(d)(2) and Chapter 985, Wis. Stats. The Board shall adopt said revisions and amendments, through formal action, at said public hearing(s).

[1] *Editor's Note: The Zoning Map is on file in the Town offices.*

## § 425-1-7. Definitions.

The following terms shall, for the purpose of this chapter, have the definition as stated in this section. Any other term contained in this chapter not defined in this section but vital to the interpretation of this chapter shall be construed to have a legal definition.

### ACCESSORY BUILDING

Any structure, except the principal building, to include a detached garage unless otherwise noted, affixed to the land and built for support, shelter, or enclosure of persons, animals, chattel, or other movable property, not to be located on a lot prior to establishment of said principal building. (An accessory building shall not be utilized as a residence.)

### ACCESSORY USE

Any use of land, water, or air on a lot, except the principal use, not to take place prior to establishment of said principal use on the lot.

### ADULT ENTERTAINMENT

A building housing a business/commercial operation and/or activity in which any of the following take place:

- A. Display, exhibition, distribution, and sale of books, magazines, motion pictures, prints, photographs, periodicals, records, novelties and devices which depict, illustrate, describe, or relate to specified sexual activities, identified as any of the following:
  - (1) Human genitals in a state of sexual stimulation or arousal;
  - (2) Acts of human adamitism, anilingus, bestiality, cunnilingus, coprophilia, fellation, flagellation, frottage, masochism, masturbation, sadism, sadomasochism, sexual intercourse, sodomy or urolagnia;
  - (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.
- B. Any body part of a person treated or encountered by rubbing, stroking, kneading, or tapping by another person, accompanied by the display or exposure of specified anatomical areas, identified as any of the following:
  - (1) Human genitals, pubic region, anus and anal cleft, or female breasts below a point immediately above the top of the areola, less than completely and opaquely covered\*;
  - (2) Human male genitals in a discernibly turgid state even if completely and opaquely covered\*;
- C. Allowance or encouragement of any person to undertake any of the following:
  - (1) Display or exposure of human genitals, pubic region, anus and anal cleft, or female breasts below a point immediately above the top of the areola, less than completely and opaquely covered\*;
  - (2) Display or exposure of human male genitals in a discernibly turgid state even if completely and opaquely covered\*.

**NOTE:**

- \* Any covering, tape, pasty, latex spray or paint, or other device which simulates or otherwise gives the appearance of display or exposure shall not be considered an opaque covering, including but not limited to body paint, body dyes, tattoos, dried or wet liquid latex paint or spray, and similar substances.

**AGRICULTURAL ACCESSORY USE**

Any use of land, water, or air meeting any of the following:

- A. A building, other structure, business, activity, or enterprise that is an integral part of or incidental to an agricultural use;
- B. A farm residence, including normal residential appurtenances;
- C. A business, activity, or enterprise meeting all of the following:
  - (1) Conducted on a farm by the farm owner/operator;
  - (2) Requiring no buildings or other structures other than those described in Subsection **A** or **B** of this definition;
  - (3) Employing no more than four full-time employees annually;
  - (4) Not impairing or limiting the current or future agricultural use of the farm, other lands in the Agricultural-Exclusive (A-E) Zoning District, or other lands protected through an agricultural conservation easement or other nonagricultural development restriction;

**AGRICULTURAL USE**

Any use of land, water, or air entailing any of the following conducted for the purpose of producing an income or livelihood:

- A. Crop or forage production;
- B. Keeping livestock or animal units;
- C. Beekeeping;
- D. Nursery, sod, or Christmas tree production;
- E. Floriculture;
- F. Aquaculture;
- G. Fur farming;
- H. Forest management;
- I. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

**AGRICULTURE-RELATED USE**

Any use of land, water, or air having at least one of the following as a principal use:

- A. Providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms in the Agricultural-Exclusive (A-E) Zoning District;
- B. Storing, processing, or handling raw agricultural commodities obtained directly from farms in the Agricultural-Exclusive (A-E) Zoning District;
- C. Slaughtering livestock from farms in the Agricultural-Exclusive (A-E) Zoning District;
- D. Marketing livestock to or from farms in the Agricultural-Exclusive (A-E) Zoning District;

E. Processing agricultural by-products or wastes received directly.

**AGRIVOLTAICS**

A solar energy system co-located on the same parcel of land as agricultural production, including crop production, grazing, apiaries, or other agricultural products or services.

[Added 8-10-2021 by Ord. No. 2021-09]

**ANIMAL UNIT**

An animal classification system, with 1,000 pounds of bison, four deer or camelids, and one horse/pony each equivalent to one animal unit. (For animals not identified in the aforementioned, and not identified as livestock as defined herein, the number of animal units for said animals shall be defined as the average weight of the animal divided by 1,000 pounds.)

**ANTENNA**

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional structures or devices such as panels, microwave dishes, satellite dishes, and omni-directional antennas, including whip antennas.

**APPLICANT**

A landowner(s), or agent thereof having gained legal consent of said landowner(s), requesting Town review of and action on an application or other required submittal documents for a zoning and land use activity.

**ARTERIAL ROAD (STREET)**

A public right-of-way, including but not limited to federal and state highways, primarily serving or designated to serve the rapid movement of concentrated volumes of automobile traffic over relatively long distances and providing for movement between, rather than within, activity areas.

**AUTOMOBILE**

A self-propelled machine whose primary purpose is transportation, except a snowmobile or all-terrain vehicle, and requiring licensing under the jurisdiction of a state.

**BASE FARM**

All contiguous land that is part of a single farm in the Agricultural-Exclusive (A-E) Zoning District on July 14, 2015, regardless of any subsequent changes in farm size or composition, including ownership transfer or land division, indicating a fixed geographical area that remains constant over time.

**BASEMENT**

A story that is in whole or part underground.

**BED-AND-BREAKFAST**

Any place of lodging that provides eight or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a twelve-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, in accordance with § DHS 197.03, Wis. Adm. Code.

**BOA (BOARD OF ADJUSTMENT)**

The Town of Fulton Board of Adjustment authorized by the Town of Fulton Board, in accordance with § 62.37(7)(e), Wis. Stats., to hear and take action on specific requests by applicants for variances to and appeals of administration and enforcement of this chapter and any other ordinance rule, regulation, statute, or plan so related and under the Town's jurisdiction, not to include any appeal of denial of a driveway permit application.

**BOARD**

The Town of Fulton Board.

**BOND**

Any form of security including cash deposit, surety bond, collateral, letter of credit, property, or instrument of credit in an amount and form satisfactory to the Town.

**BUILDING**

Any structure affixed to the land and built for support, shelter, or enclosure of persons, animals, chattel, or other movable property, classified in this chapter as either principal or accessory, not to include towers, antennas, or yard features.

**BUILDING ADDITION**

Any modification to a building that increases the total square footage of said building.

**BUILDING ALTERATION**

Any modification to a building's supporting members, including but not limited to foundations, bearing walls, columns, beams, or girders, or any substantial modification to a building's roof structure or interior/exterior walls.

**BUILDING ENVELOPE**

The area of a lot in which building sites are allowed.

**BUILDING HEIGHT**

The vertical distance from the top of a building's roof, at its highest point, to the top of the building's basement or foundation, whichever is less.

**BUILDING INSPECTOR**

The Town of Fulton Building Inspector, a person designated by the Board to administer and enforce specified provisions of this chapter, with said person certified as a building inspector in accordance with the State of Wisconsin Uniform Dwelling Code.

**BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS**

A solar energy system that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot-water solar energy systems that are contained within roofing materials, windows, skylights, and awnings. [Added 8-10-2021 by Ord. No. 2021-09]

**BUILDING PLAN**

A document submitted by an applicant if a specified building is proposed for location, construction, addition, or alteration on a lot, detailing various structural aspects of the building, in accordance with the State of Wisconsin Uniform Dwelling Code.

**BUILDING SETBACK LINE**

A line located at the road yard, rear yard, and side yards of a lot, between which lines and the lot lines buildings and specified other structures are prohibited.

**BUILDING SITE PLAN**

A document submitted by an applicant if a specified building is proposed for location, construction, addition, or alteration on a lot, detailing various geographical aspects of the building and building site.

**CENTERLINE**

A line parallel to the boundary lines of a street or right-of-way, bisecting said street or right-of-way into equal parts and separating vehicular or other traffic moving in opposite directions.

**CLASS 1 LEGAL NOTICE**

A legal notice, in accordance with Chapter 985, Wis. Stats., published once in the Town's Official Newspaper and identifying review of and/or action by the Town on a zoning and land use activity (and the geographical location thereof) at a public hearing, along with the hearing time, date, and location, so published at least seven days prior to said hearing.

**CLASS 2 LEGAL NOTICE**

A legal notice, in accordance with Chapter 985, Wis. Stats., published twice in the Town's Official Newspaper and identifying review of and/or action by the Town on a zoning and land use activity (and the geographical location thereof) at a public hearing, along with the hearing time, date, and location, so published at least two weeks and at least seven days prior to said hearing.

**COLLECTOR ROAD (STREET)**

A public right-of-way primarily serving or designated to serve moderate amounts of vehicular traffic between local and arterial streets, providing access to lots and for movement within, rather than between, activity areas.

**CO-LOCATION**

A single tower and/or site utilized by more than one communications provider.

**CO-LOCATION: CLASS I**

Substantial modification of an existing tower and/or associated facilities to allow use by more than one communications provider.

**CO-LOCATION: CLASS II**

Nonsubstantial modification of an existing tower and/or associated facilities to allow use by more than one communications provider.

**COMMISSION**

The Town of Fulton Plan Commission authorized by the Town of Fulton Board, in accordance with § 62.23(1), Wis. Stats., to administer and enforce specified provisions of this chapter.

**COMMON OWNERSHIP**

Ownership of land by the same person(s), or by persons that are all wholly owned by the same person(s), including joint tenancy and tenancy in common, to include land owned by one member of a married couple is deemed to be owned by the married couple.

**COMMUNITY LIVING ARRANGEMENT**

Any facility licensed, operated, or allowed under the authority of the Wisconsin Department of Health Services, not to include day-care centers, nursing homes, general hospitals, special hospitals, prisons, or jails, with said facility as identified in the following:

- A. Child welfare agencies per § 48.60, Wis. Stats.;
- B. Group foster homes for children per § 48.02(7), Wis. Stats.;
- C. Community-based residential facilities per § 50.01, Wis. Stats.

**COMMUNITY-SCALE SOLAR ENERGY SYSTEM**

A commercial solar energy system that converts sunlight into electricity for the primary purpose of serving electric demands off site from the facility, either retail or wholesale. Community-scale systems are principal uses and projects typically covering less than one acre.

[Added 8-10-2021 by Ord. No. 2021-09]

**COMMUNITY SOLAR GARDEN**

A solar energy system that provides retail electric power (or a financial proxy for retail power) to multiple community members or businesses residing or located off site from the location of the solar energy system. Also referred to as "shared solar."

[Added 8-10-2021 by Ord. No. 2021-09]

**COMPREHENSIVE PLAN**

The Town of Fulton Comprehensive Plan, a document adopted by the Town of Fulton Board to guide specified aspects of community planning and development, in accordance with § 66.1001, Wis. Stats.

**CONDITIONAL USE**

A use of land, water, air, buildings and other structures requiring special oversight and review, allowable under this chapter subject to issuance of a conditional use permit by the Town in accordance with § 425-4.3F of this chapter, not to include a permitted use.

**CONDOMINIUM**

A building and the associated grounds in which units of property, such as apartments, are owned by individuals and common parts of property, such as building(s) and grounds, are owned jointly by all unit owners, so classified herein as a multifamily residence.

**CONFLICT OF INTEREST**

A matter requiring action by the Board, Commission, or BOA in which an official of said Board, Commission, or BOA, an immediate family member of the official, or an organization with which the official is associated has a financial interest; or said official's use of his/her position in a manner that could produce or assist in the production of substantial benefit, whether directly or indirectly, for the official, an immediate family member of the official, or an organization with which the official is associated, as defined in § 19.42(2), Wis. Stats.

**CONSERVATION DEVELOPMENT**

A planned development and major land division (subdivision), in accordance with Sections 4.107 and 4.117, County Land Division and Management Ordinance, consisting of lots of reduced size and specifying building sites so as to provide for a more compact development pattern, and protection and preservation of environmentally sensitive areas, cultural resources, priority agricultural lands, woodlands, and/or open space.

**CONSERVATION EASEMENT**

An easement, in accordance with § 700.40, Wis. Stats., prohibiting construction and earth-disturbing activity detrimental to the intent and purpose of the easement.

**CONTIGUOUS**

Any lots/outlots sharing a common line, or any lots/outlots that would share a common line but separated by a river, stream, section line, or transportation, pipeline, or transmission line right-of-way, not to include lots/outlots sharing a corner point.

**CORNER LOT**

A lot abutting two or more roads (streets) at their intersection, provided the corner of such intersection has an angle of 135° or less measured on the lot side.

**COUNTY LAND DIVISION AND MANAGEMENT ORDINANCE**

Chapter 4, Subchapter 1, Part 1, Land Division and Management, Code of Ordinances, Rock County, identifying the process, standards, and requirements for all land divisions and other related development activities in Rock County.

**CSM (CERTIFIED SURVEY MAP)**

A map of a minor land division or identifying lands subject to a lot combination or an adjacent land sale or transfer, prepared by a land surveyor in accordance with § 380-13 of the Land Division Ordinance, Sections 4.112(1)(a) and 4.113(1)(a), County Land Division and Management Ordinance, and § 236.34, Wis. Stats., and submitted by an applicant in both a preliminary and final form.

**CUL-DE-SAC**

A local street with a singular automobile outlet containing an appropriate terminal for the safe and convenient reversal of traffic movement.

**CULTURAL RESOURCES**

Any building or structure, archaeological or cultural site, or historical marker in the State of Wisconsin Historical Society's Architecture and History Program, Archaeological Sites Inventory



Program, or Historical Markers Program, or any building, structure, site, or marker so identified as a cultural resource in any Rock County or Town cultural resources inventory, plan, or program.

**CUP (CONDITIONAL USE PERMIT)**

A permit issued by the Town allowing a conditional use of land, water, air, buildings, or other structures.

**DATCP**

Wisconsin Department of Agriculture, Trade, and Consumer Protection.

**DEMOLITION**

The intentional destruction or damage to a building or other structure whereby less than 50% of the fair market value of said building or structure remains after such destruction or damage.

**DRIVEWAY**

A private right-of-way primarily serving or designated to serve as an automobile access to a lot from a public street.

**EARTH-DISTURBING ACTIVITY**

An activity entailing the movement of greater than two cubic yards of soil.

**EASEMENT**

A non-fee simple interest in land either allowing use of the land by a person(s) other than the landowner and/or restricting use of the land by the landowner.

**EMERGENCY SHELTER**

A building designed to protect persons from natural and man-made disasters, including but not limited to floods, windstorms, fires, social upheaval events, and acts of war.

**ENVIRONMENTALLY SENSITIVE AREAS**

Natural resource features listed in accordance with § 425-3-3M(2) and § 425-3-3N(2) of this chapter.

**EXISTING LAND USE MAP**

The Town of Fulton Existing Land Use Map, or similarly named map, as contained in the Comprehensive Plan and identifying general areas within the Town currently used for residential, commercial, light industrial, special, parks/outdoor recreation, agricultural, and other designated land uses.

**EXPANDED LIVESTOCK FACILITY**

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

**EXPANSION OF A LIVESTOCK FACILITY**

An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any twelve-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 twelve-month period.

**FAMILY**

Any person or persons occupying one residence, whether or not related by blood or marriage.

**FARM**

Any land under common ownership and meeting either of the following:

A. The land produces at least \$6,000 in annual gross farm revenues to the land owner or renter;

- B. A majority of the land area is in agricultural use.

#### **FARM ACRES**

Any acreage in agricultural or open space use, including any residences, buildings, or other structures whose primary purpose is support of said use, in the Agricultural-Exclusive (A-E) Zoning District.

#### **FARM OWNER/OPERATOR**

Any person(s) holding title to land comprising a farm or any person(s) primarily responsible for the day-to-day operation of a farm.

#### **FARM RESIDENCE**

Any building located on a farm and meeting either of the following:

- A. A single-family or two-family residence that is the only residence on the farm;
- B. A single-family or two-family residence occupied by a farm owner/operator.

#### **FARMSTEAD RESIDENCE**

A residence and associated accessory buildings, existing on or prior to October 9, 1980, and the land on which they are located, formerly serving a farm in the Agricultural-Exclusive (A-E) or Agricultural-General (A-G) Zoning District.

#### **FIELD ROAD**

A private right-of-way whose primary purpose is to provide access to lands in agricultural use.

#### **FLOODPLAIN**

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

#### **FLOOR AREA**

The combined total square feet on each floor of a building, measured from the interior face of exterior walls or from the centerline of a wall separating two buildings, not to include parking spaces, loading space for automobiles, automobile maneuvering areas within the building, or any space within the building where the floor-to-ceiling height is less than six feet.

#### **FRONTAGE**

The length of a lot abutting a road (street) on one side only and/or the length of the rear lot line of a lot abutting a surface water feature.

#### **FULL WIDTH**

The distance between the parallel boundaries of a street or right-of-way, measured perpendicular from said boundaries.

#### **FUTURE LAND USE MAP**

The Town of Fulton Future Land Use Map; or similarly named map, as contained in the Comprehensive Plan and identifying general areas within the Town appropriate for future residential, commercial, light industrial, special, parks/outdoor recreation, agricultural, and other designated land uses.

#### **GARAGE**

Any building or portion of a building, whether attached to or detached from a residence, whose primary purpose is storage of automobiles and associated personal property serving said residence, not to include any building or portion of a building whose primary purpose is to store or park automobiles for commercial/business purposes.

#### **GENERAL PURPOSE DISTRICT**

A unit of government, including counties, towns, cities, and villages, providing a wide array of vital services within their borders.

**GRADE**

The slope of a street specified in percent.

**GRID-INTERTIE SOLAR ENERGY SYSTEM**

A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

[Added 8-10-2021 by Ord. No. 2021-09]

**GROSS FARM REVENUE**

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

**GROUND-MOUNT**

A solar energy system mounted on a rack or pole that rests on or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

[Added 8-10-2021 by Ord. No. 2021-09]

**HALF WIDTH**

One-half of a road (street) or right-of-way measured perpendicular from the road (street) or right-of-way boundary to its centerline.

**HOME OCCUPATION**

Any employment activity designed to generate a profit and taking place in a residence, or garage or accessory building thereof, with the production and sale of any products or services so generated undertaken by the occupants of said residence, with only said products and services to be sold on the premises, subject to all of the following:

- A. The activity shall be clearly secondary and incidental to residential use and shall not occupy more than 30% of the square footage of the residence;
- B. The activity shall not significantly alter the character or appearance of the residence or property on which the activity is located, with storage or display of materials, goods, supplies or equipment related to the activity not visible outside any building or structure located on the property;
- C. The activity shall not unreasonably interfere with residential occupancy of other adjacent or proximate properties;
- D. The activity shall not create environmental, safety, or health hazards such as noise, light, odors, vibrations, electrical emissions, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy;
- E. The activity shall generate no more traffic than that which is customary to adjacent and proximate residences and shall not involve the use of commercial vehicles for more than an occasional delivery to or from the property, nor the use of mechanical equipment other than that allowable for purely residential purposes;
- F. The activity shall not display items for sale nor contain more than one sign used to identify the activity, with said sign to be nonilluminated and no more than three square feet.

**HOME OFFICE**

A building housing a home occupation.

**IESNA**

Illuminating Engineering Society of North America.

#### **KENNEL**

A facility wherein four or more dogs of six or more months of age, and/or more than two litters of dogs per year, are raised, confined and/or kept for the purpose of sale, boarding, breeding, or training.

#### **LAND DIVISION**

The act or process of dividing an existing lot/outlot into two or more lots/outlots normally for the purpose of ownership transfer or building construction or location, or the land area thereof.

#### **LAND DIVISION ORDINANCE**

Chapter **380**, Subdivision of Land, Code of Ordinances, Town of Fulton, identifying the process, standards, and requirements for all land divisions and other related development activity in the Town.

#### **LANDOWNER**

Any person(s) having legal title to a lot, outlot, other land, or surface water in the Town.

#### **LANDSCAPE PLAN**

A document prepared by an applicant, in accordance with Sec. 4.112.(2) of the County Land Division and Management Ordinance detailing preservation, establishment, and maintenance of vegetation, including trees, shrubs, grasses, and other groundcover, on an area subject to residential, commercial, light industrial, or other type of development.

#### **LARGE-SCALE SOLAR ENERGY SYSTEM**

A commercial solar energy system that converts sunlight into electricity for the primary purpose of wholesale sales of generated electricity. A large-scale solar energy system will have a project size greater than one acre and is the principal land use for the parcel(s) on which it is located.  
[Added 8-10-2021 by Ord. No. 2021-09]

#### **LESA (LAND EVALUATION AND SITE ASSESSMENT) MAP**

A map created by the Town of Fulton, in accordance with **Appendix C: Town of Fulton Land Evaluation and Site Assessment (LESA) System and Land Evaluation and Site Assessment (LESA) Map herein,<sup>[1]</sup>** identifying lands in the Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Residential-Rural Density Large (R-RL) Zoning Districts.

#### **LESA (LAND EVALUATION AND SITE ASSESSMENT) SYSTEM**

The Town of Fulton's Land Evaluation and Site Assessment (LESA) System, in accordance with **Appendix C: Town of Fulton Land Evaluation and Site Assessment (LESA) System and Land Evaluation and Site Assessment (LESA) Map herein,** created and utilized to identify lands suitable for designation in the Town's Agricultural-Exclusive (A-E) and Agricultural-General (A-G) Zoning Districts.

#### **LIVESTOCK**

Domestic animals traditionally used in the State of Wisconsin in the production of food, fiber or other animal products, to include cattle, swine, poultry, sheep and goats, but not to include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

#### **LIVESTOCK ANIMAL UNIT**

A livestock classification system as defined in § NR 243.03(3), Wis. Adm. Code, as of April 27, 2004, or subsequent amendments, as follows:

<b>Livestock Type</b>	<b>Livestock Animal Unit Factor*</b>
Milking and dry cows	1.4
Heifers (800 pounds to 1,200 pounds)	1.1

<b>Livestock Type</b>	<b>Livestock Animal Unit Factor*</b>
Heifers (400 pounds to 800 pounds)	0.6
Calves (up to 400 pounds)	0.2
Steers or cows (600 pounds to market)	1.0
Calves (less than 600 pounds)	0.5
Bulls (each)	1.4
Pigs (55 pounds to market)	0.4
Pigs (up to 55 pounds)	0.1
Sows (each)	0.4
Boars (each)	0.5
Layers (each)	0.01
Broilers (each)	0.005
Broilers, continuous overflow watering	0.01
Layers or broilers, liquid manure system	0.033
Ducks, wet lot (each)	0.2
Ducks, dry lot (each)	0.01
Turkeys (each)	0.018
Sheep (each)	0.1
Goats (each)	0.1

\* Animal unit factor is based on an average animal weight per growing cycle.

### **LIVESTOCK FACILITY**

A feedlot, dairy farm or other operation where 500 or greater livestock animal units are or will be fed, confined, maintained or stabled for a total of 45 days or more in any twelve-month period, to include all of the tax parcels of land on which the facility is located, not to include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, 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, to include a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility, but not to 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.

### **LOCAL ROAD (STREET)**

A public right-of-way of limited continuity primarily serving or designated to serve automobile traffic over relatively short distances, providing access to abutting properties within neighborhoods and to collector streets. (Frontage/service roads along arterial highways shall be considered local roads for the purpose of determining the building setback line along said frontage/service roads.)

### **LOT**

A land area created by a land division or otherwise permitted by law to be sold or used as a principal building site and containing adequate size and dimension to meet all Town, Rock County, state, and any other applicable standards and regulations, including any nonconforming lot established and on file in the Rock County Register of Deeds Office prior to the effective date of this chapter and able to meet the minimum building setback line requirements, septic system, and water

well requirements (including compliance with all applicable provisions of Chapter 6, Public Health, Code of Ordinances, Rock County) without obtaining a variance.

### **LOT AREA**

The total square footage or acreage of a lot, excluding any public or private right-of-way or surface water feature.

### **LOT COVER**

That portion of the ground under buildings and other structures on a lot, including but not limited to any constructed surface that prevents rain water from reaching the ground directly as it falls from the sky.

### **LOT LINES**

The boundary lines of a lot.

### **MOA (MEMORANDUM OF AGREEMENT)**

The Land Division and Development Activities Memorandum of Agreement, Town of Fulton and Rock County Planning, Economic and Community Development Agency, effective date April 20, 2012, contained as **Appendix D** herein,<sup>[2]</sup> constituting an agreement between the Town and said Agency, and identifying procedures for various land division and development activities, including the following:

- A. Adjacent land sale or transfer;
- B. Lot combination;
- C. Public improvement design and construction;
- D. Environmentally sensitive areas, cultural resources, productive agricultural soils, and woodlands protection and preservation;
- E. Town building site permit.

### **MOBILE HOME**

A building, transportable in one or more sections, which is eight body feet or more in width or 40 body feet or more in length in transport mode, or when sited on a lot is 320 or more square feet, constructed on a permanent chassis and designed to be used as a residence with or without a permanent foundation and complying with the standards established under 42 UCS 5401 to 5425 of the United States Department of Housing and Urban Development's Uniform National Construction Standards; or a building manufactured or assembled before June 15, 1976, designed for transport by an automobile and used or intended to be used primarily for human habitation, with walls of rigid uncollapsible construction and having an overall length greater than 45 feet, with the building to include plumbing, heating, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

### **MOBILE HOME LOT**

A land area within a mobile home park lot whose principal use is the siting of one mobile home.

### **MOBILE HOME PARK LOT**

A lot whose principal use is to provide a location and accommodation for two or more mobile homes, including all buildings and other structures used or intended for use thereof, whether or not a charge is made by the lot owner for use of the lot and facilities thereon.

### **MONOPOLE**

A tower utilized to accommodate antenna or similar equipment, consisting of a single pole sunk into the ground and/or attached to a foundation.

### **NEIGHBORHOOD DEVELOPMENT**

A planned development and major land division (subdivision), in accordance with Sections 4.107 and 4.117, County Land Division and Management Ordinance, consisting of lots of reduced size, increased building densities, and differing land uses (residential, commercial/business, governmental/quasi-governmental, and outdoor recreation/open space) in close proximity so as to provide for a more compact development pattern and protection and preservation of environmentally sensitive areas, cultural resources, priority agricultural lands, woodlands, and/or open space.

#### **NEW AGRICULTURAL LOT – A-E OR A-G**

A lot on which agricultural or agriculture-related uses will occur, created from a base farm after July 14, 2015, in accordance with § 425-4-3H(2)(d)[1] of this chapter (applicable to land in the A-E Zoning District).

[Added 6-8-2021 by Ord. No. 2021-06]

#### **NEW FARMSTEAD RESIDENCE LOT**

A lot on which a residence and associated accessory buildings, existing on or prior to October 9, 1980, created from a base farm after July 14, 2015, in accordance with § 425-4-3H(2)(d)[1] of this chapter (applicable to land in the A-E Zoning District).

[Added 6-8-2021 by Ord. No. 2021-06]

#### **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 five years, not to include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five years.<sup>[3]</sup>

#### **NEW RESIDENTIAL LOT**

A lot on which a residence is proposed to be located, created from a base farm after July 14, 2015, in accordance with § 425-4-3H(2)(d)[1] of this chapter (applicable to land in the A-E Zoning District).

[Added 6-8-2021 by Ord. No. 2021-06]

#### **NONCONFORMING**

Any lot, use of land, water, and air, and building or other structure which is lawful on the effective date of this chapter or an amendment or revision thereto, but which dimension, siting, construction, or use does not conform to the provisions of the current chapter so adopted.

#### **NONFARM RESIDENCE**

Any residence other than a farm residence.

#### **OFF-GRID SOLAR ENERGY SYSTEM**

A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

[Added 8-10-2021 by Ord. No. 2021-09]

#### **OPEN SPACE**

A land area intended to provide outdoor recreation opportunities and/or maintain and enhance ecosystem health, largely devoid of buildings, other structures, or other visible, intensive construction activities or products. (Any open space use in the A-E Zoning District shall be completely devoid of buildings, other structures, or other visible intensive construction activities or products.)

#### **ORDINANCE**

This chapter, Chapter **425**, Zoning and Land Use, Code of Ordinances, Town of Fulton.

#### **OUTLOT**

A land area, other than a lot, not to be utilized as a building site and so designated on a plat of survey, certified survey map, or subdivision plat.

**OUTLOT LINES**

The boundary lines of an outlot.

**OVERLAY ZONING DISTRICT**

Standards and requirements applicable to all land, water, air, buildings, and other structures in a specified geographical area, superimposed on an underlying zoning district, with said standards and requirements not identified in the underlying district.

**PARENT BASE FARM LOT**

A lot in a base farm remaining after a new lot is created in accordance with § 425-4-3H(2)(d)[1] of this chapter.

[Amended 6-8-2021 by Ord. No. 2021-06]

**PASSIVE SOLAR ENERGY SYSTEM**

A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

[Added 8-10-2021 by Ord. No. 2021-09]

**PEDESTRIAN WAY**

A public or private right-of-way primarily serving or designated to serve the conveyance of foot traffic.

**PERMITTED USE**

Any use of land, water, air, buildings or other structures allowable by right under this chapter, not to include a conditional use.

**PERSON**

An individual(s), corporation, partnership, limited liability company, trust, estate or other legal entity.

**PHOTOVOLTAIC SYSTEM**

A solar energy system that converts solar energy directly into electricity.

[Added 8-10-2021 by Ord. No. 2021-09]

**PLANNED DEVELOPMENT**

A minor or major land division (subdivision), in accordance with Sections 4.107 and 4.117, County Land Division and Management Ordinance, in which building sites and construction are planned and undertaken as a single project, incorporating a variety of land uses and not subject to standard development design requirements.

**PLAT OF SURVEY**

A map of a minor land division or identifying lands subject to an adjacent land sale or transfer, prepared by a land surveyor in accordance with Sec. 4.107, County Land Division and Management Ordinance, and submitted by an applicant in both a preliminary and final form.

**PRIME FARMLAND**

Lands within the Agricultural-Exclusive (A-E) Zoning District containing Class I or Class II land capability classification, as identified by the United States Department of Agriculture Natural Resources Conservation Service.

**PRINCIPAL BUILDING**

The structure of primary use or importance on a lot, affixed to the land and built for support, shelter, or enclosure of persons, animals, chattel, or other movable property.

**PRINCIPAL USE**

The primary use of land, water, air, a building, or other structure on a lot/outlot.

**PRIORITY AGRICULTURAL LANDS**



Lands designated as Tier I Farmland Most Suitable on the Town of Fulton Land Evaluation and Site Assessment (LESA) Map as contained in **Appendix C: Town of Fulton Land Evaluation and Site Assessment (LESA) System and Land Evaluation and Site Assessment Map** as contained herein.<sup>[4]</sup>

#### **PRIVATE ONSITE WASTEWATER TREATMENT SYSTEM (POWTS)**

A sanitary sewer treatment and disposal system consisting of a septic tank and soil absorption field, or similar infrastructure, serving a building(s).

#### **PROTECTED FARMLAND**

Land meeting any of the following:

- A. Located in the Agricultural-Exclusive (A-E) Zoning District;
- B. Subject to a farmland preservation agreement in accordance with Chapter 91, Wis. Stats.;
- C. Subject to an agricultural conservation easement in accordance with Chapter 91, Wis. Stats.;
- D. Otherwise legally protected from nonagricultural development.

#### **PUBLIC IMPROVEMENT**

Any building or construction activity or product on a lot, or serving a lot, intended to increase the value of the lot and which a general purpose or special purpose district may ultimately assume operation and maintenance responsibility.

#### **PUBLIC SANITARY SEWER SYSTEM**

Sanitary sewer treatment and disposal infrastructure constructed and maintained by a general or special purpose district to serve the sewage treatment and disposal needs within their boundaries.

#### **PUBLIC WATER SUPPLY SYSTEM**

Water supply infrastructure constructed and maintained by a general or special purpose district to serve the clean water supply needs within their boundaries.

#### **PUBLIC WAY**

A right-of-way owned by a general or special purpose district, including but not limited to a street or pedestrian way, primarily serving or designated to serve the conveyance of automobile, bicycle, pedestrian, or other traffic.

#### **REAR YARD**

The area of a lot opposite the road yard and between the building setback line at the rear of the lot and its rear lot line, in which building and other specified structure sites are prohibited. (A corner lot shall have no rear yard and two road yards.)

#### **RECREATIONAL VEHICLE**

A self-propelled machine or towable object whose primary purpose is transportation and/or temporary human habitation for recreational purposes, requiring licensing under the jurisdiction of a state and not exceeding the minimum size of a mobile home in accordance with § 348.07(2), Wis. Stats.

#### **RECREATIONAL VEHICLE LOT**

A land area within a recreational vehicle park lot whose principal use is the siting of one recreational vehicle.

#### **RECREATIONAL VEHICLE PARK LOT**

A lot whose principal use is to provide a location and accommodation for two or more recreational vehicles, including all buildings and other structures used or intended for use thereof, whether or not a charge is made by the lot owner for use of the lot and facilities thereon.

#### **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:

- A. They are located on the same tax parcel or adjacent tax parcels of land;
- B. They use one or more of the same livestock structures to collect or store manure;
- C. At least a portion of their manure is applied to the same landspreading acreage.

### **RENEWABLE ENERGY EASEMENT, SOLAR ENERGY EASEMENT**

An easement that limits the height or location, or both, of permissible development on the burdened land in terms of a structure or vegetation, or both, for the purpose of providing access for the benefited land to wind or sunlight passing over the burdened land, consistent with Wis. Stats. § 700.35.

[Added 8-10-2021 by Ord. No. 2021-09]

### **RESIDENCE**

A building whose primary use is occupation by a family and requiring a permanent foundation, in accordance with the State of Wisconsin Uniform Dwelling Code, containing separate sleeping, kitchen, and bathroom facilities for each family within said building, so classified herein as either farm or nonfarm, and further classified herein as single-family (detached), two-family (attached), or multi- (three to eight) family (attached or detached).

### **RESIDENTIAL UNIT**

A residence occupied by one family.

### **RIGHT-OF-WAY**

A land area in public or private ownership primarily serving or designated to serve as the location of a transportation line, pipeline, or utility transmission line.

### **ROAD (STREET)**

A right-of-way in public or private ownership, not including driveways, primarily serving or designated to serve automobile traffic and provide access within and/or between activity areas.

### **ROAD (STREET) RIGHT-OF-WAY**

The boundary lines of a road (street) right-of-way to include all land dedicated or utilized for street (road) purposes, including but not limited to travel lanes, shoulder, ditches, backslopes, and terraces.

### **ROADWAY**

The portion of a road (street) under pavement or other constructed surface.

### **ROAD YARD**

The area of a lot between the building setback line and the adjacent boundary of the road (street) upon which the lot abuts, in which building and other specified structure sites are prohibited. (A corner lot shall have two road yards.)

### **ROOF-MOUNT**

A solar energy system mounted on a rack that is fastened to or ballasted on a structure roof. Roof-mount systems are accessory to the principal use.

[Added 8-10-2021 by Ord. No. 2021-09]

### **ROOF PITCH**

The final exterior slope of a roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, or 12/12.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SEWER SERVICE AREA**

A land area in which a general or special purpose district is able to provide public sanitary sewer system service given existing infrastructure and capacity, as delineated in either an Areawide Water Quality Management Plan (per § NR 121, Wis. Adm. Code), general purpose district comprehensive plan, or special purpose district plan or document.

### **SIDE YARD**

The area of a lot between the building setback line on two sides of the lot and the adjacent side lot line(s), in which building and specified other specified structure sites are prohibited.

### **SIGN**

Any illuminated or nonilluminated surface, fabric, device or display which bears lettered, pictorial, or sculptured matter visible from any public place and which advertises, identifies, or conveys information or directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently or temporarily installed or situated merchandise, emblem, or placard, and all associated structures and components thereof.<sup>[5]</sup>

### **SOLAR ACCESS**

Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR CARPORT**

A solar energy system of any size that is installed on a carport structure that is accessory to a parking area, and which may include electric vehicle supply equipment or energy storage facilities.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR COLLECTOR**

A device, structure or a part of a device or structure for which the primary purpose is to transform solar radiant energy into thermal, mechanical, chemical, or electrical energy. The collector does not include frames, supports, or mounting hardware.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR DAYLIGHTING**

Capturing and directing the visible light spectrum for use in illuminating interior building spaces in lieu of artificial lighting, usually by adding a device or design element to the building envelope.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR ENERGY**

Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR ENERGY SYSTEM**

A device, array of devices, or structural design feature, the purpose of which is to provide for generation or storage of electricity from sunlight, or the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR HOT-AIR SYSTEM**

Also referred to as "solar air heat" or "solar furnace." A solar energy system that includes a solar collector to provide direct supplemental space heating by heating and recirculating conditioned building air. The most efficient performance includes a solar collector to preheat air or supplement building space heating, typically using a vertically mounted collector on a south-facing wall.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR HOT-WATER SYSTEM**

A system that includes a solar collector and a heat exchanger that heats or preheats water for building heating systems or other hot water needs, including residential domestic hot water and hot water for commercial processes.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR MOUNTING DEVICES**

Racking, frames, or other devices that allow the mounting of a solar collector onto a roof surface or the ground.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SOLAR RESOURCE**

A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 a.m. and 3:00 p.m. standard time on all days of the year, and can be measured in annual watts per square meter.

[Added 8-10-2021 by Ord. No. 2021-09]

### **SPECIAL PURPOSE DISTRICT**

A unit of government providing a single or few focused services within its borders.

### **STORY**

The vertical portion of a building between the floor surface and the ceiling above and most proximate to said surface, and able to accommodate normal human activity, to include any basement having 1/2 or more of its height above the land surface.

### **SUBDIVISION PLAT**

A map of a major land division (subdivision), prepared by a land surveyor in accordance with § 380-10 through 380-12 of the Land Division Ordinance, Sections 4.107, 4.112(1)(a), and 4.113(1)(a), County Land Division and Management Ordinance, and §§ 236.11 and 236.20, Wis. Stats., and submitted by an applicant in both a preliminary and final form.

### **SURFACE AREA**

The square feet of a building or other structure which covers the ground or a surface water feature.

### **SURFACE WATER FEATURE**

A river, lake, stream, or any other navigable water body in accordance with § 30.10, Wis. Stats.

### **TEMPORARY USE**

Any use of land, water, air, buildings, or other structures with the duration of said use not to exceed one year.

### **TOWER**

Any ground- or roof-mounted pole, spire, structure, or combination thereof with a height greater than 15 feet, including support lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, meteorological device, wireless communication infrastructure, or similar apparatus above grade, utilized for commercial or governmental purposes.

### **TOWN**

The Town of Fulton, Rock County, Wisconsin, including the Town Board, Town Plan Commission, Town Zoning Administrator, Town Building Inspector, Town Board of Adjustment, Town Clerk, Town Attorney, or any other party so designated by the Town Board.

### **UNCLASSIFIED USE**

Any use of land, water, air, buildings, or other structures not identified in **Appendix A - Town Fulton - Permitted and Conditional Uses**, as contained herein.<sup>[6]</sup>

### **UNDERLYING ZONING DISTRICT**

Standards and requirements applicable to all land, water, air, buildings, and other structures in a specified geographical area.

**UTILITY**

Any entity, whether publicly or privately owned, which provides services to the general public, with said services including but not limited to electricity, gas, telephone, water, sanitary sewer, and television/internet cable.

**UTILITY EASEMENT**

A public or private right-of-way reserved for the location of utility lines and other utility infrastructure.

**VIEWSHED**

A natural or historic environment that is visible from one or more viewing points.

[Added 8-10-2021 by Ord. No. 2021-09]

**WASTE**

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

**WASTE STORAGE FACILITY**

One or more waste storage structures to include 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, not to 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, not to include any of the following:

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

**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, not to include any of the following:

- A. An area other than a pasture where livestock are kept during the period from May 1 to September 30;
- B. An area which at any time has an average of more than four livestock animal units per acre;
- C. 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;
- D. An area in which manure deposited by livestock causes nutrient levels to exceed standards in § ATCP 51.16, Wis. Adm. Code.

**WIND TURBINE**

A structure and associated appurtenances whose primary purpose is to harness wind energy for use on the same lot on which the structure is located or a contiguous lot under common ownership, in accordance with §§ 236.292, 700.41, and 844.22, Wis. Stats.

**WIRELESS COMMUNICATIONS FACILITY**

An unstaffed building and associated appurtenances whose primary purpose is the transmission and reception of radio or microwave signals used for commercial communications.

**WOODLANDS**

Lands comprising five acres or more of contiguous deciduous and/or coniferous vegetation.

**YARD FEATURE**

Any structure normally found in a yard that can be moved with relative ease, including but not limited to tool houses, fences, temporary above-ground pools, hard surface sport/play areas, play equipment, arbor walks, steps, railings, terraces, trellises, pet houses, birdhouses/feeders/baths,

swing sets, sandboxes, compost storage, sprinkler systems, landscape lighting, retaining walls, and clothes lines, not to include any building or tower/antenna.

### ZONING ADMINISTRATOR

The Town of Fulton Zoning Administrator, a person designated by the Board to administer and enforce specified provisions of this chapter.

### ZONING MAP

The Official Zoning Map, Town of Fulton, Wisconsin, a map identifying the zoning district designation of all land and water in the Town of Fulton and so adopted by the Town of Fulton Board.

[7]

- [1] *Editor's Note: Said map is included as an attachment to this chapter.*
- [2] *Editor's Note: Said appendix is included as an attachment to this chapter.*
- [3] *Editor's Note: The former definition of "new lot, residence, farmstead residence, or agriculture," which immediately followed this definition, was repealed 6-8-2021 by Ord. No. 2021-06.*
- [4] *Editor's Note: Said appendix is included as an attachment to this chapter.*
- [5] *Editor's Note: The former definition of "solar power facility," which immediately followed this definition, was repealed 8-10-2021 by Ord. No. 2021-09.*
- [6] *Editor's Note: Said appendix is included as an attachment to this chapter.*
- [7] *Editor's Note: The Zoning Map is on file in the Town offices.*

## Article II. General Provisions

### § 425-2-1. Applicability.

This chapter shall apply to all uses of land, water, and air, siting and construction of buildings and other structures and uses thereof, and all related activities (hereafter collectively "regulated activities") within the Town.

### § 425-2-2. Suitability.

#### A. Limitations and restrictions.

- (1) Regulated activities shall not occur in a manner the Town deems hazardous to life or property, including but not limited to those hazards related to fire, flood, disease, noise, soil, bedrock formation, topography, erosion, drainage, steep slope, and sewage treatment and disposal, water supply, and all other utilities, unless said hazards have been eliminated or adequate methods to correct said hazards are developed by the applicant or other applicable party to the satisfaction of the Town.
- (2) Certain soil types in the Town, as shown on the Rock County Standard Soils Survey prepared by the United States Department of Agriculture Natural Resources Conservation Service (hereafter "NRCS"), have limitations for siting private on-site wastewater treatment systems resultant from one or more of the following:
  - (a) High or fluctuating water table;
  - (b) Flooding;
  - (c) Groundwater contamination;
  - (d) Silting;
  - (e) Slow permeability;
  - (f) Steep slopes;

- (g) Proximity to bedrock.
  - (3) The Rock County Standard Soils Survey prepared by the NRCS is hereby adopted by reference as part of this chapter as a determining factor in zoning and land use decisions made by the Town under this chapter. If questions arise 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 Environmental Health Department, and/or a soil scientist from the NRCS, by the Town, applicant, or other applicable party.
  - (4) The Town shall encourage regulated activities to occur in a manner which the Town deems will not significantly degrade or deplete, nor compromise the function or integrity, of any environmentally sensitive areas, cultural resources, priority agricultural lands, or woodlands. The location of environmentally sensitive areas, cultural resources, priority agricultural lands, and woodlands shall reflect the most current and best data and information available to the Town at the time of administration and enforcement of this chapter.
- B. Determination of suitability. If the Town prohibits any regulated activities, the Town shall state this determination of suitability at a public meeting or hearing, or in formal correspondence, through an action of denial with findings of an application or other required document submittal for regulated activities, and forward the same in writing to the applicant within 10 business days of said action.

## Article III. Zoning Districts

### § 425-3-1. Establishment and identification.

- A. Zoning district designation. For the purposes of this chapter, all land, water, and air located in the Town shall be designated within one of the following zoning districts:
- (1) Agricultural-Exclusive (A-E);
  - (2) Agricultural-General (A-G);
  - (3) Residential-Rural Density Large (R-RL);
  - (4) Residential-Rural Density Small (R-RS);
  - (5) Residential-Low Density (R-L);
  - (6) Residential – General Sewered (R-GS);  
[Added 6-14-2016 by Ord. No. 2016-2<sup>[1]</sup>
  - [1] *Editor's Note: This ordinance also renumbered former Subsection A(6) through (14) as Subsection A(7) through A(15), respectively.*
  - (7) Commercial-Local (C-L);
  - (8) Commercial-Highway Interchange (C-H);
  - (9) Commercial-Recreational (C-R);
  - (10) Industrial-Light (I-L);
  - (11) Special Use (SU);
  - (12) Planned Development (PD);
  - (13) Natural Resource-Open Space (NR-OS);
  - (14) Environmental Conservation-Lowland – Overlay (EC-L);
  - (15) Environmental Conservation-Highland – Overlay (EC-H).

- B. Underlying and overlay zoning districts. Zoning districts identified in § 425-3-1A(1) through (13) of this chapter shall be designated as "underlying zoning districts," with uses of all land, water, and air, and siting and construction of buildings and other structures and use thereof, subject to the standards and requirements for the designated underlying zoning district as identified herein. Zoning districts identified in § 425-3-1A(14) through (15) shall be designated as "overlay zoning districts," with all uses of land, water, and air, and siting and construction of buildings and other structures and uses thereof, subject to the standards and requirements of both the designated underlying and overlay zoning district as identified herein. (If conflicts exist between underlying and overlay standards and requirements, the more restrictive standards and requirements shall apply.) [Amended 6-14-2016 by Ord. No. 2016-2]
- C. Official Zoning Map and boundaries. Zoning district boundaries are hereby established as identified on a map entitled Official Zoning Map, Town of Fulton, Wisconsin (hereafter "Zoning Map"), adopted October 9, 1980, as amended and kept on file at the office of the Town Clerk and the Rock County Planning, Economic and Community Development Agency, with said Zoning Map to accompany and be made part of this chapter.<sup>[2]</sup> Zoning district boundaries shall be construed to Town boundary lines, United States Public Land Survey Lines, lot/outlot lines, centerlines of streets, alleys, easements, and rail rights-of-way lines or such lines extended, unless otherwise noted on the Zoning Map. The Zoning Map shall remain current, reflecting any change or modification to zoning district boundaries, with said changes or modifications so adopted by the Board in accordance with § 425-1-6 of this chapter. The Rock County Planning, Economic and Community Development Agency shall maintain and update the Zoning Map, upon mutual agreement between the Town and said Agency.
- [2] Editor's Note: The Zoning Map is on file in the Town offices.*
- D. Land evaluation and site assessment (LESA) system and map. Lands identified as suitable for designation within the A-E and A-G Zoning Districts are hereby established in accordance with **Appendix B: Criteria for Designation of Town of Fulton Lands in the Agricultural-Exclusive (A-E) and Agricultural-General (A-G) Zoning Districts**, herein.<sup>[3]</sup>
- [3] Editor's Note: Said appendix is included as an attachment to this chapter.*

## § 425-3-2. General standards and requirements.

The following general standards and requirements are applicable to all zoning districts identified in § 425-3-3 of this chapter and all uses of land, water, air, and siting and construction of buildings and other structures and uses thereof, with the exception of Subsection T(1) which shall not apply to any livestock facility use:

- A. Permitted and conditional uses. Only those principal uses of land, water, air, buildings, and other structures, in accordance with Town of Fulton **Appendix A, Permitted and Conditional Uses** (hereafter "**Appendix A**") as contained herein,<sup>[1]</sup> shall be allowable as permitted or conditional uses, with accessory uses allowable as a permitted or conditional use but not until a principal use is present or under construction. Unclassified uses may be allowed by the Town as a permitted or conditional use provided such uses are similar in character and impact to uses allowed as permitted or conditional in the applicable zoning district, in accordance with **Appendix A**. Temporary uses may be allowed by the Town as a permitted or conditional use for a period not to exceed one year, provided such uses are similar in character and impact to uses allowed as permitted or conditional in the applicable zoning district, in accordance with **Appendix A**.
- [1] Editor's Note: Said appendix is included as an attachment to this chapter.*
- B. Nonconformance. Any lot, use of land, water, and air, or siting and construction of buildings and other structures and uses thereof, lawfully existing prior to July 14, 2015, that conforms to all other applicable laws and regulations but does not conform to all provisions of this chapter shall be hereafter referred to as "nonconforming" and shall be subject to all of the following:
- (1) Use, building, and other structure. Any nonconforming use of land, water, and air, or siting and construction of buildings and other structures and uses thereof, may be continued subject to



compliance with all of the following:

- (a) Increasing an existing instance or creating a new instance of a nonconforming use, building, and other structure shall not be allowed;
  - (b) Only that portion of the land, water, air, building and other structure in actual use may be so continued and a building and other structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or to comply with this chapter, except as provided in Subsection **B(1)(e)** and **B(3)(b)** of this chapter;
  - (c) Total lifetime building or other structure repairs, additions, or alterations shall not exceed 50% of the structural members of existing roof, walls and foundation of the building or other structure unless it is permanently changed to conform to all provisions of this chapter, except as provided in Subsection **B(1)(e)** and **B(3)(b)** of this chapter;
  - (d) Substitution of new equipment may be allowed if such equipment will reduce the incompatibility of the nonconforming use, building, or other structure with adjacent or proximate uses, buildings, or other structures;
  - (e) Farming, governmental/civic, business/commercial, industrial/manufacturing, and other uses existing prior to July 14, 2015, and allowable as a permitted or conditional use in the applicable zoning district prior to said date may be continued, reconstructed, or structurally enlarged provided that all of the following are met:
    - [1] The Board grants a special exception for the same use;
    - [2] The same foundation area is used or the lot cover does not exceed 20%;
    - [3] One two-hundred-square-foot (minimum) parking space for every 200 square feet of floor area in building or per 200 square feet of commercial/business floor area in building, at the discretion of the Town.
- (2) Use, building, and other structure; changes and substitutions. If a nonconforming use of land, water, and air, or siting and construction of buildings and other structures and uses thereof, has been altered to conform with all provisions of this chapter, said use, building, and other structure shall not revert back to a previous nonconforming status. If the Town has allowed the substitution of a more restrictive nonconforming use, building, and other structure for an existing nonconforming use, building, and other structure, the substituted use, building, and other structure shall lose its status as nonconforming and be subject to all conditions required by the Town.
- (3) Use, building, and other structure; abolishment, replacement, or restoration.
- (a) If a nonconforming use of land, water, or siting and construction of buildings and other structures and uses thereof, are discontinued or terminated for a period of 12 months or longer, any future use, building, and other structure shall conform to all provisions of this chapter.
  - (b) If more than 50%, in square footage or acreage, of a nonconforming use, building, and other structure is damaged or destroyed by fire, explosion, flood, the public enemy, or other calamity, any restoration of the use, building, and other structure shall comply with all provisions of this chapter, with the following exception:
    - [1] If a nonconforming use, building, and other structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation, on or after March 2, 2006, said nonconforming use, building, and other structure shall be replaced or restored only to the size, location and use that it had immediately before the damage or destruction occurred, with the exception that the size may be larger than the size immediately before the damage or destruction if necessary for the use, building, and other structure to comply with applicable state or federal requirements.

- (c) Nonconforming outdoor lighting fixtures existing and legally installed prior to November 13, 2007, are allowable under this chapter, with any replacement of said lighting fixtures to comply with all applicable provisions of this chapter.
- (4) Lots.
- (a) Any nonconforming lot established and on file in the Rock County Register of Deeds Office prior to July 14, 2015, and able to meet the minimum building line setbacks, private on-site wastewater treatment system, and water well standards and requirements (including compliance with all applicable provisions of Chapter 6, Public Health, Code of Ordinances, Rock County), may have a permitted or conditional use as allowable under this chapter in the designated zoning district.  
[Amended 3-13-2018]
- (b) A single-family residence and accessory building may be located on a legal nonconforming lot, with the zoning district standards and requirements complied with insofar as practical but in no circumstance shall be less than the following:
- [1] Lot:
- [a] Minimum size: 7,500 square feet, except in shoreland areas as defined in accordance with Chapter 4, Subchapter 1, Part 2 and 4, Zoning, Code of Ordinances, Rock County, with minimum lot size in said areas subject to standards and requirements as identified in said ordinance;
- [b] Minimum width:
- [i] Building setback line: 50 feet;
- [ii] Public road frontage: 50 feet.
- [2] Building setback line:
- [a] Road-yard: 35 feet with any second yard abutting a street on a corner lot not less than 10 feet;
- [b] Rear-yard: 25 feet;
- [c] Side-yard: 10% of the public road frontage, but not less than eight feet.
- (c) If a legal nonconforming lot has an area less than the minimum number of square feet or acreage required per family for the designated zoning district, such lot may be occupied by no more than one family.
- C. Land use conflicts. Nonagricultural land uses, and nonagricultural zoning districts adjacent to agricultural land uses and zoning districts, shall recognize that agriculture is a necessary use vital to the Town's identity and economy, and therefore should be encouraged, with certain environmental conditions resultant from normal agricultural land uses. If conflicts arise between nonagricultural and agricultural land uses and/or land owners, the Town, in reviewing and resolving the conflict, shall consider which land uses have existed for the longest period of time and which land uses existed at the time the nonagricultural use was initiated.
- D. Lot size. Any lot created or modified after the effective date of this chapter shall contain minimum lot size standards and requirements as identified in § 425-3-3 of this chapter.  
[Amended 6-14-2016 by Ord. No. 2016-2]
- E. Principal building allowance. More than one principal building shall be allowed on lots in all zoning districts in the Town insofar as the maximum lot coverage for the applicable zoning district is not exceeded, with the exception of any lot located in the R-RL, R-RS, R-L or R-GS Zoning Districts, or a residential lot in the PD Zoning District, on which a single-family or two-family residence is located, in which case no more than one principal building, not to exceed the maximum lot coverage for said zoning district, shall be allowed.

[Amended 6-14-2016 by Ord. No. 2016-2]

F. Building siting. All buildings shall be sited on lots adjacent to a public road (street) and in a manner so as to provide safe and convenient access for emergency service, fire and police protection, other necessary servicing, and required off-street parking, if applicable.

G. Building setback lines and right-of-way width by road (street) classification. Building setback lines and minimum right-of-way widths for roads (streets) are hereby classified according to the Wisconsin Department of Transportation Functional Classification System and, except as otherwise provided in § 425-3-3 of this chapter, are identified in and subject to the following:

[Amended 6-14-2016 by Ord. No. 2016-2]

(1) Building setback lines.

(a) Arterial roads (highways): except as provided in Subsection **G(1)(e)**, 150 feet from the road's center line or 100 feet from the road right-of-way line, whichever is greater;  
[Amended 4-12-2016 by Ord. No. 2016-1]

(b) Collector roads: 90 feet from the road's centerline or 50 feet from the road right-of-way line, whichever is greater;

(c) Local roads: 85 feet from the road's centerline or 50 feet from the road right-of-way line, whichever is greater;

(d) Surface water feature: 75 feet in accordance with Subpart 1 and 4, Chapter 4, Subchapter 1, Part 2 and 4, Zoning, Code of Ordinances, Rock County.

(e) Interstate highways as defined in § 84.30(2)(f), Wis. Stats.: 110 feet from the highway's center line or 50 feet from the highway right-of-way line, whichever is greater.  
[Added 4-12-2016 by Ord. No. 2016-1]

(2) Minimum road (street) right-of-way width.

(a) Arterial roads (highways): 100 feet in total and 50 feet for 1/2;

(b) Collector roads: 80 feet in total and 40 feet for 1/2;

(c) Local roads: 70 feet in total and 35 feet for 1/2.

H. Building setback line exception. Building setback lines less than those identified in § 425-3-3 of this chapter may be allowed for a proposed building site in cases of unusual topography, existing patterns of lesser building setback lines on nearby properties, or varying alignment of street right-of-way lines, if at least five buildings similar in nature to the proposed building, existing on the effective date of this chapter, are within 500 feet of the proposed building site, are not separated from said site by a public road, and are built to less than the required setback. In such case, the building setback line for the proposed building shall be the average building setback of said buildings that are nearest to the side lot line of said proposed building site, on either side; or if no existing principal building on one side, the average of the building setback for the existing principal building on one side and the required building line setback for the designated zoning district in accordance with § 425-3-3 of this chapter. Such building setback line exception shall be granted by the Commission as a matter of course and shall not require a variance.

I. Building height exception. Building height standards and requirements as identified for zoning districts in § 425-3-3 of this chapter do not apply to grain elevators, silos, barns, spires, belfries, cupolas, towers, 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.

J. Yard features and landscaping.

(1) Yard features are allowed in all zoning districts in the Town, subject to all of the following:

- (a) Fences shall not be subject to any building setback line standard or requirement. All fences, not to include any fence whose primary purpose is to serve an agricultural operation, delineate lot lines between adjoining agricultural and open space uses, or to protect the general health, safety, and welfare, shall be subject to the following:
- [1] Fences shall be kept in good repair;
  - [2] Decorative sides of fences shall face outward from the lot and if two faces are used each face shall be of the same type and finish;
  - [3] A fence's supporting members or braces shall be on the enclosed area side and smooth or flat faces shall be on the side visible from outside of the enclosed area;
  - [4] Fences shall not be constructed of chicken wire, woven wire, barbed wire, razor wire, electric wire, hazardous wire edges, or similar materials;
  - [5] Any fence located within five feet of a lot line shall not exceed six feet in height;
  - [6] Any fence located in a road yard shall have at least 50% of its bulk in air space and shall not be more than four feet in height;
  - [7] Fences shall not be located in any public right-of-way and shall be subject to requirements as identified in § **425-3-2P** of this chapter.
- (b) Any fence not subject to § 425-3-2J(1)(a) of this chapter may be subject to review and approval by the Town in accordance with §§ **425-4-2** and **425-4-3F** of this chapter.
- (c) Patios or decks at ground or floor level shall be no more than four feet above ground level at any point under the deck (any patio or deck at a greater height shall be considered part of the building and be subject to building setback lines, in accordance with § **425-3-3** of this chapter) and shall be at a minimum distance of 10 feet from side or rear lot lines, or the side-yard building setback, whichever is less, to the edge or side of the patio/deck shall be required, unless the applicant has obtained a signed and notarized affidavit of consent from the adjacent lot owners, recorded against the subject and adjacent lots with the Rock County Register of Deeds, identifying and allowing a lesser distance, with said affidavit to run with the land.
- (d) Retaining walls shall be set back at least one foot from the lot line. Solid walls that extend three feet or more above the ground for three or more feet of their length shall be set back at least two feet from the lot line.
- (e) Pools and sport/play areas shall have a ten-foot minimum distance from the side or rear lot line (measured from edge of water or sport/play area) unless the applicant has obtained a signed and notarized affidavit of consent from the adjacent lot owners, recorded against the subject and adjacent lots with the Rock County Register of Deeds, identifying and allowing a lesser distance, with said affidavit to run with the land. All permanent pools within the R-RS, R-L, and R-GS Zoning Districts, or a residential lot in the PD Zoning District, shall be fenced.  
[Amended 6-14-2016 by Ord. No. 2016-2]
- (f) Satellite dish antennas shall be built and anchored to withstand winds of not less than 80 miles per hour and shall be erected only in the rear-yard with no more than one dish antenna allowed per lot. Dish antennas over three feet in diameter and satellite devices that are not designed to receive video programming shall be located and screened to minimize their visual impact on adjacent and proximate residential properties. Said antennas shall be shielded or filtered to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent and proximate properties.
- (2) An applicant submitting a zoning and land use activity application or other required documentation, as identified in Article **IV** of this chapter, may at their option submit a landscape

plan, in accordance with Sec. 4.112(2), County Land Division and Management Ordinance, with said plan providing for preservation, establishment, and maintenance of vegetation on lots/outlots, including trees, shrubs, grasses, and other groundcover, to minimize soil erosion, screen and buffer differing land uses, and stabilize and enhance ecosystem health and community character. Said plan shall encourage and promote landscaping that maintains and/or establishes large contiguous areas of native vegetation that preserve, establish, or enhance scenic viewsheds and are located adjacent to stormwater and retention ponds, at the periphery of exterior lots/outlots, and in areas where differing land uses interface.

- K. Keeping of certain domesticated animals. No more than four dogs or four cats are allowed per lot on which a principal building or structure is located, if confined to the lot. All dogs/cats must be current on rabies vaccinations and dogs must be licensed on a yearly basis. An additional number of dogs and/or cats may be kept on a lot pursuant to the issuance of a conditional use permit for the operation of a kennel, in accordance with § **425-4-3F** of this chapter.
- L. Signs.
- (1) Any sign located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered shall meet all the structural requirements of Town, Rock County, and state building codes. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices, nor obstruct or interfere with the effectiveness of said 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 manner as to cause glare or impair driver visibility upon public ways.
  - (2) Signs, not to include any official signs identified in § 425-4-3D(2)(g) of this chapter, shall not be placed in any public right-of-way;
  - (3) The following signs are prohibited under this chapter:
    - (a) Any sign containing an illuminated blinking light or group of said lights.
    - (b) Any sign mounted or erected on an automobile, trailer, or other object not permanently affixed to the real estate. (Any licensed automobile or trailer, used on roads on a regular basis for a legitimate business/commercial purpose other than advertising, is exempt from this prohibition.)
    - (c) Any sign mounted or erected on the roof of a building or other structure.
  - (4) Wall signs placed against the exterior wall of a building shall be subject to all of the following:
    - (a) Maximum display area of three square feet for each lineal front foot of the building on which the sign is located;
    - (b) Not extend above the roof line of the building on which it is located, nor more than 12 inches from said building wall.
  - (5) Projecting signs fastened to, suspended from, or supported by buildings or other structures shall be subject to all of the following:
    - (a) Maximum display area of 100 square feet on all sides for any one premises;
    - (b) Not extend more than six feet into any building setback line, nor above the roof line;
    - (c) Located a minimum distance of 10 feet from any lot line;
    - (d) Located a minimum distance of 10 feet above a sidewalk or other pedestrian way and 15 feet above a driveway or alley.
  - (6) Window signs shall be placed only on the inside of buildings and shall not exceed 25% of the glass area of the pane upon which the sign is displayed;

- (7) On-premises ground signs shall be allowed only in the C-L, C-R, C-H, I-L, and SU Zoning Districts and shall be subject to all of the following:
  - (a) Identify the business name, services offered, or products sold only;
  - (b) Located a minimum distance of 50 feet from any lot in the R-RS or R-L Zoning District, or a residential lot in the PD Zoning District;
  - (c) No more than two signs shall be allowed for each premises;
  - (d) On-premises ground signs in the C-L, C-R, I-L, and SU Zoning Districts shall be subject to all of the following:
    - [1] Maximum display area of 60 square feet on any one side and 120 square feet on all sides, for any one premises;
    - [2] Maximum height of 30 feet.
  - (e) On-premises ground signs in the C-H Zoning Districts shall be subject to all of the following:
    - [1] Maximum display area of 300 square feet on any one side and 600 square feet on all sides, for any one premises;
    - [2] Maximum height of 30 feet or 70 feet with a conditional use permit.
- (8) Off-premises ground signs (billboard) shall require a conditional use permit in accordance with § 425-4-3F of this chapter and shall be subject to all of the following:
  - (a) Maximum display area of 300 square feet on any one side and 600 square feet on all sides;
  - (b) Maximum height 30 feet;
  - (c) Located a minimum distance of 50 feet from any existing or proposed right-of-way, state or county highway or Town road, with said distance measured horizontally along a line perpendicular to said right-of-way;
  - (d) Located a minimum distance of 500 feet from any lot in the R-RS or R-L Zoning District, or a residential lot in the PD Zoning District;
  - (e) Located a minimum distance of 1,000 feet from any other off-premises ground sign located on the same side of the road;
  - (f) Conform to all building setback requirements of the zoning district(s) in which it is located or proposed to be located.
- (9) Signs shall not exceed 70 feet in height in any zoning district;
- (10) The Town may designate areas in which special sign standards and requirements may be established. Said areas shall be designated as areas of special sign control, including but not limited to those areas as identified in the following:
  - (a) Special and unique architectural, historic, cultural, scenic, or natural landscape characteristics;
  - (b) Integrated centers of intensive commercial/business uses greater than five acres.

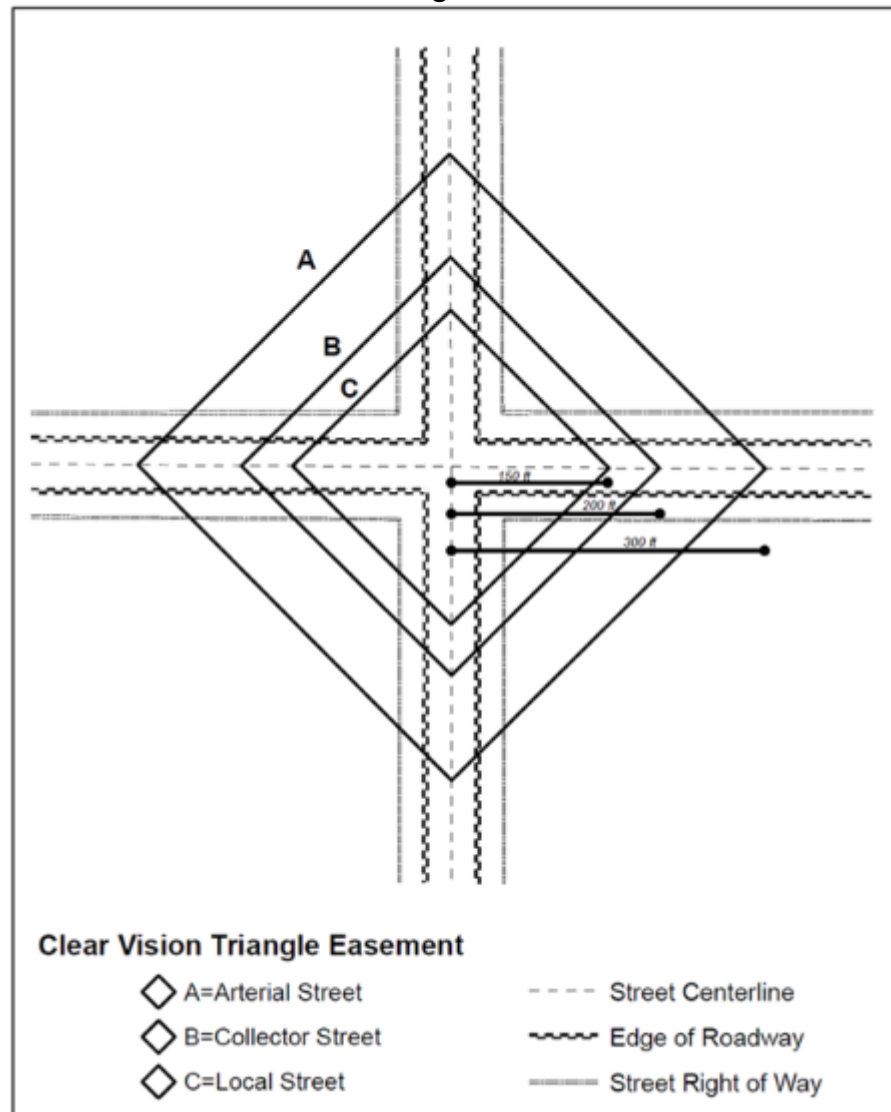
M. Parking and storage of automobiles and semi-trailers.

- (1) Automobiles without current registration and license shall not be parked or stored on any lot/outlot unless within a completely enclosed building, with the exception of the following:

- (a) Automobiles comprising an automobile: salvage land use as identified in **Appendix A** herein;<sup>[2]</sup>  
*[2] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Recreational vehicles of less than 3,000 pounds as they do not require registration or license within the State of Wisconsin;
- (2) Semi-trailers shall not be parked on any lot/outlot for more than seven consecutive days, unless in the A-E or A-G Zoning District, licensed for an agricultural use, and utilized in such a manner.
- N. Habitation, parking, or storage of a recreational vehicle and habitation of a tent.
- (1) Habitation of a recreational vehicle or tent shall not take place on any lot/outlot not designated in the C-R or NR-OS Zoning Districts unless by guests of Town residents or landowners, where an adequate water supply and sewer service facilities to serve the guests are available in a residence located on the premises. If such use takes place, it shall not exceed 30 days per calendar year and no fee shall be imposed for such use;
  - (2) All recreational vehicles shall be parked or stored in a licensed recreational vehicle park in the C-R or NR-OS Zoning Districts, except that said vehicle may be parked or stored on a lot located within any other zoning district in the Town provided all of the following are met:
    - (a) The recreational vehicle shall not be inhabited unless in accordance with § 425-3-2N(1) of this chapter;
    - (b) The recreational vehicle may not be used as a permanent storage unit;
    - (c) The recreational vehicle may have no additional outside structures attached or placed adjacent to it;
    - (d) If parked or stored in the A-E Zoning District, the recreational vehicle meets the definition of an agricultural accessory use, in accordance with § **425-1-7** of this chapter.
- O. Siting of utility lines and infrastructure. Overhead electric power or telephone lines shall not be sited within 1/2 mile of a boundary of an airport, landing field, or landing/takeoff strip. Installation of utilities shall take place prior to final approval of any lot created through a land division, in accordance with §§ **380-10** and **380-13** of the Land Division Ordinance and Sec. 4.113, County Land Division and Management Ordinance, except in those instances where direct service can be provided to the newly created lot through overhead or underground lines, from a lot immediately adjacent to the lot so created.
- P. Vacation of public streets, alleys and rights-of-way. Vacation of public streets, alleys, and rights-of-way shall cause the vacated land to be assigned to the same underlying zoning district as the lot adjoining the vacated land.
- Q. Intersection vision clearance.
- (1) A clear vision triangle (hereafter "triangle"), in each quadrant of every rail line or public road intersection, shall be maintained, bounded by the road or rail line centerlines and a line extending out from said centerline at a specified distance in the manner illustrated in Figure I as contained herein, with the exception that a triangle shall be maintained for 25 feet from the right-of-way or rail line for any intersection in a subdivision plat. All vegetation and associated structures shall be removed from the triangle or maintained therein so as to render an object such as an automobile or train clearly visible across the triangle, from one road to another.
  - (2) No object with a height of greater than 2 1/2 feet above the average elevation of the road centerline shall be allowed in the triangle, with the following exceptions:
    - (a) Official governmental, road, traffic, or parking signage authorized by a governmental body;
    - (b) Open/wire fences and posts;

- (c) Utility lines and associated portable equipment that is readily removable in its entirety;
- (d) Field crops and vegetation, maintained or removed at the Town's discretion so as to provide for and ensure public safety.

Figure I



- R. Surface water activities. Takeoff and landing of ultralight airplanes, parachute jumping, parasailing behind boats, and similar uses are prohibited on or into lakes or any other surface water feature of less than 100 acres.
- S. Licenses issued by other governmental agencies. This chapter is not intended to negate current licenses, or their respective uses, issued by other governmental agencies.
- T. Pollution, hazards, and disturbances. Any use of land, water, and air, and siting and construction of buildings and other structures and uses thereof, creating pollution, hazards, or disturbances shall be limited and restricted to the premises upon which said use, siting, and construction takes place, and shall comply with all of the following:
  - (1) Water quality. No activity shall locate, store, or discharge any treated, untreated, or inadequately treated liquid, gaseous, or solid material 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 color, odor, taste, shore deposits, floating or submerged debris, oil or scum, or unsightliness, or be harmful to human, animal, plant, or aquatic life. No activity shall discharge



any liquid, gaseous, or solid materials so as to exceed or contribute toward exceeding the minimum standards and the application of those standards set forth in § NR 102 of the Wis. Adm. Code for all navigable waters (This paragraph is not applicable to any livestock facility use unless the Town adopts this or similar language as a more stringent standard for said facilities, per § 93.90, Wis. Stats.).

- (2) Air quality. 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 humans, animal, plant, or aquatic life, 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 as described in the United States Bureau of Mine's Information Circular 7718.
- (3) Fire and explosive hazards.
  - (a) All activities involving the manufacturing, processing, storage, or other use of inflammable and explosive materials shall be provided with adequate safety devices, including fire-fighting and fire-suppression equipment and devices that are standard in the industry, against the hazard of fire and explosion. All materials that range from active to intense burning shall be manufactured, processed, stored, and otherwise used only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.
  - (b) The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed those parameters identified in Figure II as contained herein:

**Figure II**

<b>Closed Cup Flash Point</b>	<b>Gallons</b>
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

- (4) Heat, glare, lighting, and illumination. The impact of any activity producing heat, glare, lighting, or illumination on adjacent and proximate properties shall be mitigated, ensuring a safe, healthy and visually attractive environment, subject to all of the following:
  - (a) No activity shall emit heat or glare that is visible or measurable outside its premises;
  - (b) All operations producing intense heat or glare shall be conducted within a completely enclosed building;
  - (c) Lighting and illumination shall be appropriate for the visual task;
  - (d) Lighting and illumination levels on adjoining sites shall be reasonably uniform;
  - (e) Lighting and illumination shall not produce glare.
  - (f) Lighting and illumination and the mechanical improvements that create it shall be considerate of compatibility with and aesthetics of adjacent and proximate properties and the character of the community;
  - (g) All exterior lighting and illumination fixtures shall be dark-sky compliant or full cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA). The Zoning Administrator may modify this requirement for security lighting in areas where the exterior lights are not visible from a residential area or a public street.
- (5) Liquid or solid wastes. No activity shall discharge at any point onto any land or into any surface or subsurface water feature or public sewer system 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.

- (6) Noise.
  - (a) All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.
  - (b) No activity in any zoning district, not to include the A-E, A-G, I-L, or SU Zoning Districts, shall produce on a persistent or repeated basis a sound level at or beyond the boundaries of the parcel within which the noise originates exceeding 75 decibels as measured by a type 1 sound level meter.  
[Amended 2-13-2018]
  - (c) No activity within the A-E, A-G, I-L, or SU Zoning Districts shall produce on a persistent or repeated basis a sound level at or beyond the boundaries of the parcel within which the noise originates exceeding 80 decibels as measured by a type 1 sound level meter.  
[Amended 2-13-2018]
- (7) Vibration. No activity shall emit vibrations which are discernible without instruments outside its premises, with the exception of any activity within the I-L Zoning District which shall not emit vibrations exceeding displacement, measured with a three-component measuring system, as identified in Figure V as contained herein:

**Figure V**

<b>Frequency (Cycles Per Second)</b>	<b>Outside the Premises</b>	<b>Outside the District</b>
0 to 10	0.0020	0.0001
10 to 20	0.0010	0.0002
20 to 30	0.0006	0.0001
30 to 40	0.0004	0.0001
40 to 50	0.0003	0.0001
50 and over	0.0002	0.0001

- (8) Odors. No activity shall emit any odorous matter outside its premises of such nature or quantity as to be offensive, obnoxious, or unhealthy (Odors associated with normal agricultural activities are exempt from this standard and requirement.).
  - (9) Radioactivity and electrical disturbances. No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of adjacent and proximate properties.
- U. Solar energy system accessory use. Solar energy systems which are not a principal use are a permitted accessory use in all zoning districts where structures of any sort are allowed, subject to certain requirements as set forth below. Solar carports and associated electric vehicle charging equipment are a permitted accessory use on surface parking lots in all districts regardless of the existence of another building. Solar energy systems that do not meet the following design standards will require a conditional use permit.  
[Added 8-10-2021 by Ord. No. 2021-09]
- (1) Height. Solar energy systems must meet the following height requirements:
    - (a) Building- or roof-mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes of height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.

- (b) Ground- or pole-mounted solar energy systems shall not exceed 15 feet in height when oriented at maximum tilt.
- (2) Setback. Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located, except as allowed below.
  - (a) Roof- or building-mounted solar energy systems. The collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system have been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot-water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.
  - (b) Ground-mounted solar energy systems. Ground-mounted solar energy systems may not extend into the side yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- (3) Visibility. Solar energy systems in residential districts shall be designed to minimize visual impacts from the public right-of-way, to the extent that doing so does not affect the cost or efficacy of the system, consistent with Wis. Stats. § 66.0401.
  - (a) Building-integrated photovoltaic systems. Building-integrated photovoltaic solar energy systems shall be allowed regardless of whether the system is visible from the public right-of-way, provided the building component in which the system is integrated meets all required setbacks, land use, or performance standards for the district in which the building is located.
  - (b) Aesthetic restrictions. Roof-mount or ground-mount solar energy systems shall not be restricted for aesthetic reasons if the system is not visible from the closest edge of any public right-of-way other than an alley, or if the system meets the following standards.
    - [1] Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than 10 inches above the roof.
    - [2] Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof and are exempt from any rooftop equipment or mechanical system screening.
  - (c) Reflectors. All solar energy systems using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties.
- (4) Lot coverage. Ground-mount systems' total collector area shall not exceed half the building footprint of the principal structure if applicable.
  - (a) Ground-mount systems shall be exempt from lot coverage or impervious surface standards if the soil under the collector is maintained in vegetation and not compacted and the system area is less than one acre in size.
  - (b) Ground-mounted systems shall not count toward accessory structure limitations.
  - (c) Solar carports in nonresidential districts are exempt from lot coverage limitations.
- (5) Plan approval required. All solar energy systems require a building permit and zoning permit and shall provide a site plan for review.
  - (a) Plan applications. Plan applications for solar energy systems shall be accompanied by to-scale horizontal and vertical (elevation) drawings. The drawings must show the location of

the system on the building or on the property for a ground-mount system, including the property lines.

- (b) Plan approvals. Applications that meet the design requirements of this chapter shall be granted administrative approval by the Zoning Official and shall not require Planning Commission review. Plan approval does not indicate compliance with the Building Code or Electric Code.
  - (6) Approved solar components. Electric solar energy system components must have a UL or equivalent listing and solar hot-water systems must have an SRCC rating.
  - (7) Compliance with Building Code. All solar energy systems shall meet approval of the Building Inspector, consistent with the State of Wisconsin Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code.
  - (8) Compliance with State Electric Code. All photovoltaic systems shall comply with the Wisconsin State Electric Code.
  - (9) Compliance with State Plumbing Code. Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.
  - (10) Utility notification. All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
  - (11) Rooftop gardens. Rooftop community systems are a permitted accessory use in all districts where buildings are permitted.
- V. Solar energy system principal use. The development of commercial- or utility-scale solar energy systems is encouraged where such systems present few land conflicts with current and future development patterns. Solar energy systems that are the principal use of the development lot or lots are conditional uses.
- [Added 8-10-2021 by Ord. No. 2021-09]

(1) Principal use general standards.

(a) Site design.

- [1] Setbacks: Community- and large-scale solar energy systems must meet the following setbacks:
  - [a] Property line setback for buildings or structures in the district in which the system is located.
  - [b] Roadway setback of 150 feet from the right-of-way center line of state and county highways, 100 feet for other roads.
  - [c] Housing unit setback of 150 feet from any existing dwelling unit or more if set forth in the individual zoning ordinances.
  - [d] Setback distance should be measured from the edge of the solar energy system array, excluding security fencing, screening, or berm.
- [2] Screening: Community- and large-scale solar shall be screened from existing residential dwellings.
  - [a] A screening plan shall be submitted that identifies the type and extent of screening.
  - [b] Screening shall not be required along property lines within the same zoning district, except where the adjoining lot has an existing residential use.
  - [c] The Town may require screening where it determines there is a clear community interest in maintaining a viewshed.

- [3] Ground cover and buffer areas: The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover; additional site-specific conditions may apply as required by the Town Board.
- [a] Large-scale removal of mature trees on the site is discouraged.
  - [b] The applicant shall submit a vegetative management plan prepared by a qualified professional or reviewed and approved by a natural resource agency or authority, such as the Wisconsin Department of Natural Resources, County Land Conservation Department, or Natural Resource Conservation Service. The plan shall identify:
    - [i] The natural resource professionals consulted or responsible for the plan.
    - [ii] The conservation, habitat, ecosystem, or agricultural goals, which may include providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface water or groundwater quality.
    - [iii] The intended mix of vegetation upon establishment.
    - [iv] The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.
  - [c] Soils shall be planted and maintained in perennial vegetation for the full operational life of the project to prevent erosion, manage runoff and build soil.
  - [d] Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Perennial vegetation (grasses and forbs) are preferably native to Wisconsin, but, where appropriate to the vegetative management plan goals, may also include other naturalized and noninvasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (e.g., clovers).
  - [e] Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
- [4] Foundations: A qualified engineer shall certify that the foundation and design of the solar panel racking and support is within accepted professional standards, given local soil and climate conditions.
- [5] Power and communication lines: Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Town Board in instances where shallow bedrock, watercourses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible.
- [6] Fencing: Perimeter fencing for the site shall not include barbed wire or woven wire designs, and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom. The applicant may request an exception to this standard if information is provided that confirms another regulator entity requires barbed or woven wire fence. Alternative fencing can be used if the site is incorporating agrivoltaics.

- (b) Stormwater and NPDES: Solar farms are subject to the Rock County Stormwater Management and Erosion Control Ordinance and NPDES permit requirements.
  - (c) All solar energy systems shall be in compliance with all applicable local, state and federal regulatory codes, including the State of Wisconsin Uniform Building Code, as amended, and the National Electric Code, as amended.
  - (d) Plan approval: All solar energy systems shall require a building permit and zoning permit. The applicant shall submit a detailed site plan for both existing and proposed conditions, showing locations of all solar arrays, other structures, property lines, rights-of-way, service roads, floodplains, wetlands and other protected natural resources, topography, electric equipment, and all other characteristics requested by the Town. The site plan should show all zoning districts and overlay districts.
  - (e) Aviation protection: For solar farms located within 500 feet of an airport or within approach zones of an airport, the applicant must complete and provide the results of a glare analysis through a qualitative analysis of potential impact, field test demonstration, or geometric analysis of ocular impact in consultation with the Federal Aviation Administration (FAA) Office of Airports, consistent with the Interim Policy, FAA Review of Solar Energy Projects on Federally Obligated Airports, or most recent version adopted by the FAA.
  - (f) Agricultural protection: Solar farms must comply with site assessment or soil identification standards that are intended to identify agricultural soils. The Town Board may require mitigation for use of prime soils for solar array placement, including the following:
    - [1] Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
    - [2] The site shall be restored to agriculture at the end of life of the solar installation.
    - [3] Placing agricultural conservation easements on an equivalent number of prime soil acres adjacent to or surrounding the project site.
    - [4] Locating the project in a wellhead protection area for the purpose of removing agricultural uses from high-risk recharge areas.
  - (g) Decommissioning: A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life.
    - [1] Decommissioning of the system must occur in the event the project is not in use for 12 consecutive months.
    - [2] The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and assurances that financial resources will be available to fully decommission the site.
    - [3] The Town Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- (2) Community-scale solar energy system standards.
- (a) Community-scale uses: Ground-mount community solar energy systems must cover no more than one acre (project boundaries) and are a conditional use in all districts. Ground-mount solar developments covering more than one acre shall be considered large-scale solar.
  - (b) Dimensional standards: All structures must comply with setback and height standards for the district in which the system is located.
  - (c) Other standards: Ground-mount systems must comply with all required standards for structures in the district in which the system is located.

- (3) Large-scale solar. Ground-mount solar energy arrays that are the primary use on the lot, designed for providing energy to off-site uses or export to the wholesale market are permitted under the following standards:
  - (a) Conditional use permit: Large-scale solar energy systems are conditional uses in agricultural districts, industrial districts, shoreland and floodplain overlay districts only, subject to all applicable provisions of this chapter.

## § 425-3-3. Specific standards and requirements.

The following specific standards and requirements are applicable to the zoning districts under which they are identified in this section, and all uses of land, water, and air, and siting and construction of buildings and other structures and uses thereof:

### A. Agricultural-Exclusive (A-E).

- (1) Purpose and intent. The purpose of the Agricultural-Exclusive (A-E) Zoning District is to protect farming and farmland from nonagricultural development, and to ensure that qualifying landowners in the A-E District are eligible for the State of Wisconsin Farmland Preservation Tax Credit, through certification of the A-E Zoning District by the Wisconsin Department of Agriculture, Trade and Consumer Protection (hereafter "DATCP") as a "farmland preservation zoning district," with areas within this zoning district so identified in the Rock County Agriculture Plan or similar plan or document, in accordance with Chapter 91, Wis. Stats. The intent of the A-E Zoning District is to provide large acreage lots for agricultural uses or uses compatible with agricultural uses. Lands identified as suitable for designation within the A-E Zoning District are hereby established in accordance with **Appendix B: Criteria for Designation of Town of Fulton Lands in the Agricultural-Exclusive (A-E) and Agricultural-General (A-G)**, herein.<sup>[1]</sup> Owners and buyers of lands zoned A-E should review § **425-4-3H** of the Town's Zoning Ordinance to understand the restrictions on the use, division, and rezoning of A-E land. Questions about the meaning of the ordinance or its application to specific properties should be directed to the Town Zoning Administrator.

[Amended 6-8-2021 by Ord. No. 2021-06]

[1] *Editor's Note: Said appendix is included as an attachment to this chapter.*

- (2) Permitted uses. The following uses are allowable as permitted uses in the A-E Zoning District:
  - (a) All those uses designated with a "P" in the "A-E" column of the Town of Fulton **Appendix A, Permitted and Conditional Uses** (hereafter "**Appendix A**") as contained herein,<sup>[2]</sup>

[2] *Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the A-E Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural or agricultural accessory use consistent with the intent and purpose of the A-E Zoning District, and most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the A-E Zoning District, requiring a conditional use permit (hereafter "CUP") in accordance with § **425-4-3F** of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the "A-E" column of **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the A-E Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural, agricultural accessory, or agriculture-related use consistent with the intent and purpose of the A-E Zoning District, and most closely resembles another conditional use identified in **Appendix A**.

- (4) Prohibited uses. Any use other than those identified in Subsection **A(2)** and **(3)** of this section shall be prohibited in the A-E Zoning District.
- (5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the A-E Zoning District:
  - (a) Lot:
    - [1] Minimum size: greater than 20 acres;
    - [2] Maximum size: none;
    - [3] Minimum width:
      - [a] Public road frontage: 100 feet;
      - [b] Building line: 100 feet.
  - (b) Building:
    - [1] Minimum living area per residence. (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Subsection A(5)(b)[1][a] and [b].):
      - [a] Single-family: 1,000 square feet;
      - [b] Two-family: 1,600 square feet.
    - [2] Minimum size: Any building other than a residence: none;
    - [3] Maximum size: none;
    - [4] Maximum height:
      - [a] Residence: 35 feet;
      - [b] Any building other than a residence: none.
    - [5] Minimum width:
      - [a] Residence: 24 feet;
      - [b] Any building other than a residence: none.
    - [6] Maximum number per lot:
      - [a] Residence (single-family or two-family): one;
      - [b] Any building other than a residence: none.
    - [7] Maximum lot cover: none.
  - (c) Building setback line:
    - [1] Road-yard: See § 425-3-2G(1) of this chapter;
    - [2] Rear-yard: 50 feet;
    - [3] Side-yard:
      - [a] Principal building: 20 feet;
      - [b] Accessory building: 10 feet.
  - (d) Animals:



- [1] Any combination of less than 500 animal units and/or livestock animal units on a farm, not to exceed one unit per farm acre, shall be a permitted use.
- [2] Any combination of less than 500 animal units and/or livestock animal units on a farm greater than 10 acres, exceeding one unit per farm acre, and meeting the following conditions, shall be a permitted use:
  - [a] A farm existing prior to October 1, 2002;
  - [b] A farm existing prior to October 1, 2002 and expanding less than 20% of its animal units and/or livestock animal units contained on the farm on said date.
- [3] Any combination of less than 500 animal units and/or livestock animal units on a farm greater than 10 acres, exceeding one unit per farm acre, and not meeting Subsection **A(5)(d)[2]** above shall be a conditional use, requiring an animal units/livestock animal units (nonlivestock facility) conditional use permit (CUP), in accordance with § **425-4-3F** of this chapter and § NR 151, Wis. Adm. Code.
  - [a] Said farms shall meet the agricultural performance standards and prohibitions, as identified in § NR 151 of the Wis. Adm. Code pursuant to requirements of § 281.16, Wis. Stats., and obtain the aforementioned CUP from the Town, prior to populating the site with animals. The Town shall require the CUP to ensure conformance with all § NR 151 standards and prohibitions. The Rock County Land Conservation Department shall review all general CUP documents submitted to the Town and provide findings of fact to the Town identifying if all § NR 151 performance standards and prohibitions have or will be met.
- [4] Five hundred or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with § **425-4-3F** of this chapter and § ATCP 51, Wis. Adm. Code, prior to populating the site with livestock animal units. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and will provide findings of fact to the Town identifying if all § ATCP 51 performance standards and prohibitions have or will be met.

#### B. Agricultural-General (A-G).

- (1) Purpose and intent. The purpose of the Agricultural-General (A-G) Zoning District is to provide a means of achieving the agricultural goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the A-G Zoning District is to provide smaller acreage lots for agricultural uses or uses compatible with agricultural uses. Lands identified as suitable for designation within the A-E Zoning District are hereby established in accordance with **Appendix B: Criteria for Designation of Town of Fulton Lands in the Agricultural-Exclusive (A-E) and Agricultural-General (A-G), herein.**<sup>[3]</sup>
  - [3] *Editor's Note: Said appendix is included as an attachment to this chapter.*
- (2) Permitted uses. The following uses are allowable as permitted uses in the A-G Zoning District:
  - (a) All those uses designated with a "P" in the "A-G" column of **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the A-G Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the A-G Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the "A-G" column of **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the A-G Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the

proposed use most closely resembles another conditional use identified in **Appendix A**.

- (4) Prohibited uses. Any use other than those identified in Subsection **B(2)** and **(3)** of this section shall be prohibited in the A-G Zoning District.
- (5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the A-G Zoning District:
  - (a) Lot:
    - [1] Minimum size: greater than 10 acres;
    - [2] Maximum size: none;
    - [3] Minimum width:
      - [a] Public road frontage: 100 feet;
      - [b] Building line: 100 feet.
  - (b) Building:
    - [1] Minimum size:
      - [a] Residence (a basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Subsection B(5)(b)[1][a][i] and [ii].):
        - [i] Single-family: living area, 1,000 square feet;
        - [ii] Two-family: living area, 1,600 square feet.
      - [b] Any building other than a residence: none.
    - [2] Maximum size: none;
    - [3] Maximum height:
      - [a] Residence: 35 feet;
      - [b] Any building other than a residence: none.
    - [4] Minimum width:
      - [a] Residence: 24 feet;
      - [b] Any building other than a residence: none.
    - [5] Maximum number per lot:
      - [a] Residence (single-family or two-family): one;
      - [b] Any building other than a residence: none.
    - [6] Maximum lot cover: none.
  - (c) Building setback line:
    - [1] Road-yard: See § 425-3-2G(1) of this chapter;
    - [2] Rear-yard: 50 feet;
    - [3] Side-yard:
      - [a] Principal building: 20 feet;

[b] Accessory building: 10 feet.

(d) Animals:

- [1] Any combination of less than 500 animal units and/or livestock animal units on a farm, not to exceed one unit per farm acre, shall be a permitted use.
- [2] Any combination of less than 500 animal units and/or livestock animal units on a farm greater than 10 acres, exceeding one unit per farm acre, and meeting the following and Subsection B(5)(d)[2][a] and [b], shall be a permitted use:
- [a] A farm existing prior to October 1, 2002;
- [b] A farm existing prior to October 1, 2002 and expanding less than 20% of its animal units and/or livestock animal units contained on the farm on said date.
- [3] Any combination of less than 500 animal units and/or livestock animal units on a farm greater than 10 acres, exceeding one unit per farm acre, and not meeting Subsection B(5)(d)[2][b] above shall be a conditional use, requiring an animal units/livestock animal units (nonlivestock facility) conditional use permit (CUP), in accordance with § 425-4-3F of this chapter and § NR 151, Wis. Adm. Code.
- [a] Said farms shall meet the agricultural performance standards and prohibitions, as identified in § NR 151, Wis. Adm. Code pursuant to requirements of § 281.16, Wis. Stats., and obtain the aforementioned CUP from the Town, prior to populating the site with animals. The Town shall require the CUP to ensure conformance with all § NR 151 standards and prohibitions. The Rock County Land Conservation Department shall review all general CUP documents submitted to the Town and provide findings of fact to the Town identifying if all § NR 151 performance standards and prohibitions have or will be met.
- [4] Five hundred or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with § 425-4-3F of this chapter and § ATCP 51, Wis. Adm. Code, prior to populating the site with livestock animal units. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and will provide findings of fact to the Town identifying if all § ATCP 51 performance standards and prohibitions have or will be met.

C. Residential-Rural Density Large (R-RL).

- (1) Purpose and intent. The purpose of the Residential-Rural Density Large (R-RL) Zoning District is to provide a means of achieving the rural residential goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the R-RL Zoning District is to allow for residential (not to include a major land division [subdivision] as defined in Sec. 4.107, County Land Division and Management Ordinance) and compatible small-scale agricultural land uses on lots served by private onsite wastewater treatment systems, on those rural lands that have marginal utility for agriculture due to soil quality, lot configuration, and/or topography.
- (2) Permitted uses. The following uses are allowable as permitted uses in the R-RL Zoning District:
- (a) All those uses designated with a "P" in the "R-RL" column of **Appendix A**,<sup>[4]</sup>
- [4] *Editor's Note: Said appendix is included as an attachment to this chapter.*
- (b) Any use not identified in **Appendix A** and proposed in the R-RL Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the R-RL Zoning District, requiring a CUP in accordance with § 425-4-3F of this chapter prior to establishment of said use:

- (a) All those uses designated with a "C" in the "R-RL" column in **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the R-RL Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use and most closely resembles another conditional use identified in **Appendix A**;
- (4) Prohibited uses. Any use other than those identified in Subsection **C(2)** and **(3)** of this section shall be prohibited in the A-R Zoning District.
- (5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the R-RL Zoning District:
- (a) Lot:
    - [1] Minimum size: three acres;
    - [2] Maximum size: 10 acres;
    - [3] Minimum width:
      - [a] Public road frontage: 100 feet;
      - [b] Building line: 100 feet.
  - (b) Building:
    - [1] Minimum size:
      - [a] Residence. (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Subsection C(5)(b)[1][a][i] and [ii])
        - [i] Single-family: living area, 1,000 square feet;
        - [ii] Two-family: living area, 1,600 square feet.
      - [b] Any building other than a residence: none.
    - [2] Maximum size: none, but not to exceed the requirement of Subsection **C(5)(b)[6]**, Maximum lot cover;
    - [3] Maximum height:
      - [a] Residence: 35 feet;
      - [b] Any building other than a residence: none.
    - [4] Minimum width:
      - [a] Residence: 24 feet;
      - [b] Any building other than a residence: none.
    - [5] Maximum number:
      - [a] Residence (single-family or two-family): one;
      - [b] Any building other than a residence: none, but not to exceed the requirement of Subsection **C(5)(b)[6]**, Maximum lot cover.
    - [6] Maximum lot cover:
      - [Amended 3-8-2022 by Ord. No. 2022-04]
      - [a] Buildings and other structures: 20%.

- [b] Any other constructed surface that prevents rainwater from reaching the ground (driveways, sidewalks, etc.): 15%.
- [c] Maximum lot coverage may be increased by the Town Board with an engineering-approved stormwater management plan.

(c) Building setback line:

- [1] Road-yard: See § 425-3-2G(1) of this chapter;
- [2] Rear-yard: 50 feet;
- [3] Side-yard:
  - [a] Principal building: 20 feet;
  - [b] Accessory building: 10 feet.

- (d) Animals: Any combination of two animal units and/or livestock animal units and certain other domesticated animals in accordance with § **425-3-2K** of this chapter for all lots, and an additional 1/2 animal unit per acre for lots greater than three acres. Any lot with animals units/livestock animal units shall require a fence or other enclosure to contain said units.

D. Residential-Rural Density Small (R-RS).

- (1) Purpose and intent. The purpose of the Residential-Rural Density Small (R-RS) Zoning District is to provide a means of achieving the housing goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the R-RS Zoning District is to allow for residential land uses at densities compatible with other rural land uses, including but not limited to agriculture, and low-impact agricultural uses, on lots served by private onsite wastewater treatment systems, in and around existing or potential residential areas in accordance with the Existing Land Use Map and Future Land Use Map, or similarly named maps as contained in the Comprehensive Plan.
- (2) Permitted uses. The following uses are allowable as permitted uses in the R-RS Zoning District:
  - (a) All those uses designated with a "P" in the "R-RS" column of **Appendix A**.<sup>[5]</sup>  
*[5] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the R-RS Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the R-RS Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the "R-RS" column in **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the R-RS Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**.
- (4) Prohibited uses. Any use other than those identified in Subsection **D(2)** and **(3)** of this section shall be prohibited in the R-RS Zoning District.
- (5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the R-RS Zoning District:
  - (a) Lot:
    - [1] Minimum size:

- [a] Residence: single-family, 40,000 square feet;
- [b] Residence: two-family, 55,000 square feet.
- [2] Maximum size: less than three acres;
- [3] Minimum width:
  - [a] Public road frontage: 100 feet;
  - [b] Building line: 100 feet.
- (b) Building:
  - [1] Minimum size:
    - [a] Residence. (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Subsection D(5)(b)[1][a][i] and [ii])
      - [i] Single-family, living area: 1,200 square feet;
      - [ii] Two-family, living area: 1,600 square feet.
    - [b] Any building other than a residence: none.
  - [2] Maximum size: none, but not to exceed the requirement of Subsection **D(5)(b)[6]**, Maximum lot cover;
  - [3] Maximum height: 35 feet;
  - [4] Minimum width:
    - [a] Residence: 24 feet;
    - [b] Any building other than a residence: none.
  - [5] Maximum number per lot:
    - [a] Residence (single-family or two-family): one.
    - [b] Any building other than a residence: none, but not to exceed the requirement of Subsection **D(5)(b)[6]**, Maximum lot cover.
  - [6] Maximum lot cover:  
[Amended 3-8-2022 by Ord. No. 2022-04]
    - [a] Buildings and other structures: 20%.
    - [b] Any other constructed surface that prevents rainwater from reaching the ground (driveways, sidewalks, etc.): 15%.
    - [c] Maximum lot coverage may be increased by the Town Board with an engineering-approved stormwater management plan.
- (c) Building setback line:
  - [1] Road-yard: See § 425-3-2G(1) of this chapter;
  - [2] Rear-yard:
    - [a] Principal building: 25 feet;
    - [b] Accessory building: 10 feet;
  - [3] Side-yard:

[a] Principal building: 15 feet;

[b] Accessory building: 10 feet;

(d) Parking:

[1] Off-street: residential, two two-hundred-square-foot (minimum) spaces and a two-car garage (minimum) per residence;

[2] Off-street: public gathering, one two-hundred-square-foot (minimum) space per five seats or per 200 square feet of building;

[3] Off-street: home occupation and professional office, one two-hundred-square-foot (minimum) space per 200 square feet of commercial/business floor area in building.

(e) Animals: See § **425-3-2K** of this chapter (additional animals require a CUP in accordance with § **425-4-3F** of this chapter);

E. Residential-Low Density (R-L).

(1) Purpose and intent. The purpose of the Residential-Low Density (R-L) Zoning District is to provide a means of achieving the housing goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the R-L Zoning District is to allow for low-density residential land uses on lots served by a public sanitary sewer system, in and around existing or potential future low, medium, or high-density residential areas in accordance with the Existing Land Use Map and Future Land Use Map, or similarly named maps as contained in the Comprehensive Plan.

(2) Permitted uses. The following uses are allowable as permitted uses in the R-L Zoning District:

(a) All those uses designated with a "P" in the "R-L" column of **Appendix A**;<sup>[6]</sup>

[6] *Editor's Note: Said appendix is included as an attachment to this chapter.*

(b) Any use not identified in **Appendix A** and proposed in the R-L Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**;

(3) Conditional uses. The following uses are allowable as conditional uses in the R-L Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:

(a) All those uses designated with a "C" in the "R-L" column in **Appendix A**;

(b) Any use not identified in **Appendix A** and proposed in the R-L Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**;

(4) Prohibited uses. Any use other than those identified in Subsection **E(2)** and **(3)** of this section shall be prohibited in the R-L Zoning District.

(5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the R-L Zoning District:

(a) Lot:

[1] Minimum size:

[a] Residence: single-family, 10,000 square feet;

[b] Residence: two-family, 12,000 square feet.

[2] Maximum size: Less than 40,000 square feet;

- [a] Minimum width: 80 feet;
- [b] Public road frontage: 80 feet;
- [c] Building line: 80 feet.

(b) Building:

[1] Minimum size:

- [a] Residence. (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Subsection E(5)(b)[1][a][i] and [ii].)

- [i] Single-family, living area: 1,000 square feet;
- [ii] Two-family, living area: 1,600 square feet.

- [b] Any building other than a residence: none.

[2] Maximum size: None, but not to exceed the requirement of Subsection **E(5)(b)[6]**, Maximum lot cover;

[3] Maximum height:

- [a] Principal building: 35 feet;
- [b] Accessory building: 20 feet and not forward of the front face of the principal building.

[4] Minimum width:

- [a] Residence: 24 feet;
- [b] Any building other than a residence: none.

[5] Maximum number:

- [a] Residence (single-family or two-family): one;
- [b] Any building other than a residence: None, but not to exceed the requirement of Subsection **E(5)(b)[6]**, Maximum lot cover.

[6] Maximum lot cover:

[Amended 3-8-2022 by Ord. No. 2022-04]

- [a] Buildings and other structures: 25%.
- [b] Any other constructed surface that prevents rainwater from reaching the ground (driveways, sidewalks, etc.): 10%.
- [c] Maximum lot coverage may be increased by the Town Board with an engineering-approved stormwater management plan.

(c) Building setback line:

[1] Road-yard: See § 425-3-2G(1) of this chapter;

[2] Rear-yard:

- [a] Principal building: 25 feet;
- [b] Accessory building: eight feet.

[3] Side-yard:



[a] Principal building: eight feet and 20 feet total on both sides;

[b] Accessory building: eight feet.

(d) Parking:

[1] Off-street: residential, two two-hundred-square-foot (minimum) spaces and a two-car garage (minimum) per residence;

[2] Off-street: public gathering: one two-hundred-square-foot (minimum) space per five seats or per 200 square feet of building;

[3] Off-street: home occupation and professional office: one two-hundred-square-foot (minimum) space per 200 square feet of commercial/business floor area in building.

F. Commercial-Local (C-L).

(1) Purpose and intent. The purpose of the Commercial-Local (C-L) Zoning District is to provide a means of achieving the economic development goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the C-L Zoning District is to allow limited commercial land uses, primarily serving and/or compatible with adjacent or proximate residential areas, in those areas with sufficient transportation facilities, topographic conditions, and utilities available for said commercial land uses.

(2) Permitted uses. The following uses are allowable as permitted uses in the C-L Zoning District:

(a) All those uses designated with a "P" in the "C-L" column of **Appendix A**,<sup>[7]</sup>

[7] *Editor's Note: Said appendix is included as an attachment to this chapter.*

(b) Any use not identified in **Appendix A** and proposed in the C-L Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.

(3) Conditional uses. The following uses are allowable as conditional uses in the C-L Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:

(a) All those uses designated with a "C" in the "C-L" column in **Appendix A**;

(b) Any use not identified in **Appendix A** and proposed in the C-L Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**;

(4) Prohibited uses. Any use other than those identified in Subsection **F(2)** and **(3)** of this section shall be prohibited in the C-L Zoning District.

(5) Permitted and conditional use standards and requirements. The following are standards and requirements applicable to all permitted and conditional uses in the C-L Zoning District:

(a) Lot:

[1] Minimum size:

[a] Sewered: 7,500 square feet;

[b] Unsewered: 40,000 square feet.

[2] Maximum size: none;

[3] Minimum width:

[a] Public road frontage: 100 feet;

[b] Building line: 100 feet.

- [4] Defined ingress and egress.
- (b) Building:
  - [1] Minimum surface area: none;
  - [2] Maximum surface area: none, but not to exceed the requirement of Subsection **F(5)(b)[6]**, Maximum lot cover;
  - [3] Maximum height: 35 feet;
  - [4] Minimum width: none;
  - [5] Maximum number per lot: none, but not to exceed the requirement of Subsection **F(5)(b)[6]**, Maximum lot cover;
  - [6] Maximum lot cover without Town Engineer approval shall allow up to 30%.  
[Amended 2-11-2020 by Ord. No. 2020-1]
  - [7] Maximum lot cover with Town Engineer approval: over 30% but not to exceed 80% subject to the following:  
[Added 2-11-2020 by Ord. No. 2020-1<sup>[8]</sup>]
    - [a] Documentation of existing and proposed lot coverage must be provided.
    - [b] Documentation of proposed on-site stormwater management sufficient to satisfy the requirements of Section 4.8 of the Rock County Storm Water Management Ordinance must be provided. Said requirements shall apply to parcels of any size.
    - [c] Submission of a maintenance agreement for stormwater facilities which, upon acceptance by the Town Engineer, must be recorded with the register of deeds.
  - [8] *Editor's Note: This ordinance also provided for the renumbering of former Subsection F(5)(b)[7] as Subsection F(5)(b)[8].*
  - [8] Minimum open space between front of principal building and front-yard lot line: 20%. (Driveways or parking lots shall not qualify as open space but ponds or fountains shall.)
- (c) Building setback line: All building setback lines shall be as stated in the following or as stated in § 425-3-2G(1) of this chapter, whichever is more restrictive.
  - [1] Road-yard:
    - [a] Arterial or collector road: See § 425-3-2G(1) of this chapter;
    - [b] Local road:
      - [i] Sewered: 30 feet;
      - [ii] Unsewered: 50 feet.
  - [2] Rear-yard:
    - [a] Sewered: 12 feet;
    - [b] Unsewered: 25 feet.
  - [3] Side-yard:
    - [a] Principal building:
      - [i] Sewered: 10 feet;

[ii] Unsewered: 15 feet.

[b] Accessory building: eight feet.

(d) Parking:

[1] Off-street: one two-hundred-square-foot (minimum) parking space for every 200 square feet of building floor area;

[2] Loading and unloading: Sufficient space for loading or unloading of automobiles and semi-trailers shall be provided off of streets and alleys so that said streets and alleys shall at all times be free and unobstructed to the passage of traffic.

G. Commercial-Highway Interchange (C-H).

(1) Purpose and intent. The purpose of the Commercial-Highway Interchange (C-H) Zoning District is to provide a means of achieving the economic development goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the C-H Zoning District is to allow commercial land uses to primarily serve transient highway users in those areas adjacent to major highways, with sufficient transportation facilities, topographic conditions, and utilities available for said commercial land uses.

(2) Permitted uses. The following uses are allowable as permitted uses in the C-H Zoning District.

(a) All those uses designated with a "P" in the "C-H" column of **Appendix A**.<sup>[9]</sup>

[9] *Editor's Note: Said appendix is included as an attachment to this chapter.*

(b) Any use not identified in **Appendix A** and proposed in the C-H Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.

(3) Conditional uses. The following uses are allowable as conditional uses in the C-H Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:

(a) All those uses designated with a "C" in the "C-H" column in **Appendix A**;

(b) Any use not identified in **Appendix A** and proposed in the C-H Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**.

(4) Prohibited uses. Any use other than those identified in Subsection **G(2)** and **(3)** of this section shall be prohibited in the C-H Zoning District.

(5) Permitted and conditional use standards and requirements. The following are standards and requirements applicable to all permitted and conditional uses in the C-H Zoning District:

(a) Lot:

[1] Minimum size:

[a] Sewered: 40,000 square feet;

[b] Unsewered: three acres.

[2] Maximum size: none;

[3] Minimum width:

[a] Public road frontage: 100 feet;

[b] Building line: 100 feet.

[4] Defined ingress and egress.

## (b) Building:

- [1] Minimum surface area: none;
- [2] Maximum surface area: none, but not to exceed the requirement of Subsection **G(5)(b)[5]**, Maximum lot cover;
- [3] Maximum height: 42 feet;
- [4] Minimum width: none;
- [5] Maximum lot cover without Town Engineer approval shall be up to 30%.  
[Amended 2-11-2020 by Ord. No. 2020-1]
- [6] Maximum lot cover with Town Engineer approval: over 30% but not to exceed 80% subject to the following:  
[Added 2-11-2020 by Ord. No. 2020-1<sup>[10]</sup>]
  - [a] Documentation of existing and proposed lot coverage must be provided.
  - [b] Documentation of proposed on-site stormwater management sufficient to satisfy the requirements of Section 4.8 of the Rock County Storm Water Management Ordinance must be provided. Said requirements shall apply to parcels of any size.
  - [c] Submission of a maintenance agreement for stormwater facilities which, upon acceptance by the Town Engineer, must be recorded with the register of deeds.  
[10] *Editor's Note: This ordinance also provided for the renumbering of former Subsection G(5)(b)[6] as Subsection G(5)(b)[7].*
- [7] Minimum open space between front of principal building and front-yard lot line: 20%. (Driveways or parking lots shall not qualify as open space but ponds or fountains shall.)

## (c) Building setback line: All building setback lines shall be as stated in the following or as stated in § 425-3-2G(1) of this chapter, whichever is more restrictive;

- [1] Road-yard: See § 425-3-2G(1) of this chapter;
- [2] Rear-yard: 50 feet;
- [3] Side-yard: 15 feet.

## (d) Parking:

- [1] Off-street: one two-hundred-square-foot (minimum) parking space for every 200 square feet of building floor area;
- [2] Loading and unloading: Sufficient space for loading or unloading of automobiles and trailers shall be provided off of streets and alleys so that said streets and alleys shall at all times be free and unobstructed to the passage of traffic.

## (e) Roads:

- [1] Any activity in the C-H Zoning District requiring issuance of a building permit in accordance with § **425-4-3B** of this chapter shall, prior to issuance of said permit, have an interior road network dedicated to the public to provide any relevant future lots adequate access to the public road network. Said interior road network shall address truck traffic and automobile traffic as separate but integrated activities.
- [2] No public road access shall be within 1,000 feet of the most remote end or taper of any existing or proposed highway interchange entrance or exit ramp, or at intervals of less than 600 feet thereafter.

- [3] Access points along opposite sides of intersecting highways shall be located either directly opposite each other, or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance along the highway center line.

#### H. Commercial-Recreational (C-R).

- (1) Purpose and intent. The purpose of the Commercial-Recreational (C-R) Zoning District is to provide a means of achieving the economic development and recreational goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the C-R Zoning District is to allow limited commercial recreational uses in those areas that contain or are adjacent to recreational resources.
- (2) Permitted uses. The following uses are allowable as permitted uses in the C-R Zoning District.
  - (a) All those uses designated with a "P" in the "C-R" column of **Appendix A**;<sup>[11]</sup>  
*[11] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the C-R Zoning District, if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the C-R Zoning District, requiring a CUP in accordance with § 425-4-3F of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the "C-R" column in **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the C-R Zoning District, if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**.
- (4) Prohibited uses. Any use other than those identified in Subsection **H(2)** and **(3)** of this section shall be prohibited in the C-R Zoning District.
- (5) Permitted and conditional use standards and requirements. The following are standards and requirements applicable to all permitted and conditional uses in the C-R Zoning District:
  - (a) Lot:
    - [1] Minimum size: five acres;
    - [2] Maximum size: none;
    - [3] Minimum width:
      - [a] Public road frontage: 100 feet;
      - [b] Building line: 100 feet.
    - [4] Defined ingress and egress.
  - (b) Building:
    - [1] Minimum living area per residence. (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Subsection H(5)(b)[1][a] and [b]
      - [a] Single-family: 1,000 square feet;
      - [b] Two-family: 1,600 square feet.
    - [2] Minimum size, any building other than a residence: none;

- [3] Maximum size: none, but not to exceed the requirement of Subsection **H(5)(b)[7]**, Maximum lot cover;
  - [4] Maximum height: 35 feet;
  - [5] Minimum width:
    - [a] Residence: 24 feet;
    - [b] Any building other than a residence: none.
  - [6] Maximum number per lot: none, but not to exceed the requirement of Subsection **H(5)(b)[7]**, Maximum lot cover;
  - [7] Maximum lot cover: 30%. (Additional lot coverage may be allowed at the discretion of the Town if said coverage meets all other applicable regulations and standards.)
- (c) Building setback line:
- [1] Road-yard: See § 425-3-2G(1) of this chapter;
  - [2] Rear-yard: 25 feet;
  - [3] Side-yard:
    - [a] Principal building: 15 feet;
    - [b] Accessory building: 10 feet.
- (d) Parking:
- [1] One two-hundred-square-foot (minimum) parking space for every 200 square feet of building floor area;
  - [2] Loading and unloading: Sufficient space for loading or unloading of automobiles and trailers shall be provided off of streets and alleys so that said streets and alleys shall at all times be free and unobstructed to the passage of traffic.

#### I. Industrial-Light (I-L).

- (1) Purpose and intent. The purpose of the Industrial-Light (I-L) Zoning District is to provide a means of achieving the economic development goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the I-L Zoning District is to allow light industrial uses in those areas with land uses compatible with said industrial uses, and sufficient transportation facilities, topographic conditions, and utilities available for said industrial uses.
- (2) Permitted uses. The following uses are allowable as permitted uses in the I-L Zoning District:
  - (a) All those uses designated with a "P" in the "I-L" column of **Appendix A**,<sup>[12]</sup>  
*[12] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the I-L Zoning District, if the Town reviews the proposed use and in their reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the I-L Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the "I-L" column of **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the I-L Zoning District, if the Town reviews the proposed use and in their reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**;

- (4) Prohibited uses. Any use other than those identified in Subsection **I(1)** and **(2)** of this section shall be prohibited in the I-L Zoning District.
- (5) Permitted and conditional use standards and requirements. The following are standards and requirements applicable to all permitted and conditional uses in the I-L Zoning District:
  - (a) Lot:
    - [1] Minimum size:
      - [a] Sewered: 40,000 square feet;
      - [b] Unsewered: three acres.
    - [2] Maximum size: none;
    - [3] Minimum width:
      - [a] Public road frontage: 100 feet;
      - [b] Building line: 100 feet.
    - [4] Material storage: Not more than 40% may be used for open storage of raw material or any other material;
    - [5] Defined ingress and egress.
  - (b) Building:
    - [1] Minimum surface area: none;
    - [2] Maximum surface area: none, but not to exceed the requirement of Subsection **I(5)(b) [6]**, Maximum lot cover;
    - [3] Maximum height: 42 feet;
    - [4] Minimum width: none;
    - [5] Maximum number per lot: None, but not to exceed the requirement of Subsection **I(5)(b)[6]**, Maximum lot cover;
    - [6] Maximum lot cover: 40%;
    - [7] Minimum open space between front of principal building and front-yard lot line: 20%. (Driveways or parking lots shall not qualify as open space but ponds or fountains shall.)
  - (c) Building setback line:
    - [1] Road-yard:
      - [a] Arterial or collector road: See § 425-3-2G(1) of this chapter;
      - [b] Local road: 50 feet or 75 feet if parking spaces are located in the front yard.
    - [2] Rear-yard: 40 feet or 50 feet if lot is adjacent to the R-RS or R-L Zoning Districts, or a residential lot in the PD Zoning District;
    - [3] Side-yard: 20 feet or 50 feet if lot is adjacent to the R-RS or R-L Zoning Districts, or a residential lot in the PD Zoning District;
  - (d) Parking:
    - [1] Off-street: one two-hundred-square-foot (minimum) space for every 200 square feet of building floor area or per employee, at the discretion of the Town;

- [2] Loading and unloading: Sufficient space for loading or unloading of automobiles and semi-trailers shall be provided off of streets and alleys so that said streets and alleys shall at all times be free and unobstructed to the passage of traffic;
- [3] Loading space: Every building containing 5,000 square feet or more of floor area shall provide off-street loading space measuring not less than 400 square feet in size and 14 feet in height, clear of all obstructions, with the number of spaces required in accordance with Figure VI as contained herein:

**Figure VI**

<b>Building Floor Area (Square Feet)</b>	<b>Loading Spaces (Number)</b>
5,000 to 24,000	1
24,001 to 60,000	2
60,001 to 96,000	3
96,001 to 144,000	4
144,001 to 192,000	5
192,001 to 240,000	6
240,001 to 294,000	7
294,001 to 348,000	8
Each additional 54,000 square feet above 348,000	+1

- (e) Screening: All storage, except of automobiles in operable condition, shall be within completely enclosed buildings or effectively screened by either of the following:

- [1] A solid wall or fence not less than six feet or more than eight feet in height;
- [2] A densely planted hedge, shrubbery, or conifer trees at least six feet in height which effectively creates a visual barrier,

#### J. Special Use (SU).

- (1) Purpose and intent. The purpose of the Special Use (SU) Zoning District is to provide a means of achieving the various goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the SU Zoning District is to allow for those uses which create or could create unique issues or circumstances, or hazards to the general health, safety, welfare and character of the community, and therefore should be limited to ensure said health, safety, welfare, and character.
- (2) Permitted uses. The following uses are allowable as permitted uses in the SU Zoning District:
- (a) All those uses designated with a "P" in the "SU" column of **Appendix A**.<sup>[13]</sup>  
*[13] Editor's Note: Said appendix is included as an attachment to this chapter.*
- (b) Any use not identified in **Appendix A** and proposed in the SU Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the SU Zoning District, requiring a CUP in accordance with § 425-4-3F of this chapter prior to establishment of said use:
- (a) All those uses designated with a "C" in the "SU" column of **Appendix A**;
- (b) Any use not identified in **Appendix A** and proposed in the SU Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**.



- (4) Prohibited uses. Any use other than those identified in Subsection **J(2)** and **(3)** shall be prohibited in the SU Zoning District.
- (5) Permitted and conditional use standards and requirements, general. The following standards and requirements are applicable to all permitted and conditional uses in the SU Zoning District, not to include mobile home parks or nonmetallic mining operations, with standards and requirements for those uses identified in § 425-3-3J(6) and (7) of this chapter:
- (a) Lot:
- [1] Minimum size: one acre;  
[Amended 7-13-2021 by Ord. No. 2021-07]
  - [2] Maximum size: none;
  - [3] Minimum width:
    - [a] Public road frontage: 100 feet;
    - [b] Building line: 100 feet.
  - [4] Material storage: Not more than 40% may be used for open storage of raw material or any other material.
- (b) Building setback line: All building setback lines shall be as stated in the following or as stated in § 425-3-2G(1) of this chapter, whichever is greater:
- [1] Road-yard:
    - [a] Arterial or collector road: See § 425-3-2G(1) of this chapter;
    - [b] Local road: 50 feet.
  - [2] Rear-yard: 25 feet;
  - [3] Side-yard: 20 feet.
- (c) Building:
- [1] Minimum surface area: none;
  - [2] Maximum surface area: none, but not to exceed the requirement of Subsection **J(5)(c)[6]**, Maximum lot cover;
  - [3] Maximum height: 42 feet;
  - [4] Minimum width: none;
  - [5] Maximum number per lot: none, but not to exceed the requirement of Subsection **J(5)(c)[6]**, Maximum lot cover;
  - [6] Maximum lot cover: 40%.
- (d) Parking:
- [1] Off-street: one two-hundred-square-foot (minimum) parking space per five users at maximum use of lot, at the discretion of the Town;
  - [2] Loading and unloading: Sufficient space for loading or unloading of automobiles and trailers shall be provided off of streets and alleys so that said streets and alleys shall at all times be free and unobstructed to the passage of traffic.
- (6) Permitted and conditional use standards and requirements, mobile home park. The following standards and requirements are applicable to mobile home parks in the SU Zoning District:

- (a) No area within the Town shall be utilized as a mobile home park unless it is planned for residential or similar use on the Future Land Use Map as contained in the Comprehensive Plan. The principal use of all areas of the mobile home park shall be residential only, except for those areas designated for park management and maintenance, open space, or other reasonable associated uses, at the discretion of the Town.
- (b) Mobile home parks shall be subject to all of the following:
- [1] Not less than 10% of the total gross mobile home park area shall be devoted to recreational facilities or open space, with access to said recreational facilities or open space convenient to all mobile home lots within the mobile home park;
  - [2] A screening buffer strip shall be in place along the mobile home park lot boundary, consisting of a densely planted hedge, shrubbery, or trees so as to effectively create a visual barrier and still allow a breeze to pass, with said screening at least five feet in width and 10 feet in height;
  - [3] One accessory building for storage of mobile home park maintenance equipment shall be allowed provided said building is fully enclosed and does not exceed 1,500 square feet in surface area nor 35 feet in height, or other reasonable size as approved by the Commission, to serve the needs of park residents;
  - [4] A building shall be constructed or present which shall be easily accessible to all mobile home park residents for their exclusive use and shall include kitchen, laundry, sanitation, and rest room facilities, meeting room space of at least 1,000 square feet in surface area, including a subgrade area of a size which shall provide adequate protection to all mobile home park residents in the event of severe weather, with said building to maintain a year-round temperature of not less than 60° F.;
  - [5] Adequate lighting with a minimum of one footcandle in place to illuminate streets, driveways, and pedestrian ways for the safe movement of vehicles and pedestrians at night;
  - [6] All fuel within a mobile home park shall be distributed in conformity with the state rules and regulations;
  - [7] Garbage and rubbish within a mobile home park shall be stored in fly-tight and water-tight approved containers stored within a completely enclosed building or outside the building provided that such storage area is effectively screened from view;
  - [8] Hard-surfaced roads shall be built according to Town and Rock County standards, with a minimum road pavement width of 22 feet and the minimum pavement diameter of a cul-de-sac 140 feet. Road alignment and gradient shall be properly adapted to topography and safe movement of anticipated traffic types, and to adequately control surface and ground water. Road names shall not duplicate the names of any other in Rock County;
  - [9] All utilities within a mobile home park shall be installed underground and meet State of Wisconsin Statutes and Administrative Codes.
  - [10] Only the following signs shall be permitted in a mobile home park:
    - [a] One non-flashing ground-mounted or wall sign stating only the park name, provided the sign does not project into any public way;
    - [b] One ground or on-premises wall sign per mobile home lot;
    - [c] Necessary regulatory signs, including but not limited to street name, entrance, and exit signs.
  - [11] Mobile home park lot:

- [a] Lot:
  - [i] Minimum size: eight acres;
  - [ii] Maximum size: none;
  - [iii] Minimum width: public road frontage, 100 feet;
  - [iv] Maximum mobile home lot density: seven per acre;
  - [v] Minimum number of mobile home lots: 25 mobile home lots completed and ready for occupancy before first occupancy is permitted.
- [b] Building setback line: All building setback lines shall be as stated in the following or as stated in § 425-3-2G(1) of this chapter, whichever is greater;
  - [i] Road-yard:
    - [A] Arterial or collector road: see § 425-3-2G(1) of this chapter;
    - [B] Local road: 50 feet.
  - [ii] Rear-yard: 35 feet;
  - [iii] Side-yard:
    - [A] Principal building: 15 feet;
    - [B] Accessory building: eight feet.
- [12] Mobile home lot: Mobile home lots shall be subject to all of the following:
  - [a] Mobile home lots shall be rented for residential use only for periods of not less than 30 days;
  - [b] One accessory building shall be allowed for each mobile home provided said building is fully enclosed, is located on the same lot as the mobile home which it serves, and does not exceed 100 square feet in surface area;
  - [c] Each mobile home lot shall abut a road within a mobile home park;
  - [d] Each mobile home lot shall be connected to the mobile home park's electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment, with the minimum service of 120 to 240 volts AC, 100 amperes per lot;
  - [e] Each mobile home lot shall be equipped with at least a three-inch sewer connection located so as to provide a suitable connection from the home at a continuous grade, and not subject to surface drainage;
  - [f] Fences and hedges shall be allowed on a mobile home lot provided they do not exceed a height of three feet in the road-yard and six feet in all other yards;
  - [g] Each mobile home's lot lines shall be clearly marked on the ground by permanent flush stakes or markers and have a unique number and street name not duplicated elsewhere within the County.
  - [h] Lot:
    - [i] Minimum size: 6,000 square feet;
    - [ii] Minimum width: Road frontage: 50 feet with lesser frontage allowed by Town for irregular shaped lots where necessary.
  - [i] Building setback line: All building setback lines shall be as stated in the following:

- [i] Road-yard: Private road within mobile home park. (See § 425-3-2G(1) of this chapter for road-yard requirements on public road.)
    - [A] Mobile home: 10 feet;
    - [B] Accessory building: 10 feet.
  - [ii] Rear-yard:
    - [A] Mobile home: eight feet;
    - [B] Accessory building: five feet.
  - [iii] Side-yard:
    - [A] Mobile home: eight feet;
    - [B] Accessory building: five feet.
  - [iv] Yard adjacent to any recreational facilities or open space area:
    - [A] Mobile home: eight feet;
    - [B] Accessory building: eight feet;
- [13] Mobile home: A mobile home shall be used for residential purposes only if it is located on a mobile home lot in a licensed mobile home park, subject to all of the following:
- [a] The mobile home shall meet all the requirements of U.S. Department of Housing and Urban Developments' Manufactured Home Construction Standards;
  - [b] The mobile home shall be placed in a designated stand and connected to a common water and sanitary sewer, electrical and all other necessary utilities, with said stand consisting of a continuous four-inch concrete single slab equal to the size of the mobile home, with six anchors and tie-downs, such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices, to secure the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of 2,800 pounds;
  - [c] No addition or alteration to a mobile home shall exceed the height of the existing mobile home, nor shall any addition to a mobile home be greater in area, in square feet, than the existing mobile home. Any addition to a mobile home shall be deemed a part of the mobile home and shall be subject to building setback lines in accordance with § 425-3-3J(5)(b) of this chapter;
  - [d] The mobile home shall have vented skirting of nonflammable material, with areas enclosed by such skirting maintained so as not to provide a harborage for rodents or create a fire hazard. (Insulation placed inside the skirting is recommended to prevent freezing of pipes.)
- [14] Parking:
- [a] Mobile homes: one per mobile home lot except that an unoccupied recreational vehicle may be parked within the building setback line of the mobile home lot owner's yard, to the rear of the principal building;
  - [b] Automobile, off-street: two two-hundred-square-foot (minimum) hard-surfaced spaces on each mobile home lot;
  - [c] Automobile, street: Allowable on both sides of the street if the road is at least 36 feet wide and allowable on one designated side only if the road is at least 30 feet

wide.

- (7) Permitted and conditional use standards and requirements, nonmetallic mining. The following standards and requirements are applicable to all nonmetallic mining uses in the SU Zoning District:
- (a) Lot:
- [1] Minimum size: five acres;
  - [2] Maximum size: none.
  - [3] Minimum width:
    - [a] Public road frontage: 100 feet;
    - [b] Building line: 100 feet.
- (b) Building setback line:
- [1] Road-yard: See § 425-3-2G(1) of this chapter;
  - [2] Rear-yard: 50 feet;
  - [3] Side-yard: 50 feet.
- (c) Mining operation setback line:
- [1] Road: 100 feet;
  - [2] Public utility right-of-way: 50 feet;
  - [3] Zoning district boundary: 100 feet.
- (d) Building:
- [1] Minimum surface area: none;
  - [2] Maximum surface area: none, but not to exceed the requirement of Subsection **J(7)(d)[6]**, Maximum lot cover;
  - [3] Maximum height: 35 feet;
  - [4] Minimum width: none;
  - [5] Number per lot: none, but not to exceed the requirement of Subsection **J(7)(d)[6]**, Maximum lot cover;
  - [6] Maximum lot cover: 10%.
- (e) Parking:
- [1] Off-street: one two-hundred-square-foot (minimum) square foot space per five users at maximum use of lot, at the discretion of the Town;

#### K. Planned Development (PD).

- (1) Purpose and intent. The purpose of the Planned Development (PD) Zoning District, in accordance with § 62.23(7)(b), Wis. Stats., is to provide for greater flexibility and efficiency in meeting the intent and purpose of this chapter as stated in § **425-1-3** herein, with uses in this district appropriately coordinating with and relating to existing land uses, future land uses as delineated in the Comprehensive Plan, Town of Fulton Agriculture Resources — Farmland Preservation Map as contained in the Rock County Agriculture Plan, or any similar plans or documents, and the natural landscape. The intent of the PD Zoning District is to identify general standards and requirements to ensure efficient, economical, and environmentally

sound land use, with these standards and requirements having the same legal force and effect as do standards and requirements contained in other zoning districts, and to allow exceptions to specific zoning standards and requirements so as to promote and encourage a development design and amenity unachievable under said specific standards and requirements.

- (2) Permitted uses. The following uses are allowable as permitted uses in the PD Zoning District:
- (a) All those uses designated with a "P" in the "PD" column of **Appendix A**.<sup>[14]</sup>  
*[14] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the PD Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**;
- (3) Conditional uses. The following uses are allowable as conditional uses in the PD Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:
- (a) All those uses designated with a "C" in the "PD" column in **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the PD Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**;
- (4) Prohibited uses. Any use other than those identified in Subsection **K(2)** and **(3)** of this section shall be prohibited in the PD Zoning District.
- (5) Permitted and conditional use standards and requirements. Planned developments are classified in this chapter as a general planned development, conservation development, and neighborhood development, subject to the standards and requirements identified for each classification in the following and all other applicable standards and requirements as identified in this chapter, Land Division Ordinance,<sup>[15]</sup> and County Land Division and Management Ordinance.
- (a) General planned development. A general planned development consists of five or more lots, with the total acreage of all lots in the development to be not less than five acres. The lots shall each have a lot line contiguous with another, if feasible.
  - (b) Conservation development.
    - [1] A conservation development consists of five or more lots, with the total acreage of all lots in the development to be not less than five acres.
    - [2] Conservation developments shall require designation of a development area and a conservation area. The development area shall consist of lots designated for residential use and shall not exceed 60% of the total acreage of the conservation development. The conservation area shall consist of environmentally sensitive areas, cultural resources, priority agricultural lands, priority agricultural soils, woodlands, and/or open space and shall be restricted from further land division and specified building location and construction by a conservation easement in accordance with § 425-3-3K(6)(c) of this chapter, or shall be dedicated to the public as outdoor recreation or open space land. (Said easement shall also restrict further land division in the development area.) The lots in the development area shall each have a lot line contiguous with another, if feasible.
    - [3] Residential building density in a conservation development, to include only the development area, shall not exceed two residential units per one acre in areas in which public sanitary sewer service and facilities are not readily available and shall not exceed eight residential units per one acre in areas in which public sanitary sewer service and facilities are readily available.

## (c) Neighborhood development.

- [1] A neighborhood development consists of lots not less than 20 acres in total, in those areas in which public sanitary sewer service and facilities are readily available.
- [2] Neighborhood developments shall require designation of a development area, to include residential, commercial and business, public, and mixed-use sectors, and an outdoor recreation and open space area. Within the development area, the residential sector shall consist exclusively of residential and associated land uses, the commercial and business sector shall consist exclusively of commercial, business, and associated land uses, the public sector shall consist exclusively of governmental, quasi-governmental, and associated land uses, and the mixed-use sector shall consist of a mixture of the aforementioned land uses. The outdoor recreation and open space area shall consist exclusively of outdoor recreation, open space, and associated land uses.
- [3] The development area shall not exceed 90% of the total acreage of the neighborhood development.
- [4] Block length within a development area shall not exceed 600 feet nor be less than 400 feet.
- [5] Lots within the residential sector shall not be less than 6,000 square feet or more than 10,000 square feet each nor collectively exceed 50% of the total acreage of the development area.
- [6] Eighty percent of lots within the residential sector shall be within 1/4 mile of a commercial and business, public, or mixed-use sector. A commercial and business sector shall be within 1/4 mile of a public or mixed-use sector, and all lots within the commercial and business sector shall not exceed 10% of the total acreage of the development area. A public sector shall be within 1/4 mile of a commercial and business or mixed-use sector, and all lots within the public sector shall not exceed 5% of the total acreage of the development area. A mixed-use sector shall be within 1/4 mile of a commercial and business or public sector, and all lots within the mixed-use sector shall not exceed 10% of the total acreage of the development area.
- [7] Street rights-of-way within a development area shall not exceed 25% of the total acreage of the development area.
- [8] Neighborhood developments shall also require designation of an outdoor recreation and open space area, consisting of lands possessing environmentally sensitive areas, priority agricultural lands, cultural resources, woodlands, and/or open space, and contain a minimum of 10% of the total acreage of the neighborhood development dedicated to the public as outdoor recreation or open space land.

[15] *Editor's Note: See Ch. 380, Subdivision of Land.*

## (6) Plan and document submittal, subdivision plat, and conservation easement.

- (a) All planned developments shall require submission of plans and documents in accordance with applicable sections of the Land Division Ordinance<sup>[16]</sup> and County Land Division and Management Ordinance, including Sections 4.111 and 4.117 therein.

[16] *Editor's Note: See Ch. 380, Subdivision of Land.*

- (b) A general planned, conservation, and neighborhood development shall require submission of a subdivision plat (hereafter "plat"), in accordance with §§ 380-10 — 13, Land Division Ordinance, and Sections 4.112(1)(a), and 4.113(1)(a), County Land Division and Management Ordinance, containing all information required therein in addition to all of the following:

- [1] Identification and approximate location and dimension of development areas (and residential, commercial and business, public, and mixed-use sectors if applicable) and either conservation areas or outdoor recreation and open space areas;
  - [2] Notice of restriction of further land division and specified building location and construction in the conservation development/conservation area, and further land division in the conservation development/development area, and reference to a conservation easement on said conservation area.
- (c) A conservation development shall require a Town of Fulton Natural Resources and Open Space, Cultural Resources, or Agricultural Resources Conservation Easement, or similarly named document, as prepared by the Zoning Administrator in accordance with § 700.40, Wis. Stats., and recorded with the Rock County Register of Deeds, subject to all of the following, if applicable:
- [1] Restrict further land division of any lots in the conservation development/development area;
  - [2] Restrict further land division and specified building location and construction in any conservation area;
  - [3] Allow for access to the conservation development/conservation area and use by any member of the conservation development landowners or similar association.
  - [4] Stipulate easement grantor can continue in the current or a similar conforming use of the conservation area but any land within said area cannot be subject to land division, nor residential and associated building location and construction, into perpetuity for all conservation developments;

L. Natural Resource-Open Space (NR-OS).

- (1) Purpose and intent. The purpose of the Natural Resource-Open Space (NR-OS) Zoning District is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the NR-OS Zoning District is to provide for lands that maintain and enhance ecosystem health and/or offer passive and active outdoor recreation opportunities.
- (2) Permitted uses. The following uses are allowable as permitted uses in the NR-OS Zoning District:
  - (a) All those uses designated with a "P" in the "NR-OS" column of **Appendix A**;<sup>[17]</sup>  
*[17] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the NR-OS Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**;
- (3) Conditional uses. The following uses are allowable as conditional uses in the NR-OS Zoning District, requiring a CUP in accordance with § **425-4-3F** of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the "NR-OS" column in **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the NR-OS Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**;
- (4) Prohibited uses. Any use other than those identified in Subsection **L(2)** and **(3)** of this section shall be prohibited in the NR-OS Zoning District.



- (5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the NR-OS Zoning District:
- (a) Lot:
- [1] Minimum size: one acre;
  - [2] Maximum size: none;
  - [3] Minimum width:
    - [a] Public road frontage: 100 feet;
    - [b] Building line: 100 feet.
- (b) Building:
- [1] Minimum size: none;
  - [2] Maximum size: none, but not to exceed the requirement of Subsection **L(5)(b)[6]**, Maximum lot cover;
  - [3] Maximum height: 35 feet;
  - [4] Minimum width: none;
  - [5] Maximum number per lot: none, but not to exceed the requirement of Subsection **L(5)(b)[6]**, Maximum lot cover;
  - [6] Maximum lot cover: 10%.
- (c) Building setback line:
- [1] Road-yard:
    - [a] Arterial or collector road: See § 425-3-2G(1) of this chapter;
    - [b] Local road: 50 feet.
  - [2] Rear-yard: 20 feet;
  - [3] Side-yard:
    - [a] Principal building: 20 feet;
    - [b] Accessory building: 10 feet.
- (d) Parking.
- [1] Off-street: one two-hundred-square-foot (minimum) space per five users at maximum use of lot, at the discretion of the Town.

M. Environmental Conservation-Lowland — Overlay (EC-L).

- (1) Purpose and intent. The purpose of the Environmental Conservation-Lowland — Overlay (EC-L) Zoning District is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the EC-L 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 lowlands, by limiting uses in said areas to those which do not require extensive development.
- (2) Lowland. Lowland in the EC-L Zoning District shall be identified as any of the following 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 chapter:

- (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) Shorelands: Lands identified within 75 feet of the ordinary high water mark of a surface water feature;
  - (d) Wetland: Lands identified as wetland, as delineated by the Wisconsin Department of Natural Resources or another qualified entity.
- (3) Permitted uses. The following uses are allowable as permitted uses in the EC-L Zoning District:
- (a) All those uses designated with a "P" in the "EC-L" column of **Appendix A**,<sup>[18]</sup>  
*[18] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the EC-L Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (4) Conditional uses. The following uses are allowable as conditional uses in the EC-L Zoning District, requiring a CUP in accordance with § 425-4-3F of this chapter prior to establishment of said use:
- (a) All those uses designated with a "C" in the "EC-L" column of **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the EC-L Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**.
- (5) Prohibited uses. Any use other than those identified in Subsection **M(3)** and **(4)** of this section shall be prohibited in the EC-L Zoning District.
- (6) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the EC-L Zoning District:
- (a) Lot: Subject to underlying zoning district standards and requirements;
  - (b) Building: Subject to underlying zoning district standards and requirements;
  - (c) Building setback line:
    - [1] Road-yard: See § 425-3-2G(1) of this chapter;
    - [2] Rear-yard: 25 feet;
    - [3] Side-yard:
      - [a] Principal building: 15 feet or underlying zoning district standard and requirement, whichever is greater;
      - [b] Accessory building: 10 feet or underlying zoning district standard and requirement, whichever is greater.
  - (d) Parking: Subject to underlying zoning district standards and requirements.

#### N. Environmental Conservation-Highland — Overlay (EC-H).

- (1) Purpose and intent. The purpose of the Environmental Conservation Highland — Overlay (EC-H) Zoning District is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the EC-H Zoning District is to provide for 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 to those that do not require extensive development.

- (2) Highland. Highland within the EC-H Zoning District shall be identified as any of the following 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 chapter:
  - (a) Groundwater protection areas: Lands identified as groundwater protection areas;
  - (b) Shallow bedrock: Lands identified with bedrock within 20 inches of the surface;
  - (c) Steep slopes: Lands identified with slopes 20% and greater.
- (3) Permitted uses. The following uses are allowable as permitted uses in the EC-H Zoning District:
  - (a) All those uses designated with a "P" in the "EC-H" column of **Appendix A**.<sup>[19]</sup>  
*[19] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the EC-H Zoning District, if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (4) Conditional uses. The following uses are allowable as conditional uses in the EC-H Zoning District, requiring a CUP in accordance with § 425-4-3F of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the "EC-H" column of **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the EC-H Zoning District if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in **Appendix A**.
- (5) Prohibited uses. Any use other than those identified in Subsection **N(3)** and **(4)** of this section shall be prohibited in the EC-H Zoning District.
- (6) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the EC-H Zoning District:
  - (a) Lot: Subject to underlying zoning district standards and requirements;
  - (b) Building: Subject to underlying zoning district standards and requirements;
  - (c) Building setback line:
    - [1] Road-yard: See § 425-3-2G(1) of this chapter;
    - [2] Rear-yard: 25 feet;
    - [3] Side-yard:
      - [a] Principal building: 15 feet or underlying zoning district standard and requirement, whichever is greater;
      - [b] Accessory building: 10 feet or underlying zoning district standard and requirement, whichever is greater.
  - (d) Parking: Subject to underlying zoning district standards and requirements.

- O. Residential- General Sewered (R-GS).  
 [Added 6-14-2016 by Ord. No. 2016-2]

- (1) Purpose and intent. The purpose of the Residential- General Sewered Zoning District is to provide a means of achieving the housing goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the R-GS Zoning District is to allow for low-density residential land uses on lots served by a public sanitary sewer system, in and around existing or potential future low-, medium-, or high-density residential areas in accordance with the Existing Land Use Map and Future Land Use Map, or similarly named maps as contained in the Comprehensive Plan, which, due to topography or other reasons, are not appropriate for the R-L District.
- (2) Permitted uses. The following uses are allowable as permitted uses in the R-GS Zoning District:
  - (a) All those uses designated with the "P" in the R-GS column of **Appendix A**;<sup>[20]</sup>  
*[20] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - (b) Any use not identified in **Appendix A** and proposed in the R-GS District if the Town reviews the proposed use and, in its reasonable and prudent judgment, determines the proposed use most closely resembles another permitted use identified in **Appendix A**.
- (3) Conditional uses. The following uses are allowable as conditional uses in the R-GS Zoning District, requiring a CUP in accordance with § 425-4-3F of this chapter prior to establishment of said use:
  - (a) All those uses designated with a "C" in the R-GS column in **Appendix A**;
  - (b) Any use not identified in **Appendix A** and proposed in the R-GS Zoning District if the Town reviews the proposed use and, in its reasonable and prudent judgment, determines the proposed use most closely resembles another conditional use identified in **Appendix A**.
- (4) Prohibited uses. Any use other than those identified in § O (2) and (3) of this section shall be prohibited in the R-GS Zoning District.
- (5) Permitted and conditional use standards and requirements. The following standards and requirements are applicable to all permitted and conditional uses in the R-GS Zoning District.
  - (a) Lot.
    - [1] Minimum size:
      - [a] Residence, single-family: 10,000 square feet.
      - [b] Residence, two-family: 12,000 square feet.
    - [2] Maximum size: Less than 40,000 square feet.
    - [3] Minimum width: 80 feet.
    - [4] Public road frontage: 80 feet.
    - [5] Building line: 80 feet.
  - (b) Building.
    - [1] Minimum size:
      - [a] Residence. [A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in Subsection O(5)(b)[1][a][i] and [ii].]
        - [i] Single-family, living area: 1,000 square feet.
        - [ii] Two-family, living area: 1,600 square feet.

- [b] Any building other than a residence: none.
- [2] Maximum size: none, but not to exceed the requirement of Subsection **O(5)(b)[6]**, Maximum lot cover;
- [3] Maximum height:
  - [a] Principal building: 35 feet.
  - [b] Accessory building: 20 feet and not forward of the front face of the principal building.
- [4] Minimum width:
  - [a] Residence: 24 feet.
  - [b] Any building other than a residence: none.
- [5] Maximum number:
  - [a] Residence (single-family or two-family): one.
  - [b] Any building other than a residence: none, but not to exceed the requirement of Subsection **O(5)(b)[6]**, Maximum lot cover.
- [6] Maximum lot cover:
  - [Amended 3-8-2022 by Ord. No. 2022-04]
  - [a] Buildings and other structures: 25%.
  - [b] Any other constructed surface that prevents rainwater from reaching the ground (driveways, sidewalks, etc.): 10%.
  - [c] Maximum lot coverage may be increased by the Town Board with an engineering-approved stormwater management plan.
- (c) Building setback line:
  - [1] Road-yard: 25 feet from road right-of-way line.
  - [2] Rear-yard:
    - [a] Principal building: 25 feet.
    - [b] Accessory building: eight feet.
  - [3] Side-yard:
    - [a] Principal building: eight feet and 20 feet total on both sides.
    - [b] Accessory building: eight feet.
- (d) Parking:
  - [1] Off-street, residential: two spaces a minimum of 200 square feet and a two-car garage (minimum) per residence;
  - [2] Off-street, public gathering: one space 200 square feet (minimum) per five seats or per 200 square feet of building.
  - [3] Off-street: home occupation, and professional office: one space 200 square feet (minimum) per 200 square feet of commercial/business floor area in building.

# Article IV. Zoning and Land Use Activity Application Procedure

## § 425-4-1. Establishment and identification.

Zoning and land use activities shall be identified as the following:

- A. Zoning (building site) permit;
- B. Building permit;
- C. Driveway permit;
- D. Sign permit;
- E. Demolition permit;
- F. Conditional use permit;
- G. Mobile home park license;
- H. Zoning district change and new lot creation in A-E Zoning District;
- I. Variance;
- J. Appeal.

## § 425-4-2. General standards and requirements.

The following general standards and requirements are applicable to all zoning and land use activities identified in § 425-4-1 of this chapter:

- A. Application submittal.
  - (1) A complete and accurate application, an application fee as determined by Board resolution, and any additional relevant information deemed necessary by the Town to make a comprehensive evaluation of said application shall be submitted by an applicant to the Town for a zoning and land use activity. All costs of any construction or earth-disturbing activity related to said zoning and land use activity shall be the sole responsibility of the applicant, unless otherwise noted herein.
  - (2) Failure by the applicant to submit a complete and accurate zoning and land use activity application shall be cause for the application to be returned by the Town to the applicant, with the application not subject to any further review or action until the applicant has submitted a complete and accurate application.
  - (3) Any zoning and land use activity requiring an application or other formal document submittal, in accordance with § 425-4-3A through J of this chapter, shall be reviewed for compliance with this chapter in the manner it exists at the time of submission of said application or other formal documentation to the Town.
- B. Application review.
  - (1) Administrative review, public hearing, or meeting. Applications submitted by an applicant to the Town for a zoning and land use activity shall be reviewed administratively, or at a public hearing or meeting, by the Town Board, Town Plan Commission, Town Zoning Administrator, Town Building Inspector, or Town Board of Adjustment (hereafter collectively "reviewing bodies").

- (2) Application review factors. The Reviewing Bodies shall consider factors, if applicable, as enumerated in the following in review of all zoning and land use activity applications, with said review to potentially include other factors not identified herein but relevant to the review process:
- (a) The activity identified in the application shall not compromise or inhibit the health, safety, and general welfare of the Town;
  - (b) Consistency of the activity identified in the application with the Comprehensive Plan and the Future Land Use Map contained therein or any similar plan or map, the Town of Fulton Use Map contained therein or any similar plan or map, the Town of Fulton Agriculture Resources - Farmland Preservation Map as contained in the Rock County Agriculture Plan, or any similar and other relevant plan, the purpose and intent of this chapter as stated in § 425-1-3 herein, the purpose and intent of the applicable zoning district in accordance with § 425-3-3 of this chapter, and the public interest;  
[Amended 6-14-2016 by Ord. No. 2016-2]
  - (c) Compatibility of the activity identified in the application with existing or proposed future uses on adjacent and proximate properties, and the effect of the activity on said properties, owners and occupants thereof, the environment, and the community;
  - (d) The area identified for the activity in the application is limited to that which is reasonably necessary to accommodate said activity;
  - (e) Site topography, drainage, soils, and vegetative cover on applicable properties and the implications thereof for the activity identified in the application, as well as the implications for adjacent and proximate properties;
  - (f) Availability of water supply, sewage disposal, and other applicable utilities necessary for the activity identified in the application;
  - (g) Soil percolation characteristics (if public sanitary sewer is not available) of the properties identified in the application;
  - (h) The effect the activity identified in the application will have on the overall site and community esthetic, including the effect on water and air quality, soil erosion, environmentally sensitive areas, priority agricultural lands, cultural resources, woodlands, open space, and scenic and recreational amenities;
  - (i) The effect the activity identified in the application will have on the Town's immediate and long-range tax base, as well as the cost and burden to the Town and other public entities to provide various required services for said activity;
  - (j) The activity identified in the application will ensure present and future convenient and safe access to the existing or proposed road network and efficient traffic circulation and flow;
  - (k) Alteration and/or increase in traffic generation, including varying vehicle types, resultant from the activity identified in the application and the subsequent effect on immediate, adjacent, and proximate properties;
  - (l) The effect the activity identified in the application will have on existing or proposed adjacent or proximate traffic interchanges;
  - (m) The effect the activity identified in the application will have on the viewshed from an existing or proposed road;
  - (n) The activity identified in the application shall not result in damage to Town roads, with said activities including but not limited to an agribusiness, nonmetallic mining use, or hauling of sewage sludge for fertilizer purposes, unless the Town is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond, an irrevocable letter of credit, or cash deposit assuring that any road

damage caused by a said activity will be repaired or reconstructed at the applicant's full expense, so as to protect the Town against any expense due to the inability or refusal of the person(s) to repair any damage to the road;

- (o) If the activity identified in the application converts land to a use other than agricultural, or prevents use of land for agriculture, said activity shall be placed on that portion of the lot containing the poorest quality agricultural soils or that portion of the lot that would be the least productive for agricultural purposes;
- (p) Compliance of the activity identified in the application with standards and requirements identified in §§ **425-3-2** and **425-3-3** of this chapter;
- (q) Any additional application review factors deemed relevant and necessary by the applicable reviewing bodies to undertake a comprehensive evaluation of said application.

#### C. Action and findings.

- (1) The reviewing bodies shall take action and approve, approve with conditions, or deny with findings a zoning and land use activity application after review and consideration of the factors identified in § **425-4-3B** of this chapter and the specific standards and requirements for individual zoning and land use activities as identified in § **425-3-3** of this chapter, in accordance with the process identified in said section. If the zoning and land use activity application or other formal documentation requires a Town Plan Commission (hereafter, "Commission") recommendation to the Town Board (hereafter "Board") in accordance with § **425-4-3A** through J of this chapter, and said Commission does not make a recommendation within 45 days of submission of the application to the Town or such longer period as may be authorized by the Board, the Board may take final action without said recommendation.

[Amended 6-14-2016 by Ord. No. 2016-2]

- (2) The reviewing bodies may attach such approval conditions, in addition to those otherwise specifically listed, that it deems necessary to further the intent and purpose of this chapter, with violation of any of these approval conditions so deemed a violation of this chapter in accordance with § 425-5-5.B herein.

- D. Issuance or denial notification. The reviewing bodies shall issue the applicable permit, license, or necessary documentation to the applicant if the zoning and land use activity application is approved or approved with conditions, or shall notify the applicant, with findings, if the application is denied, all in accordance with the specific standards and requirements for individual zoning and land use activities identified in § **425-4-3A** through J of this chapter. The reviewing bodies shall only issue the applicable permit, license, or necessary documentation after all necessary approvals and permits have been issued by Rock County, the State of Wisconsin, any applicable federal government agency or department, or any other applicable government unit. All applicable zoning and land use activity information shall be supplied by the Town to the Rock County Planning, Economic and Community Development Agency for data and record-keeping, upon mutual agreement between the Town and the Agency.

### § 425-4-3. Specific standards and requirements.

The following specific standards and requirements are applicable to individual zoning and land use activities identified in § **425-4-1A** through J of this chapter:

- A. Zoning (building site) permit. A zoning (building site) permit shall be required, per the MOA, in accordance with the procedure identified in the following (The Town has delegated authority to administer said procedure to the Rock County Planning, Economic & Community Development Agency, in accordance with **Appendix D** — Land Division and Development Activities Memorandum of Agreement — Town of Fulton and Rock County Planning, Economic and Community Development Agency.).



- (1) Application submittal. An applicant shall submit to the Rock County Planning, Economic and Community Development Agency a Town of Fulton Zoning (Building Site) Permit Application, or similarly named document, as available at the office of the Town Clerk or said Agency, and on the Town or said Agency website, and an application fee as determined by Board Resolution, all in accordance with Sec. 4.5(1) of **Appendix D** - Land Division and Development Activities Memorandum of Agreement — Town of Fulton and Rock County Planning, Economic and Community Development Agency herein (hereafter "**Appendix D**"),<sup>[1]</sup> and a building site plan in accordance with Sec. 4.4(1) of said **Appendix D**.

[1] *Editor's Note: Said appendix is included as an attachment to this chapter.*

- (2) Application review. A designee of the Rock County Planning, Economic and Community Development Agency shall review an application for a zoning (building site) permit for compliance with this chapter and in accordance with § 425-4-2B(2) of this chapter and Sec. 4.5(2) of **Appendix D** herein.
- (3) Action. After review, a designee of the Rock County Planning, Economic and Community Development Agency shall approve, approve with conditions, or deny with findings a zoning (building site) permit application in accordance with Sec. 4.5(3) of **Appendix D** herein.
- (4) Issuance or denial notification. If a designee of the Rock County Planning, Economic and Community Development Agency approves the application for a zoning (building site) permit, said permit shall be issued to the applicant in accordance with Sec. 4.5(4) of **Appendix D** herein.
- (5) Completion. The applicant's zoning (building site) permit obligations shall be fulfilled in accordance with Sec. 4.5(5) of **Appendix D** herein.
- (6) Extension. If Subsection **A(5)** of this section is not completed within 12 months of issuance of the zoning (building site) permit to the applicant by a designee of the Rock County Planning, Economic and Community Development Agency, a permit extension shall be required to complete the permit obligations, in accordance with Sec. 4.5(6) of **Appendix D** herein.

B. Building permit. A building permit shall be required for specified building location, construction, addition, and alteration, and uses of land, water, and air, in accordance with the procedure identified in the following:

- (1) Required. A building permit shall be required for all of the following:
  - (a) Construction, movement, or structural alteration of a building or other specified structure that changes the building/structure's use or increases its floor area, not to include any building less than 100 square feet in surface area;
  - (b) Repair or alteration of 50% or more of a building or other specified structure's fair market value, if said building/structure has been destroyed;
  - (c) Update of any building or other specified structure's electrical wiring, plumbing, heating, ventilation, or air conditioning;
  - (d) Construction of any permanent swimming pool intended for year-round use or new tower, or co-location: class II;
  - (e) Substantial alteration of an existing land use.
- (2) Not required. A building permit shall not be required for any of the following:
  - (a) Construction, movement, or structural alteration of a building less than 100 square feet in surface area, provided such building conforms to all building setback line, yard, and lot cover requirements in accordance with §§ **425-3-2** and **425-3-3** of this chapter;
  - (b) Any improvement or alteration to an existing building or other specified structure where the materials and labor will be at a cost of \$5,000 or less, with said improvement/alteration not

entailing a structural change, a land use change, or encroachment into building setback lines, or a failure to meet any lot cover requirements, per §§ **425-3-2** and **425-3-3** of this chapter;

- (c) Maintenance repairs to a building or other specified structure that do not entail a structural change, to include but not limited to building re-roofing and re-siding;
- (3) Application submittal. If a building permit is required, in accordance with § 425-4-3B(1) of this chapter, an applicant shall submit to the Town a Town of Fulton Building Permit Application, or similarly named document, as available at the office of the Town Clerk and on the Town's website, an application fee as determined by Board resolution, not to exceed \$500 or other monetary amount as set by § 66.0404(4)(d), Wis. Stats., for co-location: class II, and all of the following, if applicable:
- (a) Building site plan in accordance with Sec. 4-4(1) of **Appendix D** of this chapter;
  - (b) Building plan in accordance with the State of Wisconsin Uniform Dwelling Code.
- (4) Application review. The Building Inspector shall review an application for a building permit for compliance with this chapter and in accordance with § 425-4-2B(2) of this chapter.
- (5) Action. After review, the Building Inspector shall approve, approve with conditions, or deny with findings a building permit application within 10 business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Building Inspector within the aforementioned time period, the application shall be deemed approved by the Building Inspector.
- (6) Issuance or denial notification.
- (a) If the building permit application is approved or approved with conditions, the Building Inspector shall issue a building permit to the applicant within 10 business days of receipt of the application by the Town. A building permit card shall be issued as part of the permit and shall be displayed at a prominent location on the building site, driveway, or adjacent public road. One copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within 10 business days of said action.
  - (b) No building permit shall be issued for construction of a new residence until a driveway is permitted and constructed in accordance with § **425-4-3C** of this chapter, except in those instances where the final application of gravel or other approved surface on the driveway may occur after building permit issuance and after heavy equipment needed for new residence construction will no longer be utilizing the driveway.
- (7) Completion. The applicant's building permit obligations shall be fulfilled only if all of the following have been met within 24 months of issuance of the permit:
- (a) Construction, addition, or alteration of all buildings identified in the building plan are substantially completed;
  - (b) All stormwater management, erosion control, landscaping, and final grading activities over which the Town has review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed.
- (8) Extension.
- (a) If § 425-4-3B(7) of this chapter is not completed within 24 months of issuance of the building permit to the applicant by the Building Inspector, a permit extension shall be required if the applicant wishes to complete permit obligations.
  - (b) The applicant shall request a building permit extension from the Building Inspector and the Building Inspector shall issue said extension only if all of the following have been met:

- [1] Applicant requests the extension at least 10 days before the date which the permit is to expire;
  - [2] Applicant provides to the Building Inspector reasonable information regarding the need for the extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the building plan has or is reasonably expected to occur during the duration of the extension;
  - [3] The Building Inspector reviews the information per Subsection **B(8)(b)[2]** of this section and finds the information sufficient, and approves the extension;
- (c) A building permit extension may not exceed six months unless the Building Inspector approves an additional extension on a month-to-month basis, at the request of the applicant.

C. Driveway permit.

- (1) A driveway permit shall be required for any construction, improvement, or modification of a driveway providing access to a local (Town) road, with only one driveway allowed per lot, with the exception of a lot on which a two-family residence or multifamily residence is located, if the design of the residences or the lot's physical characteristics warrant additional driveways. A driveway shared by two or more lots may be required to provide access to lots without an existing driveway and shall be built on the shared lot line.
- (2) Any construction, improvement, or modification of a driveway shall be in accordance with the procedure identified in the following:
  - (a) Application submittal. An applicant shall submit to the Town Clerk a Town of Fulton Driveway Permit Application, or similarly named document, as available at the office of the Town Clerk and on the Town's website, an application fee as determined by Board Resolution, and all of the following:
    - [1] Engineer's plan prepared by a licensed engineer, if any of the following apply:
      - [a] Driveway construction, improvement, or modification will disturb land with a slope of 25% or greater;
      - [b] Driveway construction, improvement, or modification activity requires a retaining wall or other special erosion control measure as determined by the Town;
      - [c] The Town requests a plan.
    - [2] If an engineer's plan is required in accordance with Subsection **C(2)(a)[1]** of this section, said plan shall consist of a map drawn at a convenient scale and contain all of the following:
      - [a] The location of the driveway or the segment of driveway that requires an engineer's plan;
      - [b] The slope of the driveway showing no segment exceeding 13%;
      - [c] The location and structure of any retaining walls;
      - [d] The location and size of any culverts;
      - [e] A cross-section of the driveway;
      - [f] Required mulching, matting, or other erosion control;
      - [g] The engineer's name, address, and signature and a statement from said engineer that he/she has fully complied with all provisions of this chapter.

- [3] Construction plan for all segments of the driveway construction, improvement, or modification not covered by an engineer's plan, with said plan consisting of a map drawn at a convenient scale and clearly identifying the lot lines, right-of-way, driveway, slope, soil, and any other information required by the Town;
- [4] Stormwater management and erosion control plan in accordance with Sec. 4.107, County Land Division and Management Ordinance and Chapter SPS 321.125, Wis. Adm. Code, if required by the Town.

(b) Application review.

- [1] The Zoning Administrator or Building Inspector shall review an application for a driveway permit for compliance with this chapter and in accordance with § 425-4-2B(2) of this chapter. As part of the application review process, the Zoning Administrator or Building Inspector shall visit the site identified in the application.
- [2] The driveway identified in the Construction or Engineer Plan shall meet all of the following:
  - [a] Adequate visibility of oncoming traffic at the point where the driveway adjoins the road, with an object 3.5 feet in height visible when viewed from the same height at said point, for speeds and distances identified in Figure VII as contained herein.

**Figure VII**

<b>Posted Speed (miles per hour)</b>	<b>Minimum Sight Distance (feet)</b>
25	150
30	200
35	250
40	325
45	400
50	475
55	550

- [b] Adequate measures to ensure appropriate drainage and prevent diversion of surface water onto the adjoining road and/or other property, to include all of the following:
  - [i] A ditch with the center of said ditch a minimum of 12 feet from the road centerline;
  - [ii] A culvert at least 15 inches in diameter at the ditch line where the driveway adjoins the road, with a minimum culvert length of 20 feet and culvert endwalls required;
  - [iii] A driveway surface that is level or lower than the adjoining road, with said surface containing a slight dip across the entire width of the driveway (located on the side of the culvert opposite the road), where the driveway adjoins the road;
  - [iv] Roadway crowning.
- [c] A minimum finished surface width of 14 feet, horizontal clearance of 24 feet, and vertical clearance of 14 feet for any driveway greater than 100 feet in length, and a minimum finished surface width of 24 feet at the point where the driveway adjoins the road for all driveways, with no concrete surface to be placed in the

road right-of-way. (Impervious surface may be allowed in said right-of-way, subject to review and approval by the Town, provided said surface is constructed in such a manner that it will not rise above the level of the adjacent road. In the event said surface rises above the aforementioned level, and if any Town equipment utilized to maintain or repair the road is damaged as a result of striking said surface, the landowner on which said surface is located shall be liable for equipment repair cost.)

- [d] A minimum of four-foot side slope on each side of the driveway and a maximum slope of one foot of vertical rise for each four feet of horizontal distance, calculated as 25% slope;
  - [e] Side banks constructed using earthen materials and graded to a slope of no more than one foot of vertical rise for each three feet of horizontal distance, calculated as 33% slope, not to include any driveways for which retaining walls and/or other erosion control measures are installed as specified in an approved engineer's plan as identified in § 425-4-3C(2)(a)[1] of this chapter;
  - [f] The driveway edge, at the centerline of the roadway ditch, located no closer than 20 feet from the edge of another driveway, and the driveway edge or culvert located no closer than five feet from any lot line, unless such driveway is jointly used by the adjoining landowners, pursuant to an easement or other document recorded with the Rock County Register of Deeds;
  - [g] An inside radius of no less than 36 feet on all driveway curves;
  - [h] All-weather access or hard pavement with at least six inches of two-inch rock on the driveway bed, covered with two inches of three-fourths-inch gravel, with any portion of the driveway within the road right-of-way required to be asphalt. (This provision may be modified if the applicant can show that a suitable roadbed base exists.)
  - [i] For driveways greater than 400 feet in length, a turnaround within 50 feet of all building sites, with said turnaround having a minimum fifty-foot radius, or an "in-back-out" of at least 90° and 50 feet in length;
  - [j] For driveways greater than 400 feet in length but less than 800 feet, a turnout near the driveway's midpoint, and in those instances where a driveway exceeds 800 feet, turnouts shall be provided no more than 400 feet apart.
- [3] Section 425-4-3C(2)(b)[2] of this chapter may be waived or modified by the Town if the standards and requirements identified therein are deemed by the Town as imposing an unnecessary hardship on the applicant. Any request by an applicant for a waiver or modification to said standards and requirements shall accompany the initial driveway permit application and shall state the reason for the request.
- (c) Action. After review, the Zoning Administrator or Building Inspector shall approve, approve with conditions, or deny with findings a driveway permit application within 10 business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Zoning Administrator or Building Inspector within the aforementioned time period, the application shall be deemed approved by the Zoning Administrator or Building Inspector.
- (d) Issuance or denial notification.
- [1] If the driveway permit application is approved or approved with conditions, the Zoning Administrator or Building Inspector shall issue a driveway permit to the applicant within 10 business days of receipt of the application by the Town. One copy of the application review form, containing the Town action, either approval, approval with

conditions, or denial with findings, and the action date shall be provided to the applicant within 10 business days of said action.

- [2] Approval of a driveway permit application and issuance of a permit by the Town does not constitute a determination that the driveway is safe, suitable for use, or otherwise passable for the public. No person may rely on approval of an application or issuance of a permit to determine that a driveway is fit for any purpose.
- [3] All driveways within the Town are private and shall not be considered a public road. No private driveway may be dedicated to the public without acceptance and approval by the Board, and the Town shall not be responsible for maintenance, upkeep, or repair of any private driveway.

(e) Completion.

- [1] The applicant's driveway permit obligations shall be fulfilled only if all of the following have been met within 12 months of issuance of the permit:
  - [a] Construction, improvement, or modification of any driveway identified in the engineer's plan, in accordance with § 425-4-3C(2)(a)[2] of this chapter, and/or the construction plan, in accordance with § 425-4-3C(2)(a)[3], of this chapter are substantially completed;
  - [b] All stormwater management, erosion control, landscaping, and final grading activities over which the Town has review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed.
- [2] The applicant shall notify the Zoning Administrator or Building Inspector within 30 days of completion of driveway construction, improvement, or modification. The Zoning Administrator or Building Inspector shall conduct an inspection of the driveway within 30 days of said notification to ensure compliance with the application and this chapter;
- [3] If surface runoff, accumulating debris, or other conditions created by driveways or field roads obstruct or become a potential hazard to a public road, the Town shall notify the property owner of such condition as a violation of this chapter in accordance with § **425-5-5C** of this chapter. Any property owner failing to correct such conditions within 30 days of notice by the Town shall be subject to the penalties described in § **425-5-5F** of this chapter.
- [4] All specified erosion control measures, including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding, shall be implemented immediately after driveway construction, modification or alteration begins. For any driveway construction, modification, or alteration that begins in winter months, adequate erosion control measures must be implemented within 30 days of beginning construction, modification, or alteration and shall remain in place until other specified erosion control measures are available.

- (f) Extension. If § 425-4-3C(2)(e) of this chapter is not completed within 12 months of issuance of the driveway permit to the applicant by the Zoning Administrator or Building Inspector, a driveway permit extension shall not be made available to the applicant and the applicant shall be required to resubmit a driveway permit application, in accordance with § 425-4-3C(2)(a) of this chapter, if the applicant wishes to complete permit obligations.

D. Sign permit. A sign permit shall be required for location or construction of specified signs in the Town, in accordance with the procedure identified in the following:

- (1) Required. A sign permit shall be required for any sign located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered, with the exception of those signs identified in § 425-4-3D(2) of this chapter, which shall not require said permit:

- (2) Not required. A sign permit shall not be required for any of the following signs located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered:
  - (a) Signs over show windows or doors. Any sign of a nonconforming business establishment identifying only the name and occupation of the proprietor placed over show windows or doors, not to exceed 20 square feet.
  - (b) Agricultural signs. Any unlighted sign pertaining to the sale of agricultural products on a farm, produced on the premises and not requiring outside processing before they are offered for sale, or an unlighted sign pertaining to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than 32 square feet;
  - (c) Real estate signs. Any sign which advertise the sale, rental, or lease of the premises upon which said sign is temporarily located, not to exceed 16 square feet;
  - (d) Name, occupation, home office, or home occupation signs. Any sign identifying information pertaining to a home office or home occupation, not to exceed four square feet, located on the premises and limited to one sign per lot, and not closer than 50 feet between signs;
  - (e) Bulletin boards of public, charitable, or religious institutions. Any sign identifying information pertaining to a public, charitable or religious institution, not to exceed 16 square feet and located on the premises;
  - (f) Memorial signs. Any sign containing a tablet, building name, or construction date when cut into any masonry surface or when constructed of metal and affixed flat against a building or other structure;
  - (g) Official signs. Any sign identifying official governmental information, traffic control, information, or notices, or parking restrictions;
  - (h) Political message sign. Any sign containing a political message, as defined in § 12.04(1)(b), Wis. Stats., not to exceed 16 square feet, with said signs not to be placed in the road right-of-way;  
[Amended 7-10-2018 by Ord. No. 2018-11]
  - (i) Temporary signs or banners. Any sign placed and removed within 30 days.
- (3) Application submittal. An applicant shall submit to the Town Clerk a Town of Fulton Sign Permit Application, or similarly named document, as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board resolution.
- (4) Application review. The Zoning Administrator or Building Inspector shall review an application for a sign permit for compliance with this chapter and in accordance with § 425-4-2A(2) of this chapter.
- (5) Action. After review, the Zoning Administrator or Building Inspector shall approve, approve with conditions, or deny with findings a sign permit application within 10 business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Zoning Administrator or Building Inspector within the aforementioned time period, the application shall be deemed approved by the Zoning Administrator or Building Inspector.
- (6) Issuance or denial notification.
  - (a) If a sign permit application is approved or approved with conditions, the Zoning Administrator or Building Inspector shall issue a sign permit to the applicant within 10 business days of receipt of the application by the Town. One copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within 10 business days of said action.

- (b) Before a sign permit is issued, and at the discretion of the Town, the applicant shall execute a bond or provide a letter of credit or cash deposit in a sum to be determined by the Town, not to exceed \$25,000, with the form and type approved by the Town Attorney, indemnifying the Town against all loss, cost damages, or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of a 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 allowed by the Town Attorney in lieu of a bond, letter of credit, or cash deposit.
- E. Demolition permit. A demolition permit shall be required if a building or other specified structure is proposed for demolition in accordance with the procedure identified in the following:
- (1) Application submittal. An applicant shall submit to the Town Clerk a Town of Fulton Demolition Permit Application, or similarly named document, as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board resolution.
  - (2) Application review. The Zoning Administrator or Building Inspector shall review an application for a demolition permit for compliance with this chapter and in accordance with § 425-4-2B(2) of this chapter.
  - (3) Action. The Zoning Administrator or Building Inspector shall approve, approve with conditions, or deny with findings a demolition permit application within 10 business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Zoning Administrator or Building Inspector within the aforementioned time period, the application shall be deemed approved by the Zoning Administrator or Building Inspector.
  - (4) Issuance or denial notification. If the demolition permit application is approved or approved with conditions, the Zoning Administrator or Building Inspector shall issue a demolition permit to the applicant within 10 business days of receipt of the application by the Town. One copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within 10 business days of said action.
  - (5) Completion. The applicant's demolition permit obligations shall be fulfilled only if the demolition activity identified in the demolition permit application, in accordance with § 425-4-3E(1), is completed within six months of issuance of the permit;
  - (6) Extension. If Subsection **E(5)** of this section is not completed within six months of issuance of the demolition permit to the applicant by the Zoning Administrator or Building Inspector, a demolition permit extension shall not be made available to the applicant and the applicant shall be required to resubmit a demolition permit application, in accordance with § 425-4-3E(1) of this chapter, if the applicant wishes to complete permit obligations.
- F. Conditional use permit. A conditional use shall be allowed only after approval by the Town and issuance of a conditional use permit (hereafter "CUP"), in accordance with the procedure identified in the following:
- (1) Application submittal. An applicant shall submit to the Town Clerk a Town of Fulton Conditional Use Permit Application, or similarly named document, as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board resolution.
    - (a) Livestock facility. A livestock facility conditional use permit application shall be subject to all of the following. [Note: All definitions as contained in ATCP 51 and applicable to a livestock facility CUP application and CUP as identified herein are hereby incorporated by reference.]
      - [1] Compliance with both of the following:
        - [a] Section 93.90, Wis. Stats., and § ATCP 51, Wis. Adm. Code, including any applicable forms;



- [b] All applicable building and/or property setback lines as identified in this chapter when said lines are consistent with § ATCP 51, Wis. Adm. Code.
- [2] All animal waste management facilities and waste management plans, per the Rock County Animal Waste Management Ordinance;
  - [3] A stormwater management and erosion control plan, per the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance;
  - [4] An applicant statement as to the maximum number of animal units that will be housed at the facility at one time;
  - [5] Confirmation from the Rock County Planning, Economic, and Community Development Agency that they have reviewed the facility site and said site is not located in the County's Shoreland and Wetland Zoning District;
  - [6] The applicant shall provide four copies of all state-mandated application materials to the Town, all in accordance with § ATCP 51.34, Wis. Adm. Code, and an application fee as determined by Board resolution but not to exceed \$1,000 or other monetary amount, as set by said section. The Zoning Administrator shall provide written notice to the applicant as to the completeness of the application within 45 days of receipt of said application by the Town. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Town.
  - [7] If the applicant is to provide additional application information, per the written notice identified in Subsection **F(1)(a)[6]** of this section, and the applicant provides said additional information to the Zoning Administrator, the Zoning Administrator shall then provide another written notice to the applicant, within 14 days of receiving said information, that the application is complete.
  - [8] Within 14 days of notification to the applicant that the application is complete, the Town shall notify all landowners adjacent to the lands identified in the application, in accordance with § ATCP 51.30(6), Wis. Adm. Code. The notice shall be in a form as contained in said section and mailed by first class to each of the aforementioned landowners.
- (b) Animal units/livestock animal units (non-livestock facility). An animal units/livestock animal units (non-livestock facility) conditional use permit application shall be subject to all of the following:
- [1] Compliance with both of the following:
    - [a] Section NR 151, Wis. Adm. Code, including any applicable forms;
    - [b] All applicable building and/or property setback lines as identified in this chapter when said lines are consistent with § NR 151, Wis. Adm. Code.
  - [2] All animal waste management facilities and waste management plans, per the Rock County Animal Waste Management Ordinance;
  - [3] A stormwater management and erosion control plan, per the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance;
  - [4] An applicant statement as to the maximum number of animal units that will be housed at the facility at one time;
  - [5] Confirmation from the Rock County Planning, Economic, and Community Development Agency that they have reviewed the facility site and said site is not located in the County's Shoreland and Wetland Zoning District.

- (c) Manure irrigation. A manure irrigation conditional use permit shall be subject to both of the following:
- [1] Submittal of an emergency response plan;
  - [2] Confirmation of the following:
    - [a] All liquid animal waste byproducts (manure) have been analyzed by a DATCP certified lab to determine limiting nutrient (nitrogen or phosphorus);
    - [b] The system shall not deliver any limiting nutrient (N-P) in excess of the crop needs identified in the nutrient management plan for any given year, under any conditions;
    - [c] End guns shall not be utilized on any proposed center pivot irrigation system;
    - [d] Only low-pressure nozzles on drop tubes will be used to reduce odor and drift;
    - [e] Drop tubes shall be as close to ground surface as practicable;
    - [f] Droplet size shall be greater than 200  $\mu\text{m}$  mean diameter to minimize aerosolization and drift;
    - [g] Applications shall be limited from late morning through early afternoon as odors disperse better when temperatures are rising;
    - [h] All wind conditions shall be monitored, with pivot systems shut down when wind direction can impact neighbors;
    - [i] Adherence to NR 445 Standards - Hazardous Air Pollutants;
    - [j] No more than 10,000 gallons per acre day shall be dispersed through the system;
    - [k] No runoff or ponding shall occur during application period and 24 hours after application has been completed;
    - [l] The center pivot irrigation area shall not include any floodplain (NR 116), wetland, surface water quality management area, or direct conduits to groundwater (NR 243);
    - [m] All applications shall only occur during period when biological processes are most active in the soil, June through late August;
    - [n] The system shall not be run the day of or day after a rain event or until the soils are not considered saturated, as defined in NR 243;
    - [o] Groundwater monitoring wells shall be installed if applicable;
    - [p] A traveling gun manure application system shall not be approved under any conditions.
- (d) Wind turbine. A wind turbine conditional use permit application shall require all of the following:
- [1] A building site plan in accordance with Sec. 4-4(1) of **Appendix D** of this chapter<sup>[2]</sup> and building plan in accordance with State of Wisconsin Uniform Dwelling Code, to include identification of fencing and other anti-climbing devices;  
*[2] Editor's Note: Said appendix is included as an attachment to this chapter.*
  - [2] Identification of and compliance with all applicable Town, Rock County, state, and federal construction codes, and all applicable utility regulations regarding interconnection and operation of interconnected systems;

- [3] A process for turbine removal if/when turbine use ceases;
  - [4] Soil test data if the Town determines said data necessary to determine the adequacy of design.
- (e) Tower and antenna: new siting and construction or co-location: class I. A tower and antenna: new siting and construction or co-location: class I. conditional use permit application shall be subject to all of the following:
- [1] A plan for Rock County-wide coverage of the provider's antenna locations for existing and proposed towers, containing all of the following information:
    - [a] Tower height and design, including a cross section and elevation;
    - [b] Location of tower and support structure(s), equipment buildings, security structures, vegetation, lot lines, access road(s) and other significant features;
    - [c] Height above grade for all potential mounting positions and co-located antennas and minimum separation distances between antennas.
  - [2] A site plan containing all of the following information:
    - [a] Tower capacity, including the number and type of antennas it can accommodate;
    - [b] Steps the applicant will take to avoid interference with established public safety telecommunications;
    - [c] Proof the proposed tower/antenna complies with the regulations set forth by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC);
    - [d] Proof provided by a qualified and licensed professional engineer that the tower/antenna meets all applicable structural and electrical standards and requirements;
    - [e] Engineer's stamp and registration number.
  - [3] An application fee as determined by Board resolution, but not to exceed \$3,000 or other monetary amount as set by § 66.0404(4)(d), Wis. Stats.
  - [4] The Zoning Administrator shall provide written notice to the applicant as to the completeness of the application within five days of receipt of said application by the Town. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Town.
  - [5] If the applicant is to provide additional application information, per the written notice identified in Subsection **F(1)(e)[4]** of this section, and the applicant provides said additional information to the Zoning Administrator, the Zoning Administrator shall then provide another written notice to the applicant, within 10 days of receiving said information, that the application is complete.
- (2) Application review.
- (a) Upon receipt of the CUP application from the applicant, the Town Clerk shall provide notification by postal mail to the parties of interest, and all land owners and the clerk of any local government unit within 1,000 feet of the lot identified for the conditional use in the application, and shall publish a Class 2 Legal Notice, in accordance with § 985, Wis. Stats., listing the time and place of a public hearing at which the CUP application will be reviewed by the Commission, and the proposed conditional use and its location, with said postal mail notification postmarked 10 days prior to said hearing.  
[Amended 3-13-2018]

- (b) The Commission shall review a CUP application for compliance with this chapter and in accordance with § 425-4-2B(2) of this chapter, at a public hearing.
- [1] Agricultural-Exclusive (A-E) Zoning District. The Commission shall review all CUP applications in the Town's A-E Zoning District to ensure said application meets all of the following:
- [a] The use identified in the application and its location are consistent with the purpose and intent of the A-E Zoning District as identified in § 425-3-3A(1) of this chapter;
  - [b] The use identified in the application supports in direct and significant ways, or will not conflict with or substantially impair or limit, existing or future agricultural uses of the lot on which the conditional use is proposed or agricultural uses on adjacent or proximate lands;
  - [c] The use identified in the application and its location in the A-E Zoning District are reasonable and appropriate, considering alternate locations, or are specifically approved under state or federal law;
  - [d] The use identified in the application is one that is most suitable in the A-E Zoning District, after review of the availability and suitability of locating the use in another zoning district;
  - [e] The use identified in the application is reasonably located and designed to minimize conversion of land, at and around the use site, from agricultural or open space uses;
  - [f] The use identified in the application is located on that portion of a lot which contains the poorest quality agricultural soils or that portion which would be the least productive for agricultural uses, with the use located as close as possible to other nonagricultural uses, all if feasible;
  - [g] The use identified in the application is designed in a manner to ensure construction damage to land remaining in agricultural use will be minimal and repaired to the extent feasible;
  - [h] If the application is for a nonmetallic mining use, said use shall be in compliance with all of the following:
    - [i] Subchapter I of § 295, Wis. Stats. and rules promulgated under said subchapter;
    - [ii] Applicable provisions of Chapter 4 — Subchapter 2 — Part 10 — Nonmetallic Mining Reclamation, Code of Ordinances, Rock County, including restoration of the affected land after the nonmetallic mineral mining operation is completed to a condition suitable for agricultural use, according to a written restoration plan;
    - [iii] Any applicable standards and requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral use sites.
- [2] Livestock facility, animal unit/livestock animal unit (non-livestock facility), and manure irrigation. The Rock County Land Conservation Department and Commission shall review all livestock facility, animal unit/livestock animal unit (non-livestock facility), and manure irrigation CUP applications to ensure said application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed use meets or is exempt from all standards and requirements identified in this chapter.

- [3] Tower and antenna: New siting and construction or co-location: class I. The Commission shall review all tower and antenna: new siting and construction or co-location: class I CUP applications within 90 days of receipt of a complete application in accordance with § 425-4-3F(1)(c) of this chapter, to ensure said application meets all of the following:
- [a] Siting and construction of towers and antennas, and necessary associated buildings, structures, and equipment (hereafter collectively "appurtenances"), shall balance the federal interest (Sec. 704 Telecommunications Act of 1996) regarding telecommunications towers and antennas with the Town interest in regulating land uses within its borders and the purpose and intent of this chapter as stated in § **425-1-3** herein;
  - [b] Siting and construction of towers, antennas, and appurtenances shall be done in a manner so as to protect other uses from the potential adverse impacts of said antennas, towers, and appurtenances, encourage co-location, minimize adverse visual impact through design, landscaping, visual screening and camouflaging techniques, consider the health and safety of antennas, towers, and appurtenances, and avoid potential damage to property or individuals due to tower/antenna mechanical failure;
  - [c] Siting and construction of towers, antennas, and appurtenances shall comply with all applicable Town, Rock County, state, and federal building codes, as well as applicable standards for towers and antennas published by the Electronic Industries Association;
  - [d] Siting and construction of towers, antennas, and appurtenances shall be in a manner so as to blend in, to the fullest extent possible, with the character of adjacent and proximate lands and not be "readily visible," except as may be required by the Federal Aeronautics Administration or Federal Communications Commission;
  - [e] Towers shall be monopole design unless engineering documentation is provided from a licensed professional engineer stating that such a design is not feasible, and in the event monopole design is not feasible, options for alternate tower designs shall be brought before the Commission for approval, with towers utilizing guy wires only not allowed;
  - [f] Towers shall be designed structurally, electronically, and in all respects to accommodate the applicant's antenna and comparable antenna for up to two additional uses, to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights;
  - [g] Towers shall not be artificially lighted unless required by the Federal Aeronautics Administration or other applicable authority, and if lighting is required it shall be designed in a manner so as to cause the least amount of disturbance as possible to any affected viewshed or property owners;
  - [h] Towers shall comply with the obstruction and marking requirements of the Federal Aeronautics Administration in cooperation with the Federal Communications Commission, and if dual lighting systems are proposed for use, white strobe lighting only shall be used during daylight hours and red strobe lighting only shall be utilized during night hours;
  - [i] No signs, other than warning or equipment information signs, shall be located on a tower;
  - [j] Towers shall be set back from lot lines, easements, and streets (roads) a minimum of 105% of the tower's height, including antennas and lights, except as modified by § 66.0404(4)(g), Wis. Stats. If any portion of a lot is being leased for

the tower, the boundary of the leased area shall be considered the lot line. Appurtenances shall comply with the requirements of the zoning district in which they are located:

- [k] A tower's minimum and maximum height shall be as follows:
  - [i] Monopole and self-support: 200 to 300 feet;
  - [ii] Monopole and guy wire: 301 feet or greater.
- [l] A tower shall be sited not less than 5,280 feet from another whether located in the Town or an adjacent local government unit, unless for reasons beyond the applicant's control, such as unusual or unique topography, with distances between towers measured by a straight line between the base of the towers;
- [m] Towers and antennas shall be shielded, filtered, and grounded in a manner consistent with Federal Communications Commission and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions, and tower owner/operators shall execute an agreement with the Town holding the Town harmless for any transmission or reception interference caused by a tower/antenna;
- [n] Appurtenances shall be placed underground if feasible given site conditions and screened from view by suitable vegetation, except where a design of nonvegetative screening better reflects and compliments the character of the surrounding area. The tower base and appurtenances shall be fenced with materials impervious to sight and secured so as to make the site inaccessible to the general public. Fencing shall not exceed six feet in height and shall be painted or coated in non-reflective material;
- [o] The applicant shall demonstrate that the equipment planned for the proposed tower cannot be accommodated on an existing tower. The Town may determine that it is necessary to consult with a third-party considering the feasibility of accommodating said equipment on an existing tower, with all reasonable costs and expenses associated with such consultation borne by the applicant. The applicant may provide names to the Town of qualified third-party consultants. The consultant shall undertake due diligence and provide a report with sufficient data to substantiate all of the following:
  - [i] No existing towers are located within the geographic region required to meet the applicant's engineering requirements;
  - [ii] Existing towers are not of sufficient height to meet the engineering requirements;
  - [iii] Existing towers do not have the structural capacity to support the applicant's proposed equipment and the existing tower cannot be reinforced, modified, or replaced to accommodate said equipment at a reasonable cost;
  - [iv] Locating new equipment on an existing tower would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing equipment would cause interference with the applicant's proposed equipment and the interference cannot be prevented at a reasonable cost.
  - [v] The fees, cost, or contractual provisions required to share an existing tower are cost prohibitive.
- [p] Antennas mounted on buildings or structures not built specifically for the purpose of mounting said antennas shall meet all of the following:

- [i] No antenna, including all mounting structures, lights, and any additional equipment, shall exceed 10 feet above the roof surface upon which it is mounted;
  - [ii] No more than four nonreflective panel antennas shall be installed, with the total area of antennas per provider not to exceed 1,440 square inches, and no single antenna to exceed 480 square inches;
  - [iii] All antennas and support buildings/structures shall be screened from view and architecturally compatible with the building or structure on which it is mounted;
  - [iv] All equipment enclosures shall be located underground if site conditions permit, or located within the building/structure on which the antenna is mounted, and said equipment shall be architecturally compatible with the building/structure.
- [q] The tower owner shall offer space for additional antennas at current market rates, if co-location is undertaken;

(3) Recommendation and action.

(a) General.

- [1] After review, the Commission, for any CUP application other than a livestock facility application, shall take action after a public hearing and approve, approve with conditions, or deny with findings the application.
- [2] After review, for a tower and antenna: new tower siting and construction or co-location: class I only, the Commission shall take action after a public hearing no later than 90 days from the date which the applicant was notified that the application was complete, in accordance with § 425-4-3F(1)(e)[5] of this chapter, and approve, approve with conditions, or deny with findings the CUP application.

(b) Livestock facility.

- [1] After review, for a livestock facility CUP application only, the Commission shall take action after a public hearing no later than 45 days from the date which the applicant was notified that the application was complete, in accordance with § 425-4-3F(1)(a)[6] through [8] of this chapter, and recommend approval, approval with conditions, or denial with findings of the CUP application to the Board.
- [2] The Board shall review the livestock facility CUP application and the Commission's recommendation at a public hearing scheduled no later than 90 days from the date which the applicant was notified that the application was complete, in accordance with § 425-4-3F(1)(a)[6] through [8] of this chapter.
- [3] The Board shall take action after a public hearing and approve, approve with conditions, or deny with findings a livestock facility CUP application within 90 days of submission of an application by the applicant to the Town. The Board shall issue its decision in writing, and the decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record under § ATCP 51.36, Wis. Adm. Code. Findings may be based on presumptions created by said section. The Board may extend said ninety-day period for good cause, including but not limited to either of the following:
  - [a] The Board needs additional information;
  - [b] The applicant materially modifies the application or agrees to an extension.
- [4] If the Board extends the ninety-day period identified in Subsection **F(3)(b)[3]** of this section, the Board shall provide written notice to the applicant prior to expiration of

said period, with the notice stating the cause for extension and specifying the date by which the Board will take action on the application.

(4) Issuance or denial notification.

(a) If the CUP application is approved or approved with conditions, the Town shall issue a CUP to the applicant within 10 business days of the Town approval action. One copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant and the Rock County Planning, Economic and Community Development Agency within 10 business days of said action. One copy of said form shall also be provided to DATCP within 30 business days of said action for any livestock facility CUP application.

(b) Livestock facility. If a livestock facility CUP is approved in accordance with § 425-4-3F(3)(b), the CUP shall be subject to all of the following:

[1] The permittee shall have a professional engineer, or a person with appropriate engineering job approval according to Natural Resources Conservation Service standards, certify in writing that all livestock buildings and waste storage structures were installed or closed as planned in the approved application.

[a] A copy of said certification shall be provided to the Board within 30 days of completion of installation or closure and at least 10 days prior to the population of a livestock facility with the number of livestock animal units approved in the CUP, or a smaller number of livestock animal units if that number requires approval under this chapter.

[b] Any approved changes made to the location or design of livestock or waste storage structures shall be specified in said certification.

[2] The Town may conduct site inspections during and after construction to determine that all livestock and waste storage structures are installed or closed as identified in the approved application. If an inspection is required, the Town will provide the permittee with written notice. Upon written notice and with the consent of the permittee, the Town may enter upon the premises to inspect a livestock facility approved under § 425-4-3F(3)(b) of this chapter to determine compliance with the terms of the CUP so issued.

[a] If permission cannot be granted from the permittee, entry by the Town shall be according to § 66.0119, Wis. Stats. Refusal to grant permission to enter lands as identified in the application in accordance with § 425-4-3F(1)(a) of this chapter for purposes of inspection shall be grounds for an order of non-compliance or for the denial, suspension, or revocation of a CUP.

[3] The Board shall keep a complete written record of all information related to a livestock facility CUP application and retain said record for at least seven years following any Board action of approval, approval with conditions, or denial with findings on the application, with said record to include all of the following:

[a] The application and all subsequent additions or amendments thereof;

[b] A copy of any notices or correspondence that any Town official issued in relation to the application;

[c] A record of any public hearing related to the application, in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a professional court reporter or stenographer, with said record also to include any documents or evidence submitted by hearing participants;



- [d] Copies of any correspondence or evidentiary material that the Board considered in relation to the application;
  - [e] Minutes of any Board or Commission meeting held to consider or act on the application;
  - [f] The Board or Commission recommendation or action of approval, approval with conditions, or denial with findings in written form, and a copy of any Town ordinance, rule, regulation, or plan cited in said recommendation or action;
  - [g] Other documents the Town prepared to document its decision or decision-making process.
- (c) Tower and antenna: new tower siting and construction or co-location: class I. If a tower and antenna: new tower siting and construction or co-location: class I CUP application is approved in accordance with § 425-4-3F(3)(c), the CUP shall be subject to all of the following:
- [1] Prior to issuance of a tower and antenna CUP, the applicant shall provide to the Town all of the following:
    - [a] A performance bond in the amount of \$20,000 to guarantee that the tower/antenna and appurtenances will be removed when no longer in operation. The Town will be named as obligee in the bond and must approve the bonding company.
    - [b] Stipulation of submittal of a "Tower/Antenna Annual Information Review Report" (hereafter "report") on a form provided by the Town, on or before January 31 of each year. The purpose of the report is to provide the Town with accurate current information concerning the tower/antenna owner(s) and provider(s) offering or providing wireless communication services within the Town, and information on the wireless communication tower facilities so operated or utilized, so as to assist the Town in administration and enforcement of this chapter and ensuring Town compliance with Town, Rock County, state and federal standards and requirements.
    - [c] The report identified in Subsection F(4)(c)[1][b] of this section shall include all of the following:
      - [i] Tower/antenna owner and operator name(s), address(s), phone number(s), and relevant contact person(s);
      - [ii] Proof of bond and proof of insurance;
      - [iii] Number of co-location positions designated, occupied, or vacant in the Town, and evidence of compliance with this chapter.
  - [2] Any tower/antenna not in operation for a continuous period of 12 months shall be deemed abandoned. The Town shall provide said tower and antenna owner written notice requiring removal of the tower, antenna, and associated buildings and structures (hereafter collectively "appurtenances") within 90 days of receipt by the owner of said notice. If the owner wishes to resume tower or antenna use after the tower or antenna has been deemed abandoned, the owner shall apply for a new CUP in accordance with the application process identified in § 425-4-3F(1)(e) of this chapter. If a new tower and antenna CUP is denied in accordance with said application process, the tower or antenna owner shall remove the tower, antenna, and appurtenances within 90 days of the denial action, with the owner restoring the area on which the tower, antenna, and appurtenances were located to the manner existing prior to installation. If the tower, antenna, and appurtenances are not removed within said ninety-day period, they shall be removed by the Town at the owner's expense. If

a single tower is utilized by two or more entities, this provision shall not become effective until all said entities cease operation.

- [3] All towers/antennas issued a CUP in accordance with this chapter may be inspected annually by the Zoning Administrator to determine compliance with this chapter and any other applicable laws or regulations. Deviation from original construction parameters for which the CUP was issued shall constitute a violation in accordance with § **425-5-5B** of this chapter.

(5) Renewal or revocation.

- (a) All CUP, other than those issued for a livestock facility or tower and antenna: new tower siting and construction or co-location: class I, shall be reviewed annually at a public meeting by the Commission for renewal, subject to compliance with all CUP standards and requirements. A tower/antenna CUP shall be reviewed for renewal in accordance with § 425-4-3F(4)(c)[1] of this chapter.
- (b) A CUP, other than those issued for a livestock facility or tower and antenna: new tower siting and construction or co-location: class I, shall not be renewed if the Commission determines that the lot, building, or other structure for which the CUP was issued is not being used in compliance with the CUP standards and requirements or if the CUP is not actively utilized for a period of 12 months. Nonrenewal notification of any CUP by the Commission shall be done in accordance with the procedure identified in § 425-4-3F(4)(a) of this chapter. If a CUP is not renewed, the Commission shall require that use of said lot, building, or other structure be brought into compliance with all applicable provisions of this chapter within 60 days of said determination. Failure of the property to be brought into compliance within said timeline shall constitute a violation in accordance with § **425-5-5B** of this chapter.
- (c) The Board may suspend or revoke a livestock facility CUP, or seek other redress as provided in § **425-5-5F** of this chapter, if the Board finds any of the following:
- [1] The permittee materially misrepresented relevant information in the application or materially failed to honor relevant commitments made in the application without authorization from the Board;
- [2] The permittee fails to either populate the facility or begin construction on all livestock buildings and waste storage structures identified in the application within two years of issuance of the CUP;
- [3] The livestock facility fails to comply with all applicable standards and requirements of this chapter.
- (d) A CUP runs with the land, and an owner of the land upon which a CUP has been issued may voluntarily surrender said CUP, whereupon the CUP shall terminate and no longer run with the land.
- G. Mobile home park license. A license shall be required for location, construction, expansion, or operation of a mobile home park in accordance with the procedure identified in the following:
- (1) Application submittal: preliminary. An applicant shall submit to the Town Clerk a Town of Fulton Mobile Home Park License Application, or similarly named document, as available at the office of the Town Clerk and on the Town website, a preliminary application fee as determined by Board Resolution, and a preliminary plan consisting of a topographic map at a convenient scale of not less than one inch equals 200 feet, identifying the immediate and adjacent area in which the mobile home park is proposed at two-foot contour elevation, proposed lot layout and location, bounding roads, and buffer strips;
- (2) Application review and action: preliminary. The Commission shall review an application for a mobile home park license for compliance with this chapter and in accordance with § **425-4-2B** of this chapter at a public meeting. At this meeting, the Commission shall take action and

preliminarily approve, approve with conditions, or deny with findings, the application. One copy of the application review form containing the Commission action shall be provided to the applicant within 10 business days of said action.

- (3) Application submittal: final. If the mobile home park license application is preliminarily approved or approved with conditions by the Commission in accordance with Subsection **G(2)** of this section, the applicant shall submit a final mobile home park license application to the Town Clerk, consisting of an application fee as determined by Board Resolution and the following:
  - (a) A mobile home park general development plan, to include all of the following:
    - [1] A certified survey map or subdivision plat showing existing features of the mobile home park lot;
    - [2] A complete plan of the mobile home park lot drawn at a convenient scale of not less than one inch equals 100 feet;
    - [3] The number, location and dimensions of all mobile home lots;
    - [4] The location and width of streets, pedestrian ways, easements, building setback lines, planting strips, and recreation areas in the mobile home park lot;
    - [5] The location of automobile parking areas and accessory buildings, if applicable, in the mobile home park lot;
    - [6] The location and size of water, sanitary and storm sewers, electrical, telephone, fuel and television/internet cable service utility lines, if provided, in the mobile home park lot;
    - [7] Plans and specifications of all buildings and other structures located or constructed or to be located or constructed within the mobile home park lot;
- (4) Recommendation and action: final.
  - (a) After review of the final mobile home park license application, the Commission shall take action after a public hearing and make a recommendation to the Board to approve, approve with conditions, or deny with findings the mobile home park license application after review in accordance with § 425-4-3G(2) and (3) of this chapter, with said action based on compliance with all of the following:
    - [1] Uses, values, and enjoyment of adjacent or proximate property for existing or proposed future uses shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the mobile home park;
    - [2] Adequate utilities, access roads, drainage and other necessary public improvements will be provided in the mobile home park;
    - [3] Adequate measures have been or will be taken to provide ingress or egress designed so as to minimize traffic congestion on the public road(s) adjacent to the mobile home park.
  - (b) The Board shall hold a public hearing and review the application based on the Commission's recommendation and compliance with § 425-4-2B(2) of this chapter. After the public hearing, the Board shall approve, approve with conditions, or deny with findings the mobile home park license application.
- (5) Issuance or denial notification.
  - (a) One copy of the mobile home park license application review form, containing the Board action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within 10 business days of said action.

- (b) If the application is approved or approved with conditions the applicant shall undertake the following prior to issuance of the mobile home park license by the Town to the applicant:
- [1] Record a certified survey map (hereafter "CSM") or subdivision plat (hereafter "plat") of the land identified in the mobile home park application with the Rock County Register of Deeds, subject to §§ **380-12** and **380-13**, Land Division Ordinance,<sup>[3]</sup> and Sections 4.107, 4.112(1)(a), and 4.113(1)(a), County Land Division and Management Ordinance, with said CSM or plat containing the final plan as approved by the Board, identifying the land area to be included in the mobile home park, identifying and deeding to the Town those lands and easements called for in the approved final plan, and containing a statement that the land is to be developed pursuant to said plan and the license henceforth issued;  
*[3] Editor's Note: See Ch. 380, Subdivision of Land.*
  - [2] Complete a zoning district change to special use (SU) on the land identified for the mobile home park in the application, in accordance with the procedure identified in § **425-4-3H** of this chapter;
  - [3] Submit a credit or cash deposit to the Town to insure that all required public improvements will be made, at the Town's discretion;
  - [4] Submit the mobile home park license fee to the Town, as determined by Board resolution.
- (c) Upon completion of § 425-4-3G(5)(b) of this chapter, the Zoning Administrator shall issue a mobile home park license to the applicant, allowing the applicant or their successors to develop the land according to the license. Mobile home park construction must commence within 12 months of the date of said license issuance or the license shall become null and void.
- (6) Duty of licensee. The mobile home park license holder (hereafter "licensee") shall submit a quarterly report to the Town containing the following information in a format determined by the Town:
- (a) Name of mobile home park and name and address of owner, agent, or operator;
  - (b) A tabulation of mobile home park occupancy, listing mobile home lot designation, use, occupant's names, monthly tax, and arrival and departure date;
- (7) Expiration and renewal. All mobile home park licenses so issued in accordance with the procedure identified in § 425-4-3G(1) through (5) of this chapter are to expire annually on June 30 and shall be renewed prior to said date to remain in effect. The applicant shall submit an application to the Town each year for license renewal, subject to Board approval. The application for such license renewal shall be accompanied by a current Rock County Health Department License, a current State of Wisconsin license, and a license renewal fee as determined by Board resolution.
- (8) Transfer. A transfer of any mobile home park license so granted under this chapter shall require an application, subject to review and approval by the Town in the same manner as an application for a license renewal as identified in § 425-4-3G(7) of this chapter.
- (9) Notice of emergency and revocation. If the Town finds an emergency exists which requires immediate action to protect the public health, safety and/or general welfare, the Town may, without notice or public hearing, issue an order reciting the existence of such emergency and suspend a mobile home park license to adequately meet the demands of the emergency. Said order shall be in writing, shall be notwithstanding any other provisions of this chapter, and shall be effective immediately. All mobile home park license holders to which the order is directed shall comply with said order immediately or the mobile home park license shall be subject to revocation.

- (a) A mobile home park license is also subject to revocation by the Town in accordance with § 66.058(2)(d), Wis. Stats., if the mobile home park is found in violation of this chapter and said violation is not rectified by the license holder, all in accordance with § 425-5-5 herein.
- H. Zoning district change and new lot creation in A-E Zoning District. The Board may, by ordinance, change the zoning district designation of a lot/outlot as initiated by the Board, the Commission, or by a zoning district change application submitted by the lot/outlot owner(s), subject to review and approval by the Town, in accordance with the following procedures:  
[Amended 6-8-2021 by Ord. No. 2021-06]
- (1) Application submittal. An applicant shall submit to the Town Clerk a Town of Fulton Zoning District Change Application or similarly named document as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board resolution.
- (2) Application review.
- (a) Upon receipt of the zoning district change application from the applicant, the Town Clerk shall notify by postal mail the parties in interest, and landowners and the clerk of any local government unit within 1,000 feet of the lot proposed for zoning district change if in the A-E, A-G, or R-RL Zoning Districts, and 500 feet of the lot proposed for zoning district change if in any other zoning district. The Town Clerk shall also publish a Class 2 legal notice in accordance with Chapter 985, Wis. Stats., listing the time and place of a public hearing at which the zoning district change application will be reviewed by the Commission, and the location of the land proposed for the zoning change, with said postal mail notification postmarked 10 days prior to said hearing.
- (b) The Commission shall review a zoning district change application at a public hearing for compliance with this chapter and in accordance with § 425-4-2B(2) of this chapter and shall also consider the following factors (hereafter "zoning district change findings of fact") in review of the application:
- [1] The use identified in the application is consistent with the purpose and intent of the zoning district to which it will be changed;
- [2] Relevant Wisconsin case law related to the application;
- [3] The land identified in the application is suitable for the proposed use identified therein and said use 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;
- [4] Approval of an application for any lands proposed to be changed from the A-E Zoning District to any other zoning district shall not be granted by the Town unless it determines the application meets farmland preservation zoning district change findings of fact as identified in the following:
- [a] The land identified in the application is better suited for a use not allowed in the A-E Zoning District;
- [b] The application is consistent with the Comprehensive Plan and the Future Land Use Map contained therein;
- [c] The application is substantially consistent with the Rock County Agriculture Plan/Farmland Preservation Plan and the Rock County and Town of Fulton Agricultural Resources — Farmland Preservation Maps contained therein;
- [d] Changing the zoning district of the land identified in the application will not substantially impair or limit current or future agricultural use of other protected farmland.

- (c) Parent base farm lot. Base farm tracts are contiguous lands that were part of a single farm in the A-E Zoning District on July 14, 2015, regardless of any subsequent changes in farm size or composition, including ownership transfer or land division. Base farms are a fixed geographical area that remains constant over time. The Town maintains a base farm tract map. The parent base farm lot is the lot in a base farm remaining after a new lot is created, in accordance with § 425-4-3H(2)(d) of this chapter, not to include said new lots. The parent base farm lot is not permitted to have a new farmstead residence built if it does not have an existing farmstead residence.
- (d) New lots in the A-E Zoning District. New lots shall be in accordance with all applicable provisions of this chapter, Land Division Ordinance<sup>[4]</sup> and Land Division and Management Ordinance, and all of the following:

[1] The following new lots are allowed in the A-E Zoning District:

- [a] New residential lot. A lot on which a residence, not to include a farmstead residence, will be located, subject to all of the following:
- [i] Only the owner of the parent base farm lot is allowed to create a new residential lot, unless the right to create one or more additional lots has been transferred to another owner for use in the same base farm and recorded as such with the Rock County Register of Deeds;
  - [ii] Each base farm shall be allowed to create no more than five new residential lots;
  - [iii] No more than 10% of the base farm's total acreage shall be converted to residential lots. The Town maintains a record of the acreage of each base farm available for new residential lot creation;
  - [iv] New residential lots may be no smaller than three acres and no larger than 10 acres and shall be rezoned to the R-RL Zoning District.
- [b] New farmstead residence lot. A lot on which a farmstead residence will be located, subject to all of the following:
- [i] New farmstead residence lots must be between three acres and 10 acres and rezoned to the R-RL Zoning District.
- [c] New agricultural lot-A-E. A lot on which no residential use will be located, subject to the following:
- [i] New agricultural lots-A-E - must be 20 acres or greater and remain in the A-E Zoning District.

[2] No parent base farm lot shall be less than 20 acres.

[3] A new residential lot, and a new farmstead residence lot, shall be configured and residences sited thereon in accordance with the following:

- [a] The Land Division and Development Activities Memorandum of Agreement — Town of Fulton and the Rock County Planning, Economic and Community Development Agency, contained as **Appendix D** herein,<sup>[5]</sup>
- [5] *Editor's Note: Said appendix is included as an attachment to this chapter.*

- [b] In a manner that will not convert prime farmland from agricultural use or convert land previously used as crop land, other than a woodlot, from agricultural use unless, in the judgment of the Town of Fulton Planning and Zoning Commission, there is not a reasonable alternative location or size for a nonfarm residential parcel;

- [c] In a manner that will not significantly impair or limit the current or future agricultural use of other protected farmland;
  - [d] Driveways to serve new lots and residences thereon shall be designed in accordance with § **425-4-3C** of this chapter.
- [4] No lot in the A-E Zoning District shall have its zoning district designation changed to A-G, and no lot in the A-G Zoning District shall have its zoning district changed to A-E, unless changed as a result of an exemption under Subsection H(2)(d)[5][a], or a comprehensive Zoning Chapter text and Zoning Map amendment.
- [5] Exemptions.
- [a] Lands may be exempt from the new lot restrictions in Subsection H(2)(d)[1][a] through [c] or Subsection **H(2)(d)[4]** if 90% or greater of an area of interest is classified as "not prime farmland" by the Natural Resources Conservation Service's (NRCS) Web Soil Survey. If this proof can be provided, the Town Board will consider making an exception to allow new residential lot or new agricultural lot-AG-creation regardless of whether the provisions are met in Subsection H(2)(d)[1][a] through [c] above.
    - [i] Woodlands do not automatically qualify for this exemption unless the applicant can prove through NRCS maps that soils are considered "not prime farmland."
    - [ii] Applicants are allowed no more than four exemptions within a single base farm. One lot is considered one exemption.
    - [iii] Applicants must still meet building configuration and siting criteria under § 425-4-3H(2)(d)[3].
  - [b] The following lot creations are permitted and are exempt from Subsection H(2)(d)[1][a] through [c] above:
    - [i] A lot created from a lot in the A-E Zoning District after July 14, 2015, if the A-E lot was identified for nonagricultural land use on the Comprehensive Plan Future Land Use Map and the Rock County and Town of Fulton Agricultural Resources-Farmland Preservation Maps;
    - [ii] A lot created from a lot in the A-E Zoning District after July 14, 2015, if designated in the NR-OS Zoning District.
- [6] Any applicant creating a new lot must sign and record with the Rock County Register of Deeds, within six months of approval by the Town and at the applicant's sole expense, affidavits containing the following in Subsection H(2)(d)[6][a] through [c]. The Town must be listed as a party to all deed restrictions and have the power to release restrictions if requests are consistent with the Comprehensive Plan's Future Land Use Map.
- [a] New residential lot or new farmstead residence lot.
    - [i] Residence Affidavit, or similarly named document, on the deed of the new lot indemnifying all agricultural uses and/or operations on the parent base farm lot from which the new lots were created; and restricting further land division of the new lot;
    - [ii] Agricultural Land Preservation Affidavit, or similarly named document, on the deed of the parent base farm lot from which the new lot was created, restricting uses of the remainder of the parent base farm lot once all available new residential lots have been created, in accordance with § 425-4-3H(2)(d)[1][a][iii] of this chapter, to agricultural and open space uses and

farm residences. This shall also further restrict land division of the parent base farm lot in accordance with § 425-4-3H(2)(d)[1] of this chapter, such that the affidavit identifies the number of additional new lots that may still be created, if any.

[b] New agricultural lot-A-E.

[i] Agriculture Affidavit — A-E, or similarly named document, on the deed of the new lot restricting the location and/or construction of any new, additional residence on the new lot; and restricting further land division of the new lot in accordance with § 425-4-3H(2)(d)[1] of this chapter.

[c] New agricultural lot — A-G.

[i] Agriculture Affidavit — A-G, or similarly named document, on the deed of the new lot restricting further land division of the new lot.

[4] *Editor's Note: See Ch. 380, Subdivision of Land.*

(3) Recommendation and action.

- (a) After review, the Commission shall make a recommendation to the Board of approval, approval with conditions, or denial with findings on the zoning district change application after a public hearing. The Commission shall identify the zoning district change findings of fact as identified in § 425-4-3H(2)(b) of this chapter and state in its recommendation whether the zoning district change application has met said findings of fact.
- (b) The Board shall then review the application and the Commission's recommendation. The Board shall take action and approve, approve with conditions, or deny with findings a zoning district change application, with a majority of the Board required in attendance at the hearing for any approval action. The Board shall identify the zoning district change findings of fact as identified in § 425-4-3H(2)(b) of this chapter and state in its action whether the zoning district change application has met said findings of fact.

(4) Protest to zoning district change application.

- (a) A protest to a zoning district change application may be presented to the Board prior to or at the public hearing at which the zoning district change application is being reviewed, with said protest to entail the signatures and acknowledgments of either of the following:
  - [1] Owners of at least 50% of the lot/outlot(s) proposed to be changed;
  - [2] Adjacent owners of at least 50% of the total perimeter of the lot/outlot(s) proposed to be changed and within 300 feet of said lot/outlot.
- (b) If a protest to a zoning change is filed and contains the signatures and acknowledgements in accordance with § 425-4-3H(4)(a)[1] or [2] of this chapter, a recommendation of approval or approval with conditions by the Commission and 2/3 majority of the Board is required to approve any zoning district change application so protested.

(5) Issuance or denial notification.

- (a) If the zoning district change application is approved in accordance with § 425-4-3H(3) or (4) of this chapter, the Board shall issue a zoning district change approval notice to the applicant within 10 business days of the action. One copy of the application review form, containing the Town action and action date, shall be provided to the applicant, Commission, Zoning Administrator, and the Rock County Planning, Economic and Community Development Agency within 10 business days of said action.
- (b) Prior to March 1 annually, the Town shall submit to the Rock County Planning, Economic and Community Development Agency and DATCP a report of total acres zoned out of the Agricultural-Exclusive (A-E) Zoning District to another district in the previous calendar year, including a map identifying said acres, in accordance with Chapter 91, Wis. Stats.



- (c) If the zoning district change application is denied in accordance with § 425-4-3H(3) or (4) of this chapter, the Board shall issue a notice of denial to the applicant within 10 business days of the action. One copy of the application review form, containing the Town action and action date, shall be provided to the applicant, Commission, Zoning Administrator, and the Rock County Planning, Economic and Community Development Agency within 10 business days of said action.
- I. Variance. A variance shall be granted only by the BOA in accordance with the procedure identified in the following:
    - (1) Application submittal. An applicant shall submit to the Town Clerk a Town of Fulton Variance Application, or similarly named document, as available at the office of the Town Clerk and on the Town's website, and an application fee as determined by Board resolution.
    - (2) Application review.
      - (a) Upon receipt of the variance application from the applicant, the Town Clerk shall provide notification by postal mail to the parties in interest, BOA, Zoning Administrator and/or Building Inspector, and the Commission, and all land owners and the clerk of any local government unit within 500 feet of the lot identified for the variance in the application, and shall publish a Class 2 Legal Notice in accordance with § 985, Wis. Stats., listing the time and place of a public hearing at which the variance application will be reviewed by the BOA, and the variance and its location, with said postal mail notification postmarked 10 days prior to said hearing. The applicant shall appear in person, by agent, or by attorney at the public hearing.
      - (b) The BOA shall review a variance application at a public hearing for compliance with this chapter, with said hearing held within 30 days of receiving the variance application from the applicant, and in accordance with § 425-4-2B(2) of this chapter, with the application to clearly identify both of the following:
        - [1] Existence of unnecessary hardship and unique property limitation. An applicant bears the burden of proving unnecessary hardship, for an area variance, by demonstrating that strict compliance with the zoning ordinance would unreasonably prevent the applicant from using the applicant's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstration that strict compliance with the zoning ordinance would leave the applicant with no reasonable use of the property in the absence of the variance. In all circumstances, the applicant bears the burden of proving that the unnecessary hardship is based upon conditions unique to the property, rather than conditions personal to the applicant, and that the unnecessary hardship was not created by the applicant. Self-imposed actions include, but are not limited to, the sale of portions of a lot that reduces the remainder below a minimum buildable size or extinguishes access to a public street, deed restriction, and construction activities and products made in violation of this chapter.  
[Amended 3-13-2018]
        - [a] The unnecessary hardship and unique property limitation must be specific to the lot identified in the variance application and not one that affects multiple lots. Self-imposed actions are generally considered to not meet the definition of an unnecessary hardship and unique property limitation, with said self-imposed actions to include but not limited to sale of portions of a lot that reduce the remainder below a minimum buildable size or extinguish access to a public street, deed restrictions, and construction activities and products made in violation of this chapter.
      - [2] Absence of detriment and protection of the public interest, indicating a situation where granting of a variance shall neither create substantial detriment to adjacent or proximate property nor materially impair or be contrary to the purpose and spirit of this chapter or the public interest at large.

- (c) Approval of a variance application shall not be granted by the BOA unless it determines the application meets the standards and requirements as identified in § 425-4-31(2)(b) and so indicates in the hearing minutes the following as variance findings of fact;
  - [1] Evidence of unnecessary hardship and unique property limitation. The variance granted is a result of an unnecessary hardship and unique property limitation applying to the lot, building, or other structure or use thereof that does not apply generally to other properties or uses in the same zoning district and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be amended or changed;
  - [2] Absence of detriment and protection of the public interest. The variance granted will not create substantial detriment to adjacent or proximate property and will not materially impair or be contrary to the purpose and intent of this chapter or the public interest at large.
- (3) Action. After review, the BOA shall take an action of approval, approval with conditions, or denial with findings on a variance application after a public hearing.
- (4) Issuance or denial notification.
  - (a) If the variance application is approved in accordance with § 425-4-31(3) of this chapter, the BOA shall issue a variance to the applicant within 10 business days of the action. One copy of the application review form, containing the BOA action and action date, shall be provided to the applicant, Commission, Zoning Administrator and/or Building Inspector, and the Rock County Planning, Economic and Community Development Agency within 10 business days of said action. If the BOA action is denial, the BOA shall also provide explanation to the applicant of their appeal rights to the Rock County Circuit Court.
  - (b) Variances shall expire 12 months from the date of issuance unless substantial work has commenced pursuant to such grant. If the variance expires and the applicant wishes to utilize the variance, the applicant shall be required to submit another variance application in accordance with § 425-4-31(1) of this chapter. Variances run with the land(s) and subsequent land owners may utilize a variance granted to a previous owner if all variance conditions are met.
- (5) Review by court of record. Any person aggrieved by an action of the BOA on a variance application may present to a court of record a petition duly verified setting forth that such action is illegal and specifying the grounds of the illegality. Such petition shall be filed by said person in Rock County Circuit Court within 120 days of the filing of the BOA action with the Town Clerk.
- J. Appeal. Any person aggrieved by and alleging an error in any specified order, standard and requirement, decision, or determination made by the Commission, Zoning Administrator, Building Inspector, or any other party delegated by the Town in administration and enforcement of this chapter, or any other code, regulation or ordinance so related and under the Town's jurisdiction, may submit an appeal application in accordance with the following procedure:
  - (1) Application submittal.
    - (a) An applicant shall submit to the Town Clerk a Town of Fulton Appeal Application, or similarly named document, as available at the office of the Town Clerk and on the Town's website, along with an application fee as determined by Board Resolution, and any additional information required by the Town, within 60 days of the date of written notice of the action or order of the Commission, Zoning Administrator, Building Inspector, or any other party delegated by the Town to which the applicant is appealing, not to include any appeal of a livestock facility or driveway permit application, with said application appeal process identified in § 425-4-3J(5) of this chapter. Applications may be made by the owner of or lessee of a lot/outlot, building, or other structure affected by said action or order.

- (b) An appeal application shall include all of the following:
- [1] Name and address of the applicant, all landowners adjacent to and opposite of the lot/outlot identified in the application, and landowners within 1,000 feet of said lot;
  - [2] Map of the appeal area showing all relevant information.
- (2) Application review.
- (a) Upon receipt of the appeal application from the applicant, the Town Clerk shall provide notification by postal mail to the parties in interest, BOA, Commission, Zoning Administrator and/or Building Inspector, and all land owners and the clerk of any local government unit within 500 feet of the lot/outlot identified for the appeal in the application, and shall publish a Class 2 Legal Notice in accordance with Chapter 985, Wis. Stats., listing the time and place of a public hearing at which the appeal application will be reviewed by the BOA, the appeal, and its location, with said postal mail notification postmarked 10 days prior to said hearing. The applicant shall appear in person, by agent, or by attorney at the public hearing.
  - (b) The BOA shall review an appeal application at a public hearing for compliance with this chapter, with said hearing held within 30 days of receiving the appeal application from the applicant, and in accordance with § 425-4-2B(2) of this chapter.
- (3) Action. After review, the BOA shall take an action of approval, approval with conditions, or denial with findings on an appeal application after a public hearing.
- (4) Issuance or denial notification. If the appeal application is approved in accordance with § 425-4-3J(3) of this chapter, the BOA shall issue an appeal approval notice to the applicant within 10 business days of the approval action. One copy of the application review form containing the BOA action and action date shall be provided to the applicant, Commission, Zoning Administrator, and/or Building Inspector within 10 business days of said action. If the BOA action is denial the BOA shall also provide explanation to the applicant of their appeal rights to the Rock County Circuit Court.
- (5) Application process: driveway permit and livestock facility conditional use permit.
- (a) Driveway permit. If an applicant wishes to appeal an action of denial of a driveway permit application by the Board, said applicant shall submit to the Town Clerk a Town of Fulton Appeal Application, or similarly named document, as available at the office of the Town Clerk and on the Town's website, along with an application fee as determined by Board resolution, and any additional information required by the Town, within 14 days of receipt of written notice of the denial action. The Board shall then meet at its normal monthly meeting, review the appeal, and take a subsequent action of approval, approval with conditions, or denial with findings of said appeal. One copy of the appeal review form, containing the Board action and action date, shall be provided to the applicant, Town, Commission, and Zoning Administrator within 10 business days of said action. If the Board denies the appeal, submittal of any driveway permit application substantially similar in nature to the permit application so appealed shall not be submitted to the Town within three months of the date of the appeal denial action.
  - (b) Livestock facility conditional use permit.
    - [1] If an applicant wishes to appeal a Town determination of noncompliance of a livestock facility CUP, said applicant shall submit to the Town Clerk a request for hearing and any additional information required by the Town within five days of receipt of written notice of noncompliance. The Board shall then meet within five days of receipt of the request to review said request and determine, by action, if the applicant is in compliance with the CUP.
    - [2] Any person who has applied to site or expand a livestock facility, any person living within two miles of any such facility proposed to be sited or expanded, or any person

owning land within two miles of any such facility proposed to be sited or expanded may request review, by the Livestock Facility Siting Review Board, of any action by the Town on a livestock facility application, in accordance with § 93.90(5), Wis. Stats.

- (6) Review by court of record. Any person aggrieved by any action of the BOA on an appeal application may present to a court of record a petition duly verified setting forth that such action is illegal and specifying the grounds of the illegality. Such petition shall be filed by said person in Rock County Circuit Court within 120 days of the filing of the BOA action by the Town.

## Article V. Administration and Enforcement

### § 425-5-1. Town Board.

- A. Powers and duties pertaining to this chapter. The Town of Fulton Board (hereafter "Board") shall have the following powers and duties pertaining to this chapter without limitation by reason of enumeration, including delegation of powers thereof:
- (1) Establish, appoint, and confirm the Town Plan Commission, Town Zoning Administrator, Town Building Inspector, Town Board of Adjustment, and members thereof;
  - (2) Set and collect fees for zoning and land use activities in accordance with § 425-5-6 of this chapter;
  - (3) Enforce and administer penalties for violations to this chapter in accordance with § 425-5-5 of this chapter;
  - (4) Require submission of a complete and accurate zoning and land use activity application and land division, adjacent land sale or transfer, and lot combination application in accordance with this chapter and/or the Land Division and Development Activities Memorandum of Agreement - Town of Fulton and the Rock County Planning, Economic and Community Development Agency (hereafter "MOA"), and any additional information deemed relevant and necessary by the Town to make a reasonable evaluation of said application;
  - (5) Review and take an action of approval, approval with conditions, or denial with findings, after review and recommendation by the Town Plan Commission, on all of the following:
    - (a) Zoning and land use activity applications as specified in § 425-4-3;
    - (b) Land division, adjacent land sale or transfer, and lot combination applications in accordance with the MOA;
    - (c) Location and architectural design of any public building or the location of any statue or other memorial;
    - (d) Location, acceptance, extension, alteration, vacation, abandonment, use change, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking facilities, or other memorial or public grounds;
    - (e) Location, extension, abandonment, or authorization for any publicly or privately owned utility;
    - (f) 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;
    - (g) Abandonment or repeal of any ordinance adopted pursuant to Town planning and development, including but not limited to zoning.
  - (6) Maintain records of uses of land, water, and air, and siting and construction of buildings and other structures and uses thereof, and zoning and land use activity approvals, conditions of

approval, denials with findings, inspections, and all other official actions;

- (7) Create, review, and adopt Zoning Chapter text, Zoning Map, and Comprehensive Plan revisions and amendments;
- (8) Ensure that all uses of land, water, and air, and siting and construction of buildings and other structures and uses thereof, and any zoning and land use activity maintain and advance the intent and purpose of this chapter as stated in § 425-1-3 herein;
- (9) Any Board member who has a conflict of interest in a matter subject to Board action shall recuse himself/herself from a discussion or action on said matter;

## § 425-5-2. Town Plan Commission.

A. Organization and procedures. The Town hereby establishes a Town Plan Commission (hereafter "Commission"), in accordance with § 62.23, Wis. Stats., to be organized and subject to procedures in accordance with all of the following:

- (1) The Commission shall consist of seven members appointed by the Board Chair and confirmed by the Board, including the Town Board Chair, one Town Board member, and five citizen members. Commission members shall be appointed to three-year terms, with terms of office to begin in April annually. All Commission members shall be persons with recognized experience, qualifications, and Town residency and shall hold office until their respective successors are selected and qualified. If a Commission member vacancy occurs, the Board shall appoint an appropriate member to complete the unexpired term. Commission members shall be compensated as determined by the Board. The Town Board Chair shall be appointed Commission Chair and the Town Clerk shall serve as Commission Secretary.
- (2) Commission meetings shall be called as needed, as determined by the Commission. Special meetings may be called by the Commission Chair or upon written request of two Commission members. Notice of special meetings shall be given by personal service or telephone call to all Commission members and the news media at least 24 hours prior to said special meeting. Notice to the news media may be given by FAX or electronic mail transmission. Five Commission members shall constitute a quorum at a Commission meeting to transact any business and formulate action thereon. Commission meeting minutes shall be kept by the Commission Secretary.

B. Powers and duties. The Commission shall have the following powers and duties without limitation by reason of enumeration:

- (1) Require submission of a complete and accurate zoning and land use activity application and land division, adjacent land sale or transfer, and lot combination application in accordance with this chapter and/or the MOA, and any additional information deemed relevant and necessary to make a reasonable evaluation of said application;
- (2) Review and approve, approve with conditions, or deny with findings conditional use permit applications, not to include any application for a livestock facility;
- (3) Review and recommend approval, approval with conditions, or denial with findings to the Board on all of the following:
  - (a) Zoning and land use activity applications as specified in § 425-4-3;
  - (b) Land division, adjacent land sale or transfer, and lot combination applications in accordance with the MOA;
  - (c) Location and architectural design of any public building or the location of any statue or other memorial;

- (d) Location, acceptance, extension, alteration, vacation, abandonment, use change, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking facilities, or other memorial or public grounds;
  - (e) Location, extension, abandonment, or authorization for any public utility whether public or privately owned;
  - (f) 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;
  - (g) Abandonment or repeal of any ordinance adopted pursuant to Town planning and development, including but not limited to zoning.
- (4) Maintain records of uses of land, water, and air, siting and construction of buildings and other structures and uses thereof, and zoning and land use activity approvals, conditions of approval, denials with findings, inspections, and all other official actions;
  - (5) Create and review Zoning Chapter text and Zoning Map, and Comprehensive Plan, revisions and amendments and make recommendations for approval of said revisions and amendments to the Board;
  - (6) Ensure that all uses of land, water, air, buildings, and other structures, and any zoning and land use activity maintain and advance the intent and purpose of this chapter as stated in § 425-1-3 herein;
  - (7) Any Commission member who has a conflict of interest in a matter subject to Commission action shall recuse himself/herself from a discussion or action on said matter.

### § 425-5-3. Town Zoning Administrator and Building Inspector.

- A. Organization and procedures. The Town hereby establishes the positions of Town Zoning Administrator (hereafter "Zoning Administrator") and Town Building Inspector (hereafter "Building Inspector") to administer and enforce specified provisions of this chapter. The Zoning Administrator and Building Inspector shall attend all Commission meetings, at the discretion of the Commission, but shall not be allocated any Commission voting privileges, and shall be compensated in a manner determined by the Board.
- B. Powers and duties. The Zoning Administrator and Building Inspector shall have the following powers and duties without limitation by reason of enumeration:
  - (1) Make a monthly activities report to the Commission and the Board;
  - (2) Prepare zoning and land use activity applications and related forms, assist applicants in preparing applications and forms, and advise applicants as to the provisions of this chapter;
  - (3) Inspect each activity for which a permit, license, or other necessary documentation has been applied for or granted;
  - (4) Issue permits, licenses, and other necessary documentation which comply with all provisions of this chapter when delegated such authority by the Town;
  - (5) Enter onto any public or private lands or waters, at any reasonable time as permitted by the property owner, for inspection of said lands or waters related to this chapter. If the Zoning Administrator or Building Inspector is refused entry to said lands or waters, a special inspection warrant shall be issued for said premises pursuant to § 66.0119, Wis. Stats.
  - (6) Investigate all complaints related to this chapter and report ordinance violations, in accordance with § 425-5-5 of this chapter, to the Commission and Board;

- (7) Give notice for new planning and development ordinances, or revision or amendment to existing planning and development ordinances, and set time limits and conditions for correction of violations;
- (8) Administer and enforce only literal standards and requirements of this chapter, with administration and enforcement of any other matter related to this chapter to be brought before the Board, Commission, or BOA.

## § 425-5-4. Town Board of Adjustment.

- A. Organization and procedures. The Town hereby establishes a Town Board of Adjustment (hereafter "BOA"), in accordance with § 60.65, Wis. Stats., to be organized and subject to procedures in accordance with all of the following:
- (1) The BOA shall consist of five members appointed by the Board Chair and confirmed by the Board, with member terms consisting of staggered three-year periods. All BOA members shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. No BOA member shall be a Board or Commission member, nor the Zoning Administrator or Building Inspector. One alternate BOA member shall be appointed by the Town Chair for a term of three years and shall act only when a regular BOA member is absent or cannot vote because of conflict of interest. If a BOA member vacancy occurs, the Board shall appoint an appropriate member to complete the unexpired term. BOA members shall be compensated in a manner as determined by the Board. A BOA Chair shall be elected annually by the Board and the BOA Secretary shall be the Town Clerk.
  - (2) Official oaths shall be taken by all BOA members in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointment to the BOA. BOA vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
  - (3) BOA meetings shall be held at the call of the BOA Chair and shall be open to the public. The Zoning Administrator and Building Inspector shall attend all BOA meetings for the purpose of providing technical assistance when requested by the BOA.
  - (4) BOA meeting minutes and a record of all meeting actions shall be kept by the BOA Secretary, showing the vote of each BOA member upon each action item, or if absent, or failing to vote, indicating such fact, the reasons for the BOA's action, and its finding of fact. The Secretary shall keep records of the BOA's meeting discussions and actions, all of which shall be immediately filed with the Town Clerk and be a public record.
  - (5) Three BOA members shall constitute a quorum at a BOA meeting to transact any business and formulate action thereon. A concurring vote of the majority of BOA members present shall be necessary to exercise the powers enumerated in § **425-5-4B** herein.
- B. Powers and duties. The BOA shall have the following powers and duties without limitation by reason of enumeration:
- (1) Hear and render action on any variance to or appeal of any provision of this chapter, or any other code, regulation or ordinance so related and under the Town's jurisdiction, by any person aggrieved by administration and enforcement thereof, where it is alleged by said person that there is error in any order, requirement, decision, or determination made by the Commission, Zoning Administrator, Building Inspector, or any other party so delegated by the Town;
  - (2) Reverse, affirm wholly or partly, or modify any specified decision of the Commission, Zoning Administrator, Building Inspector, or any other party so delegated by the Town, as a rendered action, and subsequently direct issuance of a permit, license, or other necessary documentation required for any zoning and land use activity identified in § **425-4-1** herein;
  - (3) Administer oaths and compel the attendance of witnesses by subpoena;

- (4) Any BOA member who has a conflict of interest in a matter subject to BOA action shall recuse himself/herself from a discussion or action on said matter;

## § 425-5-5. Violations and penalties.

- A. Liable parties. Landowners or property owners, occupiers of land or premises, and agents of owners or occupiers, including but not limited to building contractors, surveyors, engineers, architects, planners, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, lending institutions and their agents, and insurers and their agents, are responsible for compliance with this chapter which bear upon their area of competency and responsibility.
- B. Violations. Use of land, water, and air, siting and construction of building and other structures and uses thereof, or undertaking a zoning and land use activity not in compliance with this chapter or any other applicable ordinance, rule, regulation, standard and requirement, statute, or other provision of law, or with any condition placed upon an approval, variance, or appeal granted in due course under this chapter, shall be a violation of this chapter and any person who violates this chapter or aids or abets in said violation shall be liable to prosecution or remedial actions. The Town or any property owner who would be specifically damaged by a violation may institute appropriate action or proceeding to enjoin an ordinance violation or cause a use of land, water, and air, siting and construction of buildings and other structures and uses thereof, to cease and desist.
- C. Notification of violation. The Zoning Administrator or Building Inspector or their respective designee is responsible for inspecting and investigating the use of land, water and air, siting and construction of buildings and other structures and uses thereof, or undertaking a zoning and land use activity for compliance with this chapter. If, upon such inspection or investigation, the Zoning Administrator or Building Inspector or their respective designee becomes aware of a condition which he or she concludes is or is likely to become a violation, the Zoning Administrator or Building Inspector or their respective designee shall immediately provide notification of the violation to the person deemed responsible (hereinafter "responsible person") and potentially liable of the detected violation. Such notification shall consist of a written enforcement demand to said person that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied within 30 days of receipt of said notification.

[Amended 10-13-2020 by Ord. No. 2020-5<sup>[1]</sup>]

[1] *Editor's Note: This ordinance also repealed former Subsection D, Complaint and demand for prosecution, and provided for the redesignation of former Subsections E through G as Subsections D through F.*

- D. Injunction. If a notification of a violation is issued to the responsible person in accordance with Subsection C of this section, and is not complied with by said person, an injunction restraining the person from continuance of the violating condition may be requested by the Town Attorney from the Rock County Circuit Court. Such action may be in addition to and not in lieu of enforcement as provided for in Subsections E and F of this Section.

[Amended 10-13-2020 by Ord. No. 2020-5]

- E. Citation and penalty.

- (1) The Zoning Administrator or Building Inspector is authorized to issue an ordinance citation to any person engaging in activities that are in violation of this chapter, in accordance with § **425-5-5B** of this chapter. Any person found in violation of this chapter by the Town shall, upon conviction thereof, forfeit not less than \$100 nor more than \$5,000 and the costs of prosecution for each violation, with the exception of any driveway found to be in violation of this chapter, in which case the owner(s) of the land through which the driveway passes shall upon conviction thereof, forfeit \$100 and the costs of prosecution. Each day of violation and each chapter section violated shall be considered a separate offense. Issuing a citation shall not release the person from full compliance with this chapter nor from prosecution for violation.



- (2) Failure to obtain a building permit or demolition permit, where such permit is required, prior to commencing building construction, addition, alteration, or demolition will result in an additional fee being charged by the Zoning Administrator or Building Inspector to the applicant in an amount equal to the building permit or demolition fee. Payment of such additional fee shall not excuse the applicant from full compliance with all applicable provisions of this chapter nor shall such additional fee be in lieu of the penalties identified in § 425-5-5F(1) of this chapter.
- F. Conviction. A person who violates this chapter shall upon conviction thereof forfeit those amounts as established in accordance with § 425-5-5F(1) or (2) of this chapter.

## § 425-5-6. Fees.

- A. Authorization and determination. Fees for zoning and land use activities as identified in § 425-4-1 of this chapter are authorized and determined by Board resolution to ensure adequate resources to administer and enforce this chapter and shall be paid in full by the applicant to the Town.
- B. Schedule and subject activities. The effective zoning and land use activity fee schedule is available at the office of the Town Clerk and on the Town website with the following activities subject to said schedule:
- (1) Zoning (building site) permit application;
  - (2) Building permit application, with fees not to exceed the amount identified in § 425-4-3B(3)(a) of this chapter, for the activities identified in said section;
  - (3) Driveway permit application;
  - (4) Sign permit application;
  - (5) Demolition permit application;
  - (6) Conditional use permit application, with fees not to exceed the amount identified in § 425-4-3F(1)(a)[6] and 425-4-3F(1)(e)[3] of this chapter, for the activities identified in said sections;
  - (7) Mobile home park license application and renewal;
  - (8) Zoning district change;
  - (9) Variance application;
  - (10) Appeal application;
  - (11) Any other zoning and other land use activity, so approved by the Board.