

Ordinance No. 2023-0403.1

**AN ORDINANCE AMENDING THE NOISE PROVISION OF
THE TOWN OF JANESVILLE ZONING ORDINANCE**

WHEREAS, the Town of Janesville has determined that it is appropriate to amend the noise provision of its Zoning Ordinance (Section 12.6 of said Ordinance);

NOW, THEREFORE, the Town Board of the Town of Janesville hereby ordains:

SECTION I. Section 12.6 of the Zoning Ordinance, regulating noise in the Town of Janesville, is hereby repealed in its entirety and replaced with the following:

12.6 Prohibited Loud, Unusual or Unnecessary Noises

1. Excessive noise is a hazard and detrimental to public health, welfare, safety, and quality of life. Excessive noise endangers physical and emotional health and wellbeing. It can depress property values, offend the senses, and create a public nuisance. However, it must be considered that the Town of Janesville is a rural community. As such, it is expected that a certain amount of noise will be generated in the normal course of rural life.
2. With these considerations, it shall be unlawful to create or cause to be created unreasonably loud, unusual, or unnecessary noise. Any such noise shall be considered to be a noise disturbance and a public nuisance.
 - 2.1 Noise shall be considered unreasonable and/or unnecessary when it is chronic (recurring; constant; habitual) and disturbs, injures or endangers health, safety or the welfare of the community.
 - 2.2 Noise shall be considered unusual when it is a noise that is not customarily generated in the area from which the noise is generating, with consideration given to the zoning of the property upon which the noise is generating.
3. Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
 - 3.1 "A-weighted sound pressure level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A).
 - 3.2 "Person" means any individual, association, partnership, or corporation, and includes any officer or employee thereof.

- 3.3 "Real property boundary" means a line along the ground surface, and its vertical extension, which separates the real property owned by one person or entity from that owned by another person or entity.
4. Standards
- 4.1 No person shall cause, allow or permit sound from any source which, when measured 25 feet from the real property boundary of the property that is the source of the sound, is in excess of the following standards:
- 4.1.1 Between the hours of 8:00 a.m. and 10:00 p.m., the continuous sound level shall not exceed an A-weighted sound pressure level of 95 dB(A).
- 4.1.2 Between the hours of 10:00 p.m. and 8:00 a.m., the continuous sound level shall not exceed an A-weighted sound pressure level of 85 dB(A).
- 4.2 Any noise measured to be in excess of the limits set forth in this subsection 4 shall be a violation of this noise ordinance. Said measurement shall be taken with a decibel reader owned and maintained by the Town of Janesville.
5. Loud, unusual or unnecessary noises prohibited; criteria.
- 5.1 Consistent with other provisions of this section, and in addition thereto, it shall also be unlawful for any person to make, produce, cause, continue or allow to be produced or continued by human voice, machine, animal, or device, or any combination of same, any unreasonably loud, unusual or unnecessary noise which disturbs the peace and quiet of any neighborhood, or which causes discomfort or annoyance to any reasonable person of normal sensitivity residing in the area, or which otherwise injures or endangers the comfort, repose, health, peace, safety or welfare of others.
- 5.2 The standards which shall be considered in determining whether a violation of this subsection 5 exists shall include, but shall not be limited to the following:
- 5.2.1 The frequency of the noise;
- 5.2.2 The intensity of the noise;
- 5.2.3 Whether the nature of the noise is usual or unusual, with consideration given to the zoning of the property from which the noise is generating;
- 5.2.4 Whether the origin of the noise is natural or unnatural;
- 5.2.5 The frequency and intensity of the ambient noise, if any;
- 5.2.6 The proximity of the noise to residential sleeping facilities;
- 5.2.7 The nature and land use of the area from which the noise emanates
- 5.2.8 The population density of the inhabitation of the area from which the noise emanates;
- 5.2.9 The time of the day the noise occurs;

5.2.10 The duration of the noise; and

5.2.11 Whether the noise is recurrent, intermittent, or constant.

5.3 For the purposes of this subsection 5, three (3) or more written notices by the Town of Janesville to a person who has made, produced, caused, continued or allowed to be produced any unreasonably loud, unusual or unnecessary noise may result in referral to the Town Board for consideration of legal action by the Town against the alleged offender. The Town of Janesville Town Board shall evaluate all such referrals on a case-by-case basis. Consideration by the Town Board of any such referral may or may not result in the Town of Janesville initiating legal proceedings against the alleged offender. Regardless of the Town's decision to initiate a legal action against an alleged offender or not, private citizens retain the right to bring private nuisance actions against alleged offenders.

5.4 A designated enforcement official of the Town of Janesville, may, if he or she has reasonable suspicion to believe a violation of this ordinance, is being committed in his or her presence, view, or hearing, issue a report to the Town Board.

5.5 No warning required. Nothing contained in this section shall be construed as requiring any warning to any person before the enforcement of the provisions of this section.

6. Penalties or remedies. Refer to section 2.4 Penalties of the General Provisions of the Town of Janesville Zoning Ordinance

7. Exceptions. None of the terms or prohibitions contained in this section shall apply to or be enforced against:

7.1 Use of domestic power equipment for property maintenance, alterations, repair, or construction (including but not limited to power lawn mowers, leaf blowers, trimmers, snowblowers, tillers, saws, sanders, drills, or similar devices).

7.2 Any farm tractor or any implement of husbandry designed primarily or exclusively for use in agricultural operations.

7.3 Any aircraft operations including in flight or in the act of landing or taking off in accordance with the Federal Aviation Regulations.

7.4 Occasional events at private residences such as graduation parties or wedding receptions.

7.5 Loud, unusual or unnecessary noises otherwise permitted (such as, but not limited to, approved conditional uses, industrial noise on property that is zoned M-1, etc.) or approved in writing by the Town of Janesville.

SECTION II. All other provisions of the Zoning Ordinance shall remain in full force and effect.

SECTION III. This Ordinance amendment will take effect and be in force after passage and publication as required by law.

ADOPTED by the Town Board of the Town of Janesville on the _____ day of _____, 2023.

TOWN OF JANESVILLE

By: _____
Bruce Schneider, Town Chair

Attest:

Don Blakeney, Town Clerk

Date Passed: _____

Date Published: _____

Ordinance No. 2023-0403.2 _____

**AN ORDINANCE AMENDING SECTION 14.2 OF THE TOWN OF JANESVILLE
ZONING ORDINANCE AND CREATING SECTION 4.3(17)
OF THE TOWN OF JANESVILLE ZONING ORDINANCE (SOLAR REGULATIONS)**

WHEREAS, the Town Board and the Planning and Zoning Committee of the Town of Janesville having determined that it is appropriate to amend the Town of Janesville Zoning Ordinance to incorporate the requirements of §66.0401 and §66.0403, Wis. Stats., and any applicable amendments thereto, as a local ordinance and to establish local regulations on the installation and use of large and small solar systems that are authorized by, compliant with, and no more restrictive than the rules of the Wisconsin Public Service Commission and that serve to preserve or protect the public health or safety, do not significantly increase the cost of the system or significantly decrease energy system efficiency; and

WHEREAS, the Town of Janesville Planning and Zoning Committee having held a duly noticed public hearing on the proposed amendment to Section 14.2 and the proposed creation of Section 4.3(17) of the Zoning Ordinance of the Town of Janesville; and

WHEREAS, following said public hearing, the Planning and Zoning Committee having found that the proposed amendment to Section 14.2 and the proposed creation of Section 4.3(17) are appropriate and in the best interests of the residents and owners of property within the Town of Janesville and having recommended said proposed amendment and the creation of said proposed section of the Zoning Ordinance to the Town Board of the Town of Janesville; and

WHEREAS, the Town Board of the Town of Janesville having reviewed the proposed amendment to Section 14.2 and the proposed creation of Section 4.3(17) of the Zoning Ordinance of the Town of Janesville and having considered the recommendation of the Planning and Zoning Committee and having determined that said proposed amendments and the creation of said proposed sections to the Zoning Ordinance are in the best interests of the residents and owners of property within the Town of Janesville.

NOW, THEREFORE, the Town Board of the Town of Janesville do hereby ordain as follows:

SECTION I.

Section 14.2 of the Zoning Ordinance of the Town of Janesville is hereby amended by adding the following new definitions:

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.

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.

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 cover less than 1 acre.

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.

Grid-intertie Solar Energy System — A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.

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.

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 ½ acre and is the principal land use for the parcel(s) on which it is located.

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.

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.

Photovoltaic System – A solar energy system that converts solar energy directly into electricity.

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. Statutes 700.35.

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.

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, 12/12.

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.

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.

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.

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, such as a tube or a skylight bringing light through the roof or wall into a building.

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

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.

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 re-circulating 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.

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.

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

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 AM and 3:00 PM Standard time on all days of the year, and can be measured in annual watts per square meter.

Viewshed – a natural or historic environment that is visible from one or more viewing point.

SECTION II.

Section 4.3(17) of the Zoning Ordinance of the Town of Janesville is hereby created to read as follows:

4.3(17). SOLAR SYSTEMS.

A. Permits not required:

1. Ornamental solar powered lights that are not on the grid (such as holiday lights) are excluded from regulation and permitting under this ordinance.
2. Any portable solar system, regardless of size, is excluded from regulation and permitting under the ordinance.
3. Independent System. Any stand-alone solar system (not attached to a utility grid) which is under the limits below is excluded from regulation and permitting under the ordinance.
 - a) Any stand-alone solar system that generates less than 5k-Wh/day.

- b) Any combination of solar panels that produce no more than 1200 W per day.
- c) Battery storage up to 200Ah.
- d) Each of the above is the limit per category for the entire parcel of property, regardless of how large or small the parcel is.

B. Permits required:

- 1. A building permit is required for all solar energy systems not excluded from permitting under Section 4.3(17)A above. The land owner applicant must provide a site plan, any applicable fees, and any information specified in the Town zoning ordinance with permit applications.
- 2. A conditional use permit is required for all large scale solar systems. A conditional use permit application must be on a form approved by or provided by the Town and follow the regulations of the Town ordinances.

C. 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. In addition to all large scale solar systems, solar energy systems that do not meet the following design standards will require a conditional use permit.

- 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 has 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 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. Statute §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:

i. 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 ten inches above the roof.

ii. 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 ½ acre in size.

b) Ground-mounted systems shall not count toward accessory structure limitations.

c) Solar carports in non-residential districts are exempt from lot coverage limitations.

5. Plan Approval Required. All applications for solar energy systems requiring a building permit or other permits shall include 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 shall require review by the Planning and Zoning Committee. Plan approval does not indicate compliance with 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.

D. Solar Energy System Principal Use. The development of commercial or utility scale solar energy systems are encouraged where such systems present few land conflicts with current and future development patterns, including specific consideration of any applicable farmland preservation plans and the Town's Comprehensive plan. Solar energy systems that are the principal use of the development lot or lots are conditional uses.

1. Principal Use General Standards.

a) Site Design:

i. 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 centerline 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.

ii. 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.

iii. 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 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:

1. The natural resource professionals consulted or responsible for the plan.

2. The conservation, habitat, eco-system, 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 or ground-water quality.

3. The intended mix of vegetation upon establishment.

4. 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 run off 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 non-invasive species which provide habitat for pollinators and wildlife and/or other ecosystem services (i.e. clovers).

e. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.

- iv. 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.
 - v. 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, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes undergrounding infeasible.
 - vi. 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 may be used, with approval of the Town Board, 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, if required, a conditional use 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:
 - i. Demonstrating co-location of agricultural uses (agrivoltaics) on the project site.
 - ii. The site shall be restored to agriculture at the end of life of the solar installation.

- iii. Placing agricultural conservation easements on an equivalent number of prime soil acres adjacent to or surrounding the project site.
- iv. 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.
 - i. Decommissioning of the system must occur in the event the project is not in use for 12 consecutive months.
 - ii. 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.
 - iii. The Town Board may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- h) Community-Scale Solar Energy System Standards:
 - i. Community-scale uses — Ground-mount community solar energy systems must cover no more than 1/2 acres (project boundaries), and are a conditional use in all districts. Ground-mount solar developments covering more than ½ acre shall be considered large-scale solar.
 - ii. Dimensional standards — All structures must comply with setback and height, standards for the district in which the system is located.
 - iii. Other standards — Ground-mount systems must comply with all required standards for structures in the district in which the system is located.
 - i) 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:
 - i. 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.

SECTION III.

This ordinance shall take effect upon passage and publication as provided by law.

ADOPTED by the Town Board of the Town of Janesville on the _____ day of _____, 2023.

TOWN OF JANESVILLE

By: _____
Bruce Schneider, Town Chair

Attest:

Don Blakeney, Town Clerk

Date Passed: _____

Date Published: _____

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TOWN OF JANESVILLE
ZONING ORDINANCE

ROCK COUNTY, WISCONSIN

Passed the 3rd day of November, 2014 (by Ordinance No. 141103.1).

Published the 17th day of November, 2014.

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SECTION 1.0 INTRODUCTION

1.1 Authority

Whereas the Town Board of the Town of Janesville, Wisconsin, was directed on April 2, 1940, at the Annual Town Meeting of the qualified electors, to exercise all powers relating to and conferred upon villages, and whereas the Town therefore has the authority to adopt these regulations under the authority granted by Sections 60.10(2)(c), 60.22(3), 60.62, 61.35 and 62.23 of the Wisconsin Statutes.

1.2 Purpose

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

1.3 Intent

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

1.4 Abrogation and Greater Restrictions

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

1.5 Interpretation

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

1.6 Severability

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

1.7 Repeal

The Town Board herein repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, including without limitation a certain zoning ordinance and/or amendments dated February 24, 1949; June 12, 1972; March, 1981; December 6, 1982; and the Zoning (District) Map(s) dated January 2, 1972 and December 6, 1982.

1.8 Title

This Ordinance shall be known as, referred to, or cited as the Town of Janesville Zoning Ordinance.

1.9 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the Town Board, and posting as provided by law. Changes or Amendments to the text of this Ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 11 have been complied with and the Change or Amendment has been posted as provided by law.

SECTION 2.0 GENERAL PROVISIONS

2.1 Jurisdiction

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

2.2 Compliance

No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The duty of the Building Inspector shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Building Inspector may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Building Inspector is refused entry, a special inspection warrant shall be issued for said premises pursuant to § 66.0119, Wis. Stats. The Building Inspector may set time limits and conditions for the correction of violations.

2.3 Use Restrictions

The following use restrictions and regulations shall apply:

- (1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in items 2-6 below shall be permitted in each district.
- (2) Accessory Uses and structures are permitted in any district but not until the principal structure is present or under construction, unless otherwise authorized by this Ordinance. Residential accessory uses shall not involve the conduct of any business, trade, or industry unless a conditional use is authorized under this Ordinance.
- (3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and recommendation of the Planning and Zoning Committee and issuance of a conditional use permit by the Town Board in accordance with Section 5 of this Ordinance.
- (4) Unclassified or Unspecified Uses may be permitted by the Town Board provided that such uses are similar in character to the

principal uses permitted in the district. Prior to consideration and action by the Town Board, the Planning and Zoning Committee shall review the application, hold a public hearing, and make a recommendation to the Town Board.

- (5) Temporary Uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board for a period not to exceed one (1) Year, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. Prior to consideration and action by the Town Board, the Planning and Zoning Committee shall review the application, hold a public hearing, and make a recommendation to the Town Board.
- (6) Substitutions. Substitutions of more restrictive, nonconforming uses or existing nonconforming uses, provided no structural alterations are to be made, may be permitted by the Town Board provided that the use may not be changed without application. Prior to consideration and action by the Town Board, the Planning and Zoning Committee shall review the application, hold a public hearing, and make a recommendation to the Town Board.
- (7) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.
- (8) Soil Restrictions. Certain soil types in the Town, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuation water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a Soil Scientist from the Soil Conservation Service by either the Town or the applicant.

2.4 Penalties

Any person, firm, corporation, owner, tenant or occupant who fails to comply with, or who violates the provisions of this Ordinance, or allows a violation of the provisions of this Ordinance to occur, shall, upon conviction thereof, forfeit not less than \$100 nor more than \$5000 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense. The owner of property upon which a violation occurs shall be also responsible for any such violation as if the owner directly committed the violation.

2.5 Violations

It shall be unlawful to construct or use, or to allow the construction or use of, any structure, land or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Building Inspector, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to impose penalties as set forth in section 2.4 above, to enjoin a violation of this Ordinance, or to cause a structure to be vacated or removed.

2.6 Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the penalties described above. This section applies to, and shall be enforceable against any person, firm, corporation, owner, tenant or occupant who is in such violation of these regulations. The Owner of property upon which a violation occurs shall also be responsible for any such violation as if the Owner directly committed the violation.

SECTION 3.0 ADMINISTRATION

3.1 Town Planning and Zoning Committee

There is hereby established a Planning and Zoning Committee for the Town.

3.2 How Constituted

The Town Planning and Zoning Committee shall consist of seven (7) members. At least one, and possibly two members, shall be Town Board member(s) and the Town Chair shall appoint the Committee's presiding officer. The Town Board shall appoint six (6) or five (5) citizen members, depending on whether or not one or two Town Board members are appointed. The committee members shall be appointed to staggered terms. Two of the members shall be appointed for one (1) year, two of the members shall be appointed for two (2) years, and three (3) members shall be appointed for three (3) years. An eighth member shall be appointed as an alternate member and may be seated for a specific meeting at the discretion of the Chair in place of an absent regular member or a member that has a conflict of interest on that meeting's agenda. The Building Inspector shall be an ex-officio member and shall attend all Planning and Zoning meetings but shall not be a voting member.

3.3 Terms of Office

The citizen members shall initially serve for terms of either one, two or three years, respectively and, thereafter, annually during May, one or more of the members shall be appointed for a term of three (3) years in order to effectuate staggered terms. The term of any Town Board member serving on the Town Planning and Zoning Committee shall be one (1) year.

3.4 Qualifications

All citizen members shall hold office until their respective successors are selected and qualified.

3.5 Building Inspector

- (1) There is herewith created the office of Building Inspector, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Building Inspector shall be

appointed by the Town Board and shall hold office until replaced by the Town Board. His/Her duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His/Her compensation shall be determined by the Town Board.

- (2) The Building Inspector shall make an annual report of his/her activities to the Town Board.
- (3) The Building Inspector shall prepare building permit forms, assist the applicant in preparing his/her application, advise the applicant as to the provisions of the Town Zoning Ordinance; inspect each project for which a permit has been applied for or granted; report violations; and provide this information to the Town Board. The Building Inspector may issue building permits which are within strict compliance with the requirements of this Ordinance when delegated such authority by the Town Board. Whenever there is a question other than the literal requirements of this Ordinance, it is to be brought directly to the Town Chair.

3.6 Vacancies

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

3.7 Matters Referred to the Planning and Zoning Committee

- (1) The Town Board or other public body having authority thereon, shall refer to the Planning and Zoning Committee, for its consideration and report before final action is taken by the Town Board or public body, the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; recommend all proposed and final certified surveys and subdivision plats to the Town Board; the location, character and extent, or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the abandonment or repeal of any ordinance adopted pursuant to planning and zoning. Unless such report is made

within 45 days or such longer period as may be stipulated by the Town Board, the boards or other public body may take final action without it.

- (2) The Planning and Zoning Committee shall have the following powers:
 - (A) To review and recommend to the Town Board the approval, conditional approval or denial of conditional use permit applications, and conditions of approval that may be attached to the conditional use permit.
 - (B) To review and recommend to the Town Board the approval, conditional approval or denial of preliminary land divisions; and conditions of approval that may be attached to preliminary approval.
 - (C) To review and recommend approval, conditional approval, or denial of amendment to the text or Official Zoning Map of this Ordinance.
 - (D) To review and recommend approval, conditional approval, or denial of applications for unclassified and unspecified uses.
 - (E) To review and recommend approval, conditional approval, or denial of applications for temporary uses.
 - (F) To review and recommend approval, conditional approval, or denial of applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses.
 - (G) To review applications for interpretation of the codes, regulations, ordinances and the boundaries of the Zoning Districts and to make recommendation to the Board of Appeals regarding the applications.

3.8 Meetings

Meetings shall be called when necessary, as specifically determined by the Chair of the Planning and Zoning Committee. Special meetings may be called by the presiding officer or upon written request of two committee members. Notice of special meetings shall be given by personal service to all members at least 24 hours prior to the called special meeting.

3.9 Minutes

The minutes shall be kept by the secretary.

3.10 Quorum

Five (5) members shall constitute a quorum to transact any business and formulate its proper action thereon.

3.11 Organization

The Committee Chair shall name the secretary. The committee may also formulate its proper action thereon.

3.12 Compensation

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

3.13 Town Board

The Town Board is the public body having authority thereon to change or amend this Ordinance. The Town Board may also direct by majority vote that Building Permits and Conditional Use Permits be issued when in compliance with this Ordinance.

SECTION 4.0 ZONING DISTRICT

4.1 Establishment

For the purpose of this Ordinance the Town of Janesville is hereby divided into the following Zoning Districts:

A-1 Farmland Preservation District (A-1 FP)
Exclusive Agricultural District (A-1)
General Agricultural District Two (A-2)
Small Scale Agricultural District Three (A-3)
Local Commercial District (B-1)
Lowland Conservancy Overlay District (C-1)
Highland Conservation District (C-2)
Rural Residential District (R-R)
Single Family Rural Residential District (SF-RR)
Planned Unit Development Overlay District (PUD)
Mobile Home Park District (MHP)
Special Purpose District (SP)
Light Industrial District (M-1)

4.2 Zoning Map and District Boundaries

- (1) The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Janesville, Wisconsin", dated March 16, 1994 as amended, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U.S. Public Land Survey Lines; lot or property lines; topographic lines; Road right-of-ways, centerline of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy correct only as of the day of passage of this Ordinance shall be attached to this Ordinance. The Town Clerk shall forward all map amendments approved by the Town Board to the Rock County Planning and Development Agency for inclusion on the Official Zoning Map and maintain a revised current version of said map reflecting current zoning boundary locations.
- (2) Overlay districts, as presented in this section, are created for the purpose of imposing special regulations in given designated areas of the County to accomplish stated purposes that are set forth for

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

4.3 General District Regulations

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

- (1) Erection of More than One Principal Structure on a Lot. In any district, no more than one principal structure shall be allowed as a permitted or a conditional use on a single parcel lot except for condominium units and mobile homes only when in a mobile home park.
- (2) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (3) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (4) Parking and Storage of Certain Vehicles. Up to 2 non-operable motor vehicles may be parked or stored outside of a building for a period of up to six months. The relocation of any non-operable motor vehicle(s) to a different location(s) on the same property or to any other propert(ies) within the Town of Janesville does not initiate a new three month period.
- (5) A setback less than the setback required by this Ordinance may be permitted where there are at least two (2) main buildings existing at the date of enactment of this Ordinance within 200 feet on both sides of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the

nearest main building on each side of the proposed site or if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Town Board and shall not require a special exception or variance.

- (6) In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
- (7) Vacation of Public Streets, Alleys and Right-of Ways shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- (8) Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.
- (9) For all new land divisions utility lines which will serve individual lots to include electric lines under 12,400 volts, cable T.V., telephone, natural gas, etc. shall be installed underground within the utility easements indicated on the land division map, to be shown on the Building Permit Map, and installed prior to the conveyance of any lots so created. The only exception will be where existing overhead lines can provide direct service to a structure.
- (10) No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- (11) Community living arrangements shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 people or one percent (1%) of the Town's population, whichever is greater.

- (12) No community living arrangement may be established after March 27, 1978 which is located within 2,500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Town Board and if both comprise essential components of a single program.
- (13) Mobile Homes are only permitted in a Mobile Home Park District.
- (14)
 - (A) Habitation of any recreational vehicle, tent, or camper shall not take place on a parcel located in the Town for more than thirty (30) days in any calendar year, and in any event, shall not occur on a parcel unless a primary residence is available on the same parcel as the recreational vehicle, tent or camper for use of required services such as sewer and water.
 - (B) Habitation of any recreational vehicle, tent or camper shall be allowed for a period longer than thirty (30) days in any calendar year solely for the purposes of the owner of a parcel to rebuild a primary residence on such parcel due to destruction of such primary residence by fire, tornado, natural hazard, flooding, or other reason which makes the primary residence no longer habitable. Such habitation shall be allowed for the duration of the building permit for the rebuilding of such primary residence.
- (15) A permanent foundation is required for all residential structures as provided in the design standards of the Wisconsin 1 and 2 Family Dwelling Code.
- (16) Any residential structure that is dangerous or in substantial disrepair and is therefore destroyed or is destroyed by fire, tornado, natural hazard, flooding or other reason which makes the structure no longer habitable, but for which a garage or accessory building incidental to the residential structure exist on the parcel, it is permissible for the garage or accessory building to remain on the parcel without a residential structure, provided that no habitation of such garage or accessory building occurs. This section is subject to the provisions of Section 4.3(14) of the Town of Janesville Zoning Ordinances and all amendments thereto relating to the habitation of a recreational vehicle, tent, or camper.

A-1 FARMLAND PRESERVATION DISTRICT (A-1 FP)

- (1) **Purpose.** The intent of this district is to maintain highly productive agricultural lands in food and fiber production by effectively limiting encroachment of non-agricultural development and minimizing land use conflicts among incompatible uses.
- (2) **Definitions.** The following definitions apply in the A-1 Farmland Preservation District:
 - (A) **Accessory Use** means any of the following land uses on a farm:
 - (1) A building, structure, or improvement that is an integral part of, or incidental to, an agricultural use under sections (2)(B) and (4)(A) of this A-1 Farmland Preservation District Ordinance, including the following:
 - a. Facilities on the farm used to store or process raw agricultural commodities primarily produced on the farm;
 - b. Facilities on the farm used to keep livestock;
 - c. Facilities on the farm used to keep or service vehicles or equipment primarily used on the farm;
 - d. Facilities on the farm used to provide veterinary services to livestock on the farm;
 - e. Facilities on the farm used to store or process inputs for agricultural uses primarily on the farm;
 - f. Greenhouses;
 - g. Roadside stands;
 - h. Agricultural research facilities selling or utilizing agricultural products produced primarily on the farm;
 - i. Facilities used to produce energy primarily from the farm's products, or primarily for use on the farm, such as wind turbines, subject to the Town's Wind Energy Systems Licensing Ordinance, solar energy

structures, manure digesters, or bio-fuel facilities; and

j. Facilities used to store or process animal waste produced on the farm.

(2) An activity or business operation that is an integral part of, or incidental to, an agricultural use under sections (2)(B) and 4(A) of this A-1 Farmland Preservation District Ordinance, such as the following:

a. Direct sales from farm to customer;

b. "You pick" operations;

c. Crop mazes; and

d. Agricultural tourism operations.

(3) A farm residence.

(B) Agricultural Use means any of the following:

(1) Any of the following activities conducted for the purpose of producing an income or livelihood:

a. Crop or forage production;

b. Keeping livestock;

c. Beekeeping;

d. Nursery, sod, or Christmas tree production;

e. Floriculture;

f. Aquaculture;

g. Forest management; and

h. Enrolling land in a Federal Agricultural Commodity Payment Program or a Federal or State Agricultural Land Conservation Payment Program.

(2) Any other use that the department, by rule, identifies as an agricultural use.

- (C) Agriculture-related use means any of the following:
- (1) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
 - (2) Any other use that the department, by rule, identifies as an agriculture-related use.
 - (3) A facility integral to an agricultural use, regardless of whether the facility is located on a farm, that relies on agricultural uses conducted primarily off-site, such as the following:
 - a. Facilities providing agricultural supplies, equipment, fertilizers, pesticides or other agricultural inputs or services to farms;
 - b. Facilities storing, processing, handling, or marketing raw agricultural commodities;
 - c. Facilities slaughtering or processing livestock that were primarily kept off-site;
 - d. Facilities processing agricultural bi-products or wastes produced primarily off-site; and
 - e. Manure digesting facilities, bio-fuel facilities or other facilities that produce energy for use primarily off-site.
- (D) Common ownership means ownership by the same person or persons. It includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
- (E) Conditional use means a use allowed under a conditional use permit issued by the Town of Janesville.
- (F) Farm means all land under common ownership that is primarily devoted to agricultural use.
- (G) Farmland preservation agreement means any of the following agreement between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax

credits:

- (1) A farmland preservation agreement or transition area agreement entered into under s. 91.13, 2007 Wis. Stats., or s. 91.14, 2007 Wis. Stats.
 - (2) An agreement entered into under s. 91.60(1), Wis. Stats.
- (H) Farm residence means any of the following structures that is located on a farm:
- (1) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - a. An owner or operator of the farm.
 - b. A parent or child of an owner or operator of the farm.
 - c. An individual who earns more than 50 percent of his or her gross income from the farm.
 - (2) A migrant labor camp that is certified under s. 103.92, Wis. Stats.
- (I) Livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- (J) Owner means a person who has an ownership interest in land.
- (K) Permitted use means a use that is allowed without a conditional use permit, special exception, or other special zoning permission.
- (L) Person means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (M) Prior nonconforming use means a land use that does not conform with the A-1 Farmland Preservation Ordinance but that existed lawfully before the A-1 Farmland Preservation Ordinance was enacted.
- (N) Protected farmland means land that is located in the A-1 Farmland Preservation District, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural

development.

- (3) **Land Use in the A-1 Farmland Preservation District; General.** Only the following land uses are allowed in a A-1 Farmland Preservation District:
 - (A) Uses allowed under Section (4) as a permitted use.
 - (B) Uses allowed under Section (5) with a conditional use permit.
 - (C) Prior nonconforming uses, subject to s. 60.61(5), Wis. Stats.
- (4) **Permitted Uses.**
 - (A) Agricultural Uses
 - (B) Accessory Uses
 - (C) Agriculture-related Uses
 - (D) Undeveloped natural resource and open space areas.
 - (E) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a special use permit for that use.
 - (F) Other uses identified by DATCP rule.
 - (G) Livestock facilities less than 1,000 animal units.
- (5) **Conditional Uses.**
 - (A) Livestock facilities with one-thousand (1,000) animal units or more are, subject to the rules in ATCP 51 of the Wisconsin Administrative Code. Livestock facilities are defined as feedlots, dairy farms, or other operations where livestock are or will be fed, confined, maintained, or stabled for a total of forty-five (45) days or more in any twelve (12) month period. Additionally, confinement operations include all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related confinement operations are collectively treated as a single operation for purposes of this Ordinance, except that an operator may elect to treat a separate species facility as a separate

confinement operation.

- (B) Fur farms conducted for the purpose of producing an income or livelihood
- (C) Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
 - (1) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (2) The use and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (3) The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
 - (4) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (D) Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:
 - (1) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (2) The use and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (4) The use does not substantially impair or limit the current or

future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

- (5) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(E) Nonmetallic mineral extraction, if all of the following apply:

- (1) The operation complies with Subchapter I of Chapter 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under s. 295.13 or 295.14, Wis. Stats. (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
- (2) The operation and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
- (3) The operation and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations outside the A-1 Farmland Preservation District, or are specifically approved under State or Federal law.
- (4) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
- (5) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (6) The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

(F) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wis. Stats.

(G) A business, activity, or enterprise on a farm, whether or not

associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, excluding family members, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(6) Rezoning Land Out of A-1 Farmland Preservation District.

- (A)** Except as provided in sub. (B), the Town of Janesville may not rezone land out of the A-1 Farmland Preservation District unless the Town of Janesville finds all of the following in writing, after public hearing, as part of the official record of the rezoning:
 - (1)** The rezoned land is better suited for a use not allowed in the A-1 Farmland Preservation District.
 - (2)** The rezoning is consistent with any applicable comprehensive plan.
 - (3)** The rezoning is substantially consistent with the certified Rock County Farmland Preservation Plan, which is in effect at the time of the rezoning.
 - (4)** The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (B)** Subsection (A) does not apply to any of the following:
 - (1)** A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under ch. 91, Wis. Stats.
 - (2)** A rezoning that makes the A-1 Farmland Preservation Ordinance Map more consistent with the County Farmland Preservation Plan Map, certified under ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (C)** By March 1 of each year the Town of Janesville shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection and to Rock County Planning and Development a report of the number of acres that the Town of Janesville has rezoned out of the A-1 Farmland Preservation District under sub. (A) during the

previous year and a map that clearly shows the location of those acres.

(7) Requirements for Permitted and Conditional Uses.

In the A-1 Farmland Preservation District, the height of buildings, minimum lot size, minimum dimensions of yards and setbacks shall be as follows:

- (A) Minimum lot size:
 - for Permitted Uses..... 35 Acres
 - for Conditional Uses 5 Acres
- (B) Maximum building height..... 35 feet for residential structures – no maximum on other structures
- (C) Minimum front yard setback 50 feet
- (D) Minimum rear yard setback 50 feet
- (E) Minimum side yard:
 - Principal buildings 20 Feet on each side
 - Accessory buildings..... 8 Feet on each side
- (F) Minimum lot width..... 100 Feet
- (G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum Residential Floor area..... 1,000 Sq. Ft.
- (I) Minimum Residential Building Width . 24 Feet
- (J) Minimum setback for housing of poultry and livestock 100 Feet of any boundary or residential or commercial lot other than that of owner or lessee of such buildings containing such livestock or poultry

EXCLUSIVE AGRICULTURAL DISTRICT (A-1)

(1) Permitted Uses

In the Exclusive Agricultural District, A-1 the following uses shall be permitted:

- (A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- (B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.
- (C) One Residential single-family dwelling for resident owners.

(2) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Churches, veterinary hospitals, community parks and recreational areas.
- (B) Water storage facilities, gas and electric utility use not requiring authorization under Section 196.491 Wis. Stats., provided they are

enclosed by an 8-foot or more protective fence.

- (C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in either the Residential District or the Agricultural District and provided further that the parcel created does not exceed five (5) acres.
- (D) Fur farms, kennels, dog kennels, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise.
- (E) Riding stables and riding schools as secondary uses to agriculture.
- (F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.
- (G) Supportive agri-business activities to include grain elevators; seed, fertilizer and farm chemical sales, commercial feed lots; feed mills; and similar agricultural activities provided they are adjacent to a Class A highway, an Arterial road or a Collector road as defined by this Ordinance (Section 9).
- (H) Storage of non-agricultural items in buildings existing at the time of the adoption of this Ordinance.
- (I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (J) Telephone, telegraph and electric transmission lines, buildings, or structures.
- (K) Agricultural related airport or air strip not open to the public which is accessory to the farm use.
- (L) Single family dwellings occupied by the farm operator or the parents or children of the farm operator may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the Rural Residential District and provided further that the parcel created does not exceed five (5) acres.

- (M) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (N) A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (O) Barn as a principal structure. A barn as a principal structure for agricultural use or swine confinement facilities.

(3) Requirements for Permitted and Conditional Uses

In the Exclusive Agricultural District One (A-1), the height of buildings, minimum lot size, minimum dimensions of yards and setbacks shall be as follows:

- (A) Minimum lot size..... 35 Acres
- (B) Maximum building height..... 35 Feet for residential structures - no maximum on other structures
- (C) Minimum front yard setback..... 50 Feet
- (D) Minimum rear yard setback..... 50 Feet
- (E) Minimum side yard:
 - Principal buildings..... 20 Feet on each side
 - Accessory buildings..... 8 Feet on each side
- (F) Minimum lot width 100 Feet
- (G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum Residential Floor area 1,000 Sq. Ft.

- (I) Minimum Residential Building Width .. 24 Feet
- (J) Animals per acre If the parcel is under 35 acres, one large farm animal per acre – additional large animals per acre will require a conditional use permit.
- (K) Minimum Lot Frontage on a Public Road..... 100 Feet

(4) Prohibited Uses

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

GENERAL AGRICULTURAL DISTRICT TWO (A-2)

(1) Purpose and Intent of General Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Community's Development Plan for land parcels in the General Agricultural District. This district is designed to promote the maintenance and preservation of areas that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units.

(2) Permitted Uses

The following uses are permitted in this district:

- (A) General farming including dairying, livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.
- (B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, and other appropriate agricultural pursuits, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs larger than 32 square feet each advertising such sale.
- (C) One residential single family dwelling for resident owners.
- (D) Storage of non-agricultural items in existing buildings.
- (E) Accessory buildings, including buildings clearly incidental to the principal use of the property provided that no accessory building may be used as a separate dwelling unit, unless a conditional use permit is issued as provided in this Ordinance.
- (F) Pre-existing residences whose initial construction began before the effective date of this Ordinance are hereby considered as a

permitted use and are exempt from the limitations imposed and authorized under Section 10, Non-Conforming Uses of this Ordinance.

(3) Conditional Uses

A conditional use in this district is to permit the following uses after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Churches, veterinary hospitals, community parks and recreational areas.
- (B) Water storage facilities and power stations provided they are enclosed by an eight-foot or more protective fence.
- (C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created does not exceed five (5) acres. The remaining land shall conform to the requirements of the district.
- (D) Fur farms, kennels, dog kennels, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise.
- (E) Riding stables, riding schools, and shooting preserves.
- (F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than 500 feet to any dwelling.
- (G) Supportive agri-business activities to include grain elevators, seed, fertilizer, farm chemical sales, commercial feedlots, feed mills, and similar activities provided they are adjacent to a Class A highway, an Arterial road or a Collector roads as defined by this Ordinance (Section 9).
- (H) Storage of non-agriculture items in new buildings located in the immediate vicinity of existing buildings.

- (I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- (J) Telephone, telegraph and electric transmission lines, buildings or structures.
- (K) Sale of agricultural products not produced on premises.
- (L) Single family dwellings occupied by parents, children, or caretaker of the farm owner.
- (M) An airstrip or runway not open to the public for the private use of the owner(s) provided that appropriate clear zones are permanently established so that aircraft operations will not negatively effect neighboring property owners or people living in the areas off the end of the runway.
- (N) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (O) Barn as a principal structure. A barn as a principal structure for agricultural use or swine confinement facilities.
- (P) A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (Q) A park model recreational vehicle, provided that the following conditions are met:
 - 1) A primary residence must be located on the parcel and actually occupied;
 - 2) The park model recreational vehicle must not be occupied more than 30 total days in any calendar year; and
 - 3) The park model recreational vehicle must have its own septic system approved by the County. In the alternative, the vehicle must have a County permit to connect to a previously existing septic system.

(4) Requirements for Permitted and Conditional Uses

- (A) Minimum Lot Size ----- 10 acres
- (B) Maximum Building Height ----- 35 ft. Residential structures – No maximum on other structures.
- (C) Minimum Front Yard Setback ----- 50 ft.
- (D) Minimum Rear Yard Setback ----- 50 ft.
- (E) Minimum Side Yard:
 - Principal Buildings ----- 20 ft. on each side
 - Accessory Buildings ----- 8 ft. on each side
- (F) Animals per acre ----- 1 large animal per acre. Additional animals per acre will require a conditional use permit.
- (G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum lot width ----- 100 ft.
- (I) Minimum Residential Floor Area ----- 1,000 Sq. Ft.
- (J) Minimum Residential Building Width ----- 24 Ft.
- (K) Minimum Lot Frontage on a Public Road ----- 100 Ft.

(5) Prohibited Uses

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

AGRICULTURAL DISTRICT THREE (A-3)

(1) Purpose and Intent of Agricultural District Three (A-3)

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Development Plan for parcels of land in the Small Scale Agricultural District. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for combined rural residential/agricultural use. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which do not have on-site sewer limitations and are not prime agricultural soils.

(2) Permitted Uses

The following uses are permitted in this district:

- (A) One single family dwelling per parcel.
- (B) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry. No barb wire fences shall be located forward of the front yard setback or building line, which ever is greater.
- (C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than eight square feet each advertising such sale.
- (D) Gardening, including truck gardens, nurseries and greenhouses.
- (E) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (F) Public parks, playgrounds, recreational and community center buildings and grounds.

- (G) Graded schools, churches and their affiliated uses.
- (H) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (I) Water storage facilities and their accessory structures.
- (J) Accessory buildings, including buildings clearly incidental to the residential use of the property provided, however, that no accessory building may be used as a separate dwelling unit.
- (K) Uses customarily incident to any of the above uses provided that no such use generates traffic or noise that would create a public or private nuisance.
- (L) A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements, other than a building, structure or improvement that is an integral part of, or is incidental to, an agricultural use, or a farm residence, that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- (B) Professional offices, when such office is conducted solely by a member or members of the resident family, if the use is conducted

entirely within the residence and incidental to the residential use of the premises.

- (C) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, community buildings, private clubs, and fraternities except those whose principal activity is a service customarily carried on as a business, or also riding club.
- (D) Fur farms, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise.
- (E) An airstrip or runway not open to the public for the private use of the owner(s) provided that appropriate clear zones are permanently established so that aircraft operations will not negatively affect neighboring property owners or people living in the areas off the end of the runway.
- (F) Telephone, telegraph and electric transmission lines, buildings, or structures.
- (G) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (H) Barn as a principal structure. A barn as a principal structure for agricultural use or swine confinement facilities.

(4) Requirements for Permitted and Conditional Uses

- (A) Maximum Building Height ----- 35 ft. residential structures – No maximum on other structures.
- (B) Minimum Side Yard:
 - Principal Buildings ----- 20 ft. on each side
 - Accessory Buildings ----- 8 ft. on each side
- (C) Minimum Front Yard Setback ----- 50 ft.
- (D) Minimum Rear Yard Setback ----- 50 ft.

- (E) Minimum Lot Area ----- 3 acres
- (F) Animals per acre – 1 large farm animal per acre. Additional animals per acre will require a Conditional Use Permit.
- (G) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Arterial, Collector, and Local roads.
- (H) Minimum lot width ----- 100 ft.
- (I) Minimum Residential Floor Area----- 1000 Sq. Ft.
- (J) Minimum Residential Building Width----- 24 Ft.
- (K) Minimum Lot Frontage on a Public Road ----- 100 Ft.

5. Prohibited Uses

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

LOCAL COMMERCIAL DISTRICT (B-1)

(1) Purpose and Intent of Local Commercial District (B-1)

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Development Plan. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

(2) Permitted Uses

- (A) Stores and shops in which items are sold directly to the public to include grocery, hardware, clothing and apparel stores, drug and beverage stores, bakeries, magazine and tobacco stores, coffee shops, gift shops, parking areas and similar retail establishments normally found in neighborhood shopping centers.
- (B) Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.
- (C) Personal services to include barbershops, beauty salons, and tailor shops.
- (D) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
- (E) Banks, office buildings, and restaurants.
- (F) Sales and retail of new and used automobiles, trucks, trailers, construction equipment, and agricultural equipment.
- (G) Gasoline/Convenience stores which do not provide mechanical services.
- (H) Lumber yards, building services and building supplies.
- (I) Mini-warehousing and general warehousing of merchandise in enclosed buildings.

- (J) Television, video, radio, and electrical equipment sales, service, and rental.
- (K) Plumbing, heating, and air-conditioning sales and repair shops.
- (L) Technical schools, and training centers.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
- (B) Lodges and fraternal buildings, nursing and retirement homes, nursery and day care centers.
- (C) All public utility facilities, sewage treatment facilities.
- (D) Animal hospitals and clinics, excluding open kennels and exercise yards.
- (E) Maintenance and repair of equipment and vehicles.
- (F) Construction contractor offices, equipment storage yards, and maintenance facilities.
- (G) Fabrication, assembly, processing, and/or packaging of plastics products, electrical equipment, jewelry, and pottery.
- (H) Automotive upholstery shops, automotive body repair shops, and adult entertainment and specialty stores.
- (I) Feed and Grain Dealers, grain storage.

- (J) Coin operated laundromats, laundries, and dry cleaners.
- (K) Model homes for sales promotion and sales office. Habitation of same requires an additional conditional use permit.
- (L) Businesses, enterprises, establishments or facilities providing, selling or making available to the public sexually related materials, sexually related dancing, sexually related books, sexually related magazines, sexually related movies, sexually related clothing, and/or sexually related paraphernalia.
- (M) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.

(4) Requirements for Permitted and Conditional Uses-

- (A) Maximum Building Height ----- 35 ft.
- (B) Minimum Lot Frontage on a Public Road ----- 100 ft.
- (C) Parking Requirements ----- One 200 sq. ft. parking space for each 200 sq. ft. of building.
- (D) Minimum Lot Area ----- 40,000 sq. ft.

Setbacks

- Front Yard ----- 50 ft.
- Rear Yard ----- 25 ft.
- Side Yard ----- 15 ft.
- Width at Building Line ----- 100 ft.

- (E) Accessory Building Side Yard Setback ----- 8 ft.
- (F) All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on arterial, Collector and Local Roads.
- (G) Minimum Frontage on a Public Road..... 100 ft.

(H) New Commercial and Industrial Zoning Districts shall be located on Arterial or Major Collector Highways as indicated in the Rock County Highway Functional Highway Map.

(5) Prohibited Uses

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

LOWLAND CONSERVANCY OVERLAY DISTRICT (C-1)

(1) **Purpose and Intent of Lowland Conservancy District (C-1)**

The purpose of the C-1 District is to provide a means of obtaining the goals and objectives of the Development Guide. The C-1 District is designed to protect public health, safety, property values, and general welfare of the community; private and public property from the hazards of flood water, inundation or high ground water; and to protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which have physical limitations for development such as being subject to flood hazards, soil with low bearing capacity, wet soils, and other environmental limitations and should be used for open land uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings in lowland areas. This district is delineated by alluvial or wet soils defined in this Ordinance as follows:

Ad	BmA	Da	EoA	KaA	Mb	Me	Ot	Se
Aw	Br	EIA	Ha	LkA	Mc	Mf	Pa	Wb
AzA	Co	EmA	Ho	Ma	Md	Na	Ra	WcA

If there is a conflict between the provisions of this district and the A-1 Farmland Preservation District, the most restrictive provisions prevail.

(2) **Permitted Uses**

The following uses of land are permitted in this district.

- (A) Agricultural uses to include crop and pasture land when conducted in accordance with the S.C.S. standards, but not including the erection of buildings or structures.
- (B) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (C) Forestry and the management of forests.
- (D) Wildlife preserves.
- (E) The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.

- (F) Hunting, fishing, trapping, piers, docks, and boat houses.
- (G) Public and private parks, picnic areas, and similar uses.
- (H) Hiking trails and bridle paths.
- (I) Preservation of areas of scenic, historic, or scientific value.
- (J) Watershed conservation areas.
- (K) Open storage uses such as parking areas.
- (L) Uses similar and customarily incident to any of the above uses.
- (M) Where permitted in the underlying zoning district, one single family structure, one private garage and one accessory building which is clearly incidental to the residential use of the property. The land disturbing activity area for the construction of such residential structures may not be upon any natural slopes of 16% or more, any wetlands, any floodways, any hydrated soils, any bedrock at or near the surface or within 75 feet of a navigable body of water (all waters declared navigable by Chapter 30, Wisconsin Statutes). Erosion control plot plans and building plans for the proposed residential construction as required by the Town Building Code adopting the Uniform One and Two Family Building Code shall be prepared, including erosion control procedures as required by COMM 21.125, submitted, reviewed and approved by the Building Inspector prior to a building permit being issued.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Dams, reservoirs, ponds, water storage and primary facilities.

- (B) Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and race tracks.
- (C) Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- (D) Utilities such as, but not restricted to telephone, telegraph, power, or other transmission lines.
- (E) Relocation of any watercourse.
- (F) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shoreland Zoning Ordinance enacted by Rock County pursuant to Section 59.692 of the Wisconsin Statutes, "Zoning of Shoreland on Navigable Waters."
- (G) Removal of topsoil or peat.
- (H) Camping grounds open to the public.
- (I) Golf courses both public and private.
- (J) Hunting and fishing clubs for permitted and approved conditional uses provided that the area will not be adversely affected.
- (K) Sewage disposal plants.
- (L) Agricultural accessory buildings when conforming with S.C.S. Standards and guidelines.
- (M) Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.

(4) Requirements for Permitted and Conditional Uses

- Maximum Building Height ----- 35 ft.
- Minimum Front Yard Setback ----- 50 ft.
- Minimum Setback from High Water Mark ----- 75 ft.
- Minimum Rear Yard Setback ----- 75 ft.

No minimum Lot Area except in A-1 District
where minimum is ----- 35 acres.

Minimum Lot Width ----- 100 ft.

Minimum Side Yard Setback ----- 15 ft.

Off-street Parking, Public Gathering -- 1 space per 5 seats if applicable or
1 space per 200 sq. ft. of building.

All front yard setbacks are to also refer to Section 9.1 of this Ordinance for
setbacks on Federal, State and County roads.

(5) Prohibited Uses

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

HIGHLAND CONSERVATION DISTRICT TWO (C-2)

(1) Purpose and Intent of Highland Conservation District (C-2)

The purpose of the C-2 District is to provide a means of obtaining the natural resource and the recreation goals and objectives of the Development Guide. The C-2 District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, submarginal farm land and areas that have slopes in excess of 12%, limit erosion and sedimentation; to promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality. This district exists as delineated on the zoning map and includes the following soil types.

DuC2	GrA	OsA	WfB2	SaA
DuB2	FIB	OgB	WfC2	SaB
DuA	FIA	OgA	WnA	SaC2
KeA	PmB	KeC2	WnB2	SbA
KdC2	PmA	KeB2	WnC2	SbB
KdB	PIC2	TrA	WoA	SbC2
JuA	PIB	WaA	ZuA	SkA
JaB	PIA	WaB	ZuB	SkB
JaA	PeC2	WaC2	RnB2	SkC2
HeA	PeB2	WeA	RnC2	ZuC2
GrD2	PeA	WeB	RpB	PnA
GrC2	OsC2	WeC2	RpC2	PnB
GrB2	OsB	WfA	RpD2	

(2) Permitted Uses

The following uses are permitted uses in this District:

- (A) Forest and woodland crop management.
- (B) Farming and related agricultural uses when conducted in accordance with Soil Conservation Service Standards.
- (C) Installation of soil and water conservation structures.
- (D) Parks and recreational areas, arboretums, and botanical gardens.

- (E) Forest preservation, wildlife reservations, and conservation projects.
- (F) Other recreation activities that do not require a structure or earth movement.

(3) Conditional Use

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located 100 feet from the boundaries of the property involved.
- (B) Horse stables, riding clubs, and fairgrounds.
- (C) Private and public golf courses and country clubs.
- (D) Earth movements involving site disturbing in excess of one acre not related to farming activity.
- (E) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainageways.
- (F) One single family dwelling.
- (G) Ski hills, ski trails, hunting and fishing clubs.
- (H) Recreation camps.
- (I) Public or private campgrounds.
- (J) Animal hospitals, shelters and kennels.

- (K) Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.
- (L) Radio, television, and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (M) Rifle ranges, skeet shooting clubs, and other activity features.

(4) Requirements for Permitted and Conditional Uses:

Maximum Building Height -----	35 ft.
Minimum Front Yard Setback -----	50 ft.
Minimum Rear Yard Setback -----	25 ft.
Minimum Lot Width at Building Line -----	100 ft.
Minimum Lot Frontage on a Public Road -----	100 ft.
Minimum Lot Area -----	10 acres.
Minimum Side Yard Setback -----	15 ft.
Minimum Accessory Building Setback-----	8 ft.
Off-Street Parking, Public Gathering -----	1 space per 200 sq. ft. of building or 1 space per 5 anticipated users at maximum usage of facilities.
Minimum Residential Building Size-----	1,000 sq. ft.

All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State, and County roads.

Minimum Residential Floor Area-----	1,000 sq. ft.
Minimum Residential Building Width-----	24 Feet

(5) Prohibited Uses

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

RURAL RESIDENTIAL DISTRICT (R-R)

(1) Purpose and Intent of R-R District

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The R-R District is to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the R-R District is to provide for rural residential development at slightly higher population densities, on soils that are compatible for on-site disposal of sewer systems.

The following described soil types have been determined to have severe limitations due to high water table, slow permeability, lateral seepage, liquifies easily, floatation of pipes, subject to frost heave, bedrock, low bearing capacity, or frequent overflow and therefore no residential development shall take place thereon:

ON-SITE LIMITATIONS

Ad	Eke	KaA	Ot	SoB
Aw	EIA	KdD	Pa	SoC2
AzA	EmA	KeD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	WIA
Da	GpC2	Mc	Rs	WIB2
DrD2	GrD2	Md	RtD	WIC2
EdB2	Ha	Me	RuE	WID2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
OoD2	SbC2	WoA		

(2) Permitted Uses

The following uses are permitted uses in this District:

- (A) One Single family Structure. One private garage for each residential unit.

- (B) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (C) Public parks, playgrounds, recreational and community center buildings and grounds.
- (D) Graded schools, churches and their affiliated uses.
- (E) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (F) Water-storage facilities and their accessory structures
- (G) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. The total square footage of all accessory buildings shall not exceed 4% of the total lot size.
- (H) Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (I) Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facility.
- (J) Gardening, including truck gardens, nurseries, greenhouses, and the keeping of small animals to include up to 10 rabbits, 10 poultry, 2 dogs and 3 cats if confined to the lot.
- (K) Preexisting commercial uses, or similar commercial uses in this district that were permitted uses before the adoption of this Ordinance on March 16, 1994 may be continued as permitted commercial uses and are exempt from any limitations imposed or authorized under Section 10 of this Ordinance. Subsequent substantially similar uses to the pre-existing commercial uses in existence on March 16, 1994, may be substituted for the permitted pre-existing commercial uses provided they are closely comparable in type of commercial activity.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.
- (B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
- (C) Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewerage plants, garbage incinerators, warehouses, garages, or storage areas.
- (D) Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (E) Telephone, telegraph and electric transmission lines, buildings or structures.
- (F) Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- (G) Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to

be in keeping with the neighborhood and to prevent an institutional setting.

- (H) One-two family structure.
- (I) An airstrip or runway not open to the public for the private use of the owner(s) provided appropriate clear zones are permanently established so aircraft operations will not negatively effect neighboring property owners or people living in the areas off the end of the runway.

(4) Requirements for Permitted and Conditional Uses of the Rural Residential District (RR).

Maximum Building Height -----	35 ft.
Minimum Front Yard Setback -----	50 ft.
Minimum Rear Yard Setback -----	25 ft.
Accessory Buildings Side Yard Setback -----	8 ft.
Minimum Lot Width -----	100 ft.
Minimum Lot Frontage on Cul-de-sac -----	50 ft.
Minimum Lot Area -----	40,000 sq.ft.
Minimum Lot Area Per Two Family Structure -----	55,000 sq. ft.
Minimum Side Yard Setback -----	15 ft.
Minimum Floor Area for Single Family -----	1000 sq. ft.
Minimum Floor Area Per Unit for Two Family-----	900 sq. ft.
Maximum Accessory Building Height -----	35 ft. not to exceed the height of the principal building.

All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.

Minimum Residential Building Width ----- 24 ft.

Minimum Lot Frontage on a Public Road ----- 100 ft.

(5) Prohibited Uses

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

SINGLE FAMILY RURAL RESIDENTIAL DISTRICT (SF-RR)

(1) Purpose and Intent of Single Family Residential District (SF-RR)

The Purpose of the SF-RR District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The SF-RR District is to provide sufficient space in appropriate locations for residential development to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of site. The intent of this district is to provide a suitable open character for single dwellings with on-site sewer systems at low densities.

The following described soil types have been determined to have severe limitations due to high water table, slow permeability, lateral seepage, liquifies easily, floatation of pipes, subject to frost heave, bedrock, low bearing capacity, or frequent overflow and therefore no residential development shall take place thereon:

ON-SITE LIMITATIONS

Ad	Eke	KaA	Ot	SoB
Aw	EIA	KdD	Pa	SoC2
AzA	EmA	KeD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	RrF	WIA
Da	GpC2	Mc	Rs	WIB2
DrD2	GrD2	Md	RtD	WIC2
EdB2	Ha	Me	RuE	WID2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
OoD2	SbC2	WoA		

(2) Permitted Uses

The following uses are permitted in this District:

- (A) Single family dwellings.
- (B) Churches and all affiliated uses, all graded schools, libraries, water storage facilities and related structures.

- (C) Municipal buildings: except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (D) Public parks, playgrounds, recreational and community center buildings and grounds.
- (E) One attached private garage and detached accessory buildings not to exceed 4% of lot size.
- (F) Uses customarily incident to any of the above permitted uses; provided that no such use generates traffic, odor, or noise.
- (G) Gardening, including truck gardens, nurseries, greenhouses and the keeping of small animals to include up to 10 rabbits, 10 poultry, 2 dogs, and 3 cats, if confined to the lot.
- (H) Community living arrangements which has a capacity for 8 or fewer persons being served by the program provided it is located at least 2,500 feet from any other such facilities.
- (I) Pre-existing commercial uses, or similar commercial uses in this district that were permitted uses before the adoption of this Ordinance on March 16, 1994 may be continued as permitted commercial uses and are exempted from any limitations imposed or authorized under Section 10 of this Ordinance. Subsequent substantially similar uses to the pre-existing commercial uses in existence on March 16, 1994, may be substituted for the permitted pre-existing commercial uses provided they are closely comparable in type of commercial activity.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external

alteration that would affect a substantial change in the residential character of the building.

- (B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.
- (C) Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewage plants, garbage incinerators, warehouses, garages, or storage areas.
- (D) Institutions of a charitable or philanthropic nature. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- (E) Telephone, telegraph and electric transmission lines, buildings or structures.
- (F) Community living arrangement having a capacity for 9-15 persons being served by the program provided that it is located at least 2,500 feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- (G) Community living arrangement having a capacity for 16 or more persons provided that it is located at least 2,500 feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent an institutional setting.
- (H) An airstrip or runway not open to the public for the private use of the owner(s) provided that appropriate clear zones are permanently established so aircraft operations will not negatively effect neighboring property owners or people living in the areas off the end of the runway.

(4) Requirements for Permitted and Conditional Uses

Minimum Residential Building Width -----	24 ft.
Maximum Building Height -----	35 ft.
Minimum Front Setback -----	50 ft.
Minimum Rear Yard Setback -----	50 ft.
Accessory Buildings Setback -----	8 ft.
Minimum Lot Width -----	100 ft.
Minimum Lot Frontage on Cul-de-sac -----	50 ft.
Minimum Lot Area -----	40,000 sq. ft.
Minimum Side Yard Setback -----	15 ft.
Minimum Floor Area -----	1000 sq. ft.
Off-Street Parking, Residential -----	2 spaces per family.
Off-Street Parking, Public Gathering -----	1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.

All front yard setbacks are to also refer to Section 9.1 of this Ordinance for setbacks on Federal, State and County roads.

Minimum Lot Frontage on a Public Road -----	100 ft.
Maximum building height for a garage and/or an accessory building -----	18 ft.

(5) Prohibited Uses

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

PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD)

- (1) The Planned Unit Development District (PUD) is an Overlay Zoning District requiring the review and recommendation of the Planning and Zoning Committee to the Town Board as an amendment to this Zoning Ordinance. The PUD shall be a minimum of five (5) contiguous acres or more which is to be developed, according to a pre-approved plan, containing one or two unit structures in clusters or separate units, and having substantial amounts of associated open space. The basic principle of the PUD is that property rights include private lots or condominium units, common ownership of the open space, and responsibility of the quasi-public improvements with other property owners in a formal property owners association.
- (2) The PUD is an overlay district that "floats" over one or more basic land use districts. The minimum standards of the base district standards are relaxed to the boundaries of the contiguous acreage. The number of lots or condominium units are limited as to the number of base district minimum lot sizes that will fit within the gross acreage of the proposed development.
- (3) The PUD is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land, while insuring substantial compliance with the basic intent of the Zoning Ordinance and the Development Plan for the Community. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to services, and to encourage and facilitate preservation of open land.
- (4) A PUD Overlay District cannot be mapped over a Farmland Preservation District.
- (5) Requirements for Lot or Unit Area, Setbacks, Width, and Frontage
 - (A) The PUD lot or unit area, setback, lot width, and/or frontage requirements of the respective base zoning district may be relaxed at the discretion of the Town Board after receiving the recommendation of the Planning and Zoning Committee. In no case shall the maximum number of lots or units in relation to the total

development area be more than the maximum number of lots that would be allowed in the underlying zoning district.

- (B) A minimum of five (5) acres of land and the respective number of lots or units shall be developed as the original development area.

(6) Off-Street Parking

Off-street parking facilities shall be provided in accordance with applicable zoning district regulations, and such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Ordinance.

(7) Criteria for Approval

The following criteria shall be applied to the proposed preliminary plan with specific consideration as to whether or not it is consistent with the spirit and intent of this Ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- (A) Character and Intensity of Land Use. In a planned unit development, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:

- (1) Is compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
- (2) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
- (3) Would not adversely affect the anticipated provision for school or other municipal services.
- (4) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.

- (B) Economic Feasibility and Impact. The developers of the PUD shall provide a preliminary business plan with tentative approval of financing from the financial institution that will be financing the project. A preliminary market and impact study of the project shall be prepared as part of the preliminary submission which shall address the community's ability to absorb the project and the impact on the values of surrounding properties.
- (C) Engineering Design Standards. The width of street right-of-way; width, grade and location of street and paving shall meet the Rock County Road Standards. Outdoor lighting and location of sewer and water lines shall be designed by a certified professional engineer. Storm water drainage or other similar environmental engineering considerations shall be based upon a 25 year storm event and utilize on site drainage as well as the drainage basin in which the PUD is located. The Rock County Planning and Development Agency (or Town's Consulting Engineer), shall review and recommend along with any appropriate conditions of approval, the proposed design and construction plans to the Committee. Sewer, water, storm water, electrical, road plans and all other public and/or quasi-public facilities shall be reviewed and approved, or conditionally approved by the Committee as a condition of preliminary approval. Final approval shall be obtained from the Town Board prior to construction. Sewer and water lines, water wells, septic systems, gas and electric lines, and other underground utilities and any changes thereto shall be mapped "as built" and the original shall become the property of the homeowners association with copies to the Town Clerk, Rock County Health Department and Planning and Development Agency.
- (D) Preservation and Maintenance of Open Space and Quasi-Public Improvements.

In a PUD adequate provision shall be made for the permanent preservation and maintenance of common open space, public and/or quasi-public facilities by restrictive covenant or dedication to the homeowners association or dedication to the public.

- (1) The open area or facilities shall be protected against building development and future maintenance arrangements made by protective covenant which shall also convey said property to the homeowners association or to the public, as part of the conditions for project approval. An open space

easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development may be required. Buildings or uses for limited commercial, recreational or cultural purposes, accessory to the principle residential use, that are compatible with the open space objective may be permitted only where specifically authorized as part of the Development Plan or subsequently, with the express approval of the Town Board following the approval of building site and operational plans by the Planning and Zoning Committee.

- (2) The care and maintenance of such open space and facilities shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.
- (3) Ownership and tax liability of private open space and facilities shall be established and made a part of the conditions of the plan approval.

(E) Implementation Schedule. The proponents of a Planned Unit Development District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Planning and Zoning Committee including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point. The Committee shall then recommend approval, conditional approval, or denial to the Town Board for their official action.

(8) Procedure

The procedure for obtaining a PUD Overlay District shall be as required for any other Zoning Ordinance Amendment under this Ordinance, and shall be subject to the following additional requirements:

- (A) Preliminary Plan. The applicant shall file a Preliminary Plan with Planning and Zoning Committee and the County Planning and Development Agency which shall include the following information:

- (1) A statement describing the general character of the intended development.
- (2) An accurate map of the project area including its relationship to surrounding properties and existing topography and key features using two (2) foot contour intervals.
- (3) A plan of the proposed project showing at least the following information in sufficient detail to make an evaluation of the proposal:
 - (a) The pattern of proposed land use including building shapes, location, size and arrangement of proposed use areas, density and environmental character.
 - (b) The pattern of public and private streets and off street parking.
 - (c) The location, size and character of recreational and open space areas reserved or dedicated for public and/or quasi-public uses such as schools, parks, greenways, recreational facilities, etc.
 - (d) Location of utilities including but not limited to electric, gas, sewer, and water lines, water well and on-site sewer systems.
- (4) Appropriate statistical data on the size of the development, ratio of various land uses, percentages of two family units, number of bedrooms, economic analyses of the development, expected staging, and any other plans or data pertinent to evaluation by the Committee and Town Board under the criteria of this section.
- (5) General outline of intended organizational structures related to property owner's association, deed restrictions and private provision of common services.
- (9) Referral and Hearing.
 - (A) Within thirty (30) days of filing of the preliminary plan, the Planning and Zoning Committee shall schedule a public hearing.

- (B) The Planning and Zoning Committee shall review and recommend preliminary approval, conditional approval or denial of the proposed PUD Preliminary Plan to the Town Board within sixty (60) days of the filing of the preliminary proposal. The Town Board shall, after the required Town Board Public Hearing under Chapter 11 of this Ordinance, approve, conditionally approve or deny the Preliminary Plan proposal within thirty days of the Planning and Zoning Committee's recommendation. When approved or conditionally approved, a zoning map amendment shall be placed on the Official Zoning Map establishing a Preliminary PUD District and the basic right of use for the area in conformity with the plan as approved, which shall be valid for one (1) year and shall be conditioned upon submission, review, and approval of a Final Plan by the Town Board upon recommendation of the Planning and Zoning Committee. Construction of quasi-public and public facilities may take place upon approval of the Preliminary Plan. The final business plan and final market plan shall be submitted and approved at least three months prior to the final plat by the Committee and the Town Board. Construction of proposed structures shall not take place until the Final Plan is submitted and approved for all or a minimum of five (5) acres of the initial plat.

(10) Final Plan.

A Final Plan (or Condominium Plat) based on the Preliminary Plan together with any conditions of approval shall be submitted within one (1) year after receiving preliminary approval of the PUD Overlay District Preliminary Plan. If the Final Plan has not been submitted within one (1) year, the Planning and Zoning Committee may recommend and the Town Board may grant one extension for up to one (1) year. If a Final Plan is not approved by the Town Board within the time allotted the PUD area and the base zoning district shall revert back to the original zoning district prior to application without the PUD District. The Final Plan shall be submitted to the Planning and Zoning Committee who will recommend approval, conditional approval, or denial to the Town Board. The Final Plan shall include the following detailed construction and engineering plans and related detailed documents and schedules.

- (A) An accurate map of the area (at a scale of 1" = 100 ft. or larger) covered by the PUD including the relationships of private, quasi-public, public and open space.

- (B) The pattern of public and private roads, driveways, walkways and parking facilities.
- (C) Detailed subdivision plat or condominium unit layout as provided under the County Land Division Regulations and under state law.
- (D) The arrangement of building groups, structures, and their architectural character.
- (E) The Final Business Plan, see section (6) (B) herein.
- (F) The Final Marketing Plan, see section (6) (B) herein.
- (G) Final "as built" engineering plans indicating the precise location, depth, size, material, grade and/or type of facility.
- (H) The location and legal description of any areas or facilities to be dedicated to the public.
- (I) Final landscaping plan.
- (J) Current letter approving final business plan and commitment to finance from a financial institution and the final Economic Feasibility and Impact Study (the preliminary copy of which was required in (6) (B) above).
- (K) A development schedule indicating:
 - (1) the approximate date when construction of the structures can be expected to begin;
 - (2) any stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - (3) the anticipated rate of development;
 - (4) the approximate date when the development of each of the stages will be completed; and
 - (5) the area and location of common open space that will be provided at each stage.

- (L) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the PUD and/or any of its common services, common open areas or other facilities.
- (M) Any other plans, documents or schedules requested by the Town or County.

(11) Approval Of The Final Plan.

- (A) Prior to the issuance of any building permit the Final Plan shall be filed in the Register of Deeds Office as a subdivision plat, certified survey or condominium plat as herein approved. Prior to approval of the Final Plan all public and quasi-public improvements shall have had final inspection and have been recommended by the Rock County Planning and Development Agency (or Town's Consulting Engineer) to the Town Board. The Town Board shall approve the Final Plan prior to filing of the subdivision plat, certified survey, or condominium plat in the Register of Deeds Office.
- (B) All changes or additions to the plans or use shall first be submitted to the Planning and Zoning Committee. The Committee shall review and recommend the proposed change or addition to the Town Board for their approval.

(12) Prohibited Uses

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

MOBILE HOME PARK DISTRICT (MHP)

Introduction

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of parks and travel trailer camps, and establish regulations governing their construction and use for the health and well-being of the residents of the community.

The following described soil types have been determined to have severe limitations due to high water table, slow permeability, lateral seepage, liquifies easy, low bearing capacity, or frequent overflow and therefore no residential development shall take place thereon:

ON-SITE LIMITATIONS

Ad	Eke	KaA	To	SoB
Aw	EIA	KdD	Pa	SoC2
AzA	EmA	KdD2	Ro	SoD
BmA	EoA	KeE	RpB	SoF
Br	EvD	LkA	RpC2	TrA
CaD2	EvE	LoD	RpD2	Wb
CaE	GoD	Ma	RrE	WcA
Co	GpB2	Mb	ReF	WIA
Da	GpC2	Mc	Rs	WIB2
DrD2	GrD2	Md	RtD	WIC2
EdB2	Ha	Me	RuE	WID2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
		OoD2	SbC2	WoA

(1) Procedures and Applications

(A) Approvals Required. No person shall construct, expand, or operate a mobile home park within the Town unless he holds a valid license issued annually by the Town Clerk.

(1) Any person owning or controlling a mobile home park in existence on the effective date of this Ordinance may apply for and receive an annual license for his existing park or camp by complying with (D) thereof.

(2) The Town Clerk shall issue an initial license only after the following actions have taken place:

(a) The land has been zoned mobile home park by the Town Board.

(b) The applicant completes application form and submits it to the Town Clerk together with the required license fee.

(c) The Town Board approves the license.

(B) Fees and Expiration Date (per Wisconsin Statutes Section 66.0435, Wis. Stats).

(1) Fee Schedule

(a) Initial mobile home park license fee -- To Be Determined by Town Board.

(b) Annual mobile home park license fee -- To Be Determined by Town Board

(c) Mobile home park license transfer fee -- To Be Determined by Town Board.

(2) Expiration. All such licenses are to expire on the 30th day of June of each year and shall be renewed annually. There shall be no pro-ration of fees.

(C) Initial License Application

(1) Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application form shall be for a conditional use permit and the initial license. Fees as provided in (1) (B) (1) above are required prior to taking action on each of the approval steps listed herein.

(2) Preliminary Plan. The applicant shall apply for preliminary plan approval to the Planning and Zoning Committee. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map

with a scale of at least one inch equals 200 feet showing two foot contours, the area, location and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Planning and Zoning Committee shall be in concept only which will enable the applicant to prepare final plan.

(3) Final Plan. Upon approval by the Planning and Zoning Committee of the preliminary plan, the applicant shall submit to the Planning and Zoning Committee a review fee (to be determined by Town Board by Resolution) and six (6) copies of the general development plan which shall include:

- (a) Three (3) prints of a certified Survey map or subdivision plat of the property showing existing features of the property.
- (b) A complete plan of the park or camp drawn to a scale of not less than 100 feet per inch.
- (c) The number, location and dimensions of all mobile home lots.
- (d) The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
- (e) The location of automobile parking areas and service buildings, if provided.
- (f) The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
- (g) Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home lot.

(4) Upon submission of the final plan to the Planning and Zoning Committee, the Committee shall set a public hearing on the final plan and after hearing any interested party, any staff report, recommendation or information, the Committee shall

make a recommendation and report to the Town Board concerning such plan after determining the following:

- (a) That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park.
 - (b) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
 - (c) That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public street.
 - (d) Approval by Town Board. After receiving the final plan and the recommendation and report from the Planning and Zoning Committee, the Town Board may grant a permit for a conditional use after a public hearing and thereafter grant the initial license.
- (5) Such permit shall not be issued until the requirements of this section have been fulfilled. After the conditional use permit is issued, the Town Clerk is authorized to issue an initial license upon payment of the required fee.
- (a) Procedure After Permit Granted. Upon approval of a conditional use permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (per Chapter 236, Wis. Stats.) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Planning and Zoning Committee and Town Board and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land

according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within one (1) year of the date of the license issuance or the license shall become null and void.

- (D) License Application. Annual License. The applicant shall apply to the Town each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee as provided in (1) (B) (1) above.
- (E) Transfer of License. A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such transfer license is provided in (1) (B) (1) above.

(2) Administration

- (A) Building Inspector. It shall be the responsibility of the Building Inspector to enforce the provisions of this Ordinance by authorizing and directing inspections to be made of all mobile home parks and travel trailer camps.
- (B) Violations. Whenever the Building Inspector determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:
 - (1) Be in writing.
 - (2) Include a statement of the violations enumerated.
 - (3) Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.
- (C) Revocation of License. Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in Section 66.0435(2)(d) of the Wisconsin Statutes unless the alleged violation is corrected within the period specified by Town Board.
- (D) Emergency Order. Whenever the Building Inspector finds that an

emergency exists which requires immediate action to protect the public health, safety and/or welfare, he/she may without notice or hearing issue an order reciting the existence of such an emergency to meet the emergency, including the suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this Ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the mobile home park license.

(E) Duty of License Holder.

(1) It shall be the duty of the license holder to file with the Town Clerk a monthly report containing the following information on a form sheet:

(a) Name of mobile home park, name and address of owner, agent, or operator.

(b) A tabulation of mobile home park occupancy listing lot designation, occupants names, monthly tax and date of departure or arrival.

(2) Within five days of the arrival of each new mobile home occupant, the owner shall submit in duplicate to the Town Assessor Form 130-2 of the Wisconsin Department of Revenue Mobile home.

(F) Restrictions on Occupancy of Mobile homes. No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewerage, electrical and other utilities and complies with all provisions of this Ordinance.

(3) General Provisions

(A) Applicability. Every MHP District added to after the effective date of this Ordinance shall conform to and be governed by the provisions of this Ordinance. No area shall be rezoned to Mobile Home Park District unless it is planned for residential use on the Development Plan Map. Every mobile home park or travel trailer camp developed and governed by this Ordinance shall first have an approved conditional use permit prior to being licensed.

(B) It shall be unlawful to permit a mobile home to be located in a park or camp unless it is placed in a designated stand, on an improved lot, in a licensed park.

(C) Parking of Mobile homes

(1) Only one mobile home shall be placed on a lot except that an unoccupied travel trailer may be parked behind the setback line of the owner's yard to the rear of the principal building.

(2) Each mobile home shall abut upon a roadway within an approved park.

(D) Non-Residential Uses. No part of any park shall be used for non-residential purposes except for the management and maintenance of the park or camp as approved by the Town Board.

(E) Signing. No signs shall be permitted except the following:

(1) One non-flashing identification ground mounted sign or a wall sign stating only the name of the park may be permitted provided the sign does not project into the public way.

(2) One ground or on-premise wall sign per street frontage may be permitted for travel trailer camps in accordance with the sign overlay requirements.

(3) Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc.

Signs and their installation shall comply with all other applicable codes and regulations.

(4) Standards

(A) Minimum Park Size. There shall be a minimum of 10 acres of land developed as a MHP in the initial development.

(B) Minimum Number of Lots. There shall be a minimum of (10) ten mobile home lots completed and ready for occupancy before first occupancy is permitted.

(C) Length of Residential Occupancy. No lot shall be rented for residential use of a mobile home in any such MHP except for periods of thirty (30) days or more.

(D) Compliance with Code Standards. No manufactured home shall be admitted in any mobile home park unless it can be demonstrated that it meets all the requirements of U.S. Department of Housing and Urban Developments' Mobile Home Construction Standards.

(E) Minimum Lot Width and Setback Standards

(1) Setback Standards

(a) Front setback ----- 50 ft.

(b) Side setback ----- 15 ft.

(c) Rear setback ----- 35 ft.

(d) Corner street
Side Yard----- 50 ft. on each street

(2) Minimum lot width----- 100 ft.

(3) Minimum Lot Area----- 40,000 sq. ft.

(4) Minimum Accessory
Sideyard Setback----- 8 feet.

(F) Parking. At least two (2) off-street hard surfaced parking spaces shall be provided on each lot. The size of each space must be at least 10 ft. by 20 ft.

Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least 30 feet wide.

(G) Screening. There shall be provided a screening buffer strip along the boundary of the park where it abuts any other residence district. Such screening shall be at least five (5) feet in width and ten (10) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a

breeze to pass.

- (H) Recreation Requirements. Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the court is designed to serve. Not less than ten percent (10%) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.
- (I) Tenant Storage. One storage building accessory to the mobile home will be permitted on a lot provided that the storage building does not exceed 400 cubic feet and does not exceed eight (8) feet in height. Such storage building shall be fully enclosed and located on the lot.
- (J) Fuel Supply. All fuel shall be distributed to individual lots by an underground distribution system from a common underground fuel storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of WI.
- (K) Additions and Alterations
 - (1) Permit Required. A permit issued by the Building Inspector shall be required before any construction on a lot or any structural addition or alteration to the exterior of a mobile home. No permit is required for addition of steps, awnings, skirting, windows, doors, or tenant storage structures as defined below.
 - (2) Size of Expansion. No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.
 - (3) Conform to setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.
 - (4) Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that

insulation be provided inside the skirting to prevent the freezing of pipes.

(L) Utilities shall be installed underground and shall meet County and State of Wisconsin Statutes and Codes.

(1) Electrical Requirements.

(a) Each mobile home and travel trailer lot shall be connected to the park electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 12-240 volts AC, 100 amperes.

(b) Adequate lights shall be provided in mobile home parks to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.

(2) Sewer Service. All mobile homes shall be served by common sewer. Each mobile home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.

(3) Water. Common water shall be provided by separate lateral at each mobile home lot.

(4) Fire Protection. Fire hydrants shall be located within five hundred (500) feet of any mobile home or service building.

(M) Mobile Home Stand, Patio, and Tie Downs

(1) A mobile home stand shall be continuous 4" concrete single slab or an approved alternate to support the mobile home.

(2) The mobile home stand shall be provided 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 securing 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 two thousand eight hundred (2,800) pounds.

(N) Roadways

- (1) All roadways constructed in a MHP shall be hard surfaced built according to Town road standards established by the County Highway Department.
- (2) The minimum pavement width of roadways shall be 22 feet. The minimum pavement diameter of cul-de-sacs shall be 140 feet.
- (3) The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water and ground water.
- (4) The names of roadways within the park shall not duplicate the names of streets within Rock County.

(O) Lot Markers. The limits of each MPH lot shall be clearly marked on the ground by permanent flush stakes, markers and have a unique number and street name that is not duplicated within Rock County.

(P) Fences and Hedges. Fences and hedges may be permitted provided they do not exceed a height of three feet in the front yard or corner side yard and six feet in height in all other yards.

(Q) Garbage and Rubbish Storage Areas. Garbage and rubbish shall be shored in fly-tight, water-tight, approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.

(R) Service building For Travel Trailer Camps. There shall be at least one (1) service building in any travel trailer camp to provide sanitation and laundry facilities.

- (1) Location, Construction and Maintenance. Service buildings, easily accessible to all travel trailer lots shall be made of permanent construction in accordance with Rock County and

State of Wisconsin Codes. The service building shall maintain a minimum temperature of 60 degrees F. whenever the camp is open for business.

(2) **Plumbing and Electrical Facilities.** Plumbing and electrical facilities in service buildings shall be as set forth in State of Wisconsin Administrative Standards.

(S) **Community Centers.** Each mobile home park shall have a community center which shall be easily accessible to all park residents for their exclusive use. Such centers shall include: Kitchen facilities; rest rooms facilities for men and women; meeting room space of at least 1,000 square feet; a basement which shall be built to a size which will provide adequate protection to all park residents in the event of severe weather.

(T) The Town Board may require that a bond be executed by the mobile home park developer to insure that all required improvements will be made.

(5) **Prohibited Uses**

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

SPECIAL PURPOSE DISTRICT (SP)

(1) Purpose and Intent of Special Purpose District (SP)

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

(2) Permitted Uses: None.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- (B) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- (C) Airports open to the public, hangars, or accessory structures.
- (D) Cemeteries when they comply with the provisions of Section 157.065, Wis. Stats.
- (E) Race tracks, sewerage treatment facilities.

- (F) Accessory structures required by the principal use as part of the original application.
- (G) Junkyard and automobile salvage yards.
- (H) Sand and gravel operations provided that the Town Board has approved restoration plan submitted by the applicant. Such restoration plans shall be developed with the aid of County Agricultural Agent, Rock County Soil Conservation District, and County Parks and Planning Departments. Such restoration plans shall include grading and slope requirements, topsoil preservation, ground cover planting, erosion control, fencing, removal of structures, equipment, and stockpiles, and any other measures which are deemed necessary to protect the public health, safety, comfort, convenience, or general welfare.

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

(4) Requirements for Conditional Uses

- (A) Minimum Lot Area ----- 5 Acres
- (B) Minimum Front Yard Setback ----- 50 Feet
- (C) Minimum Side Yard Setback ----- 50 Feet
- (D) Minimum Rear Yard Setback ----- 50 Feet
- (E) Off Street Parking ----- 1 Space Per 5 Seats, or 1 space per 5 anticipated uses at maximum usage of facility.
- (F) All Front Yard Setbacks are to also refer to Section 9.1 Of This Ordinance For Setbacks On Federal, State and County Roads.

(G) Sand and Gravel Operations

- (1) Minimum Lot Area ----- 5 Acres
- (2) Setback From Existing Street
or Highway ----- 100 ft.
- (3) Setback From Right-of-Way
Public Utility ----- 50 ft.
- (4) Setback From Boundary of
Zoning District ----- 100 ft.
- (5) Fencing and Screening

All access to any mining operation within one-half mile radius of any residential district shall be barred by chain link or similar fencing no less than six (6) feet high.

- (6) No dumping of waste products or by-products shall be allowed anywhere on the site.
- (7) Restoration Plan to be developed with aid of County Agricultural Agent, Soil Conservation Service, County Parks Department, and County Planning Department and approved by Town Board.
- (8) Minimum Accessory Side
Yard Setback----- 8 feet.

(H) Minimum Lot Frontage on a Public Road ----- 100 feet.

(5) Prohibited Uses

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

LIGHT INDUSTRIAL DISTRICT (M-1)

(1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the community's Development Guide. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry. The uses allowed in this district, either permitted or conditional use, shall only provide for discharge of domestic waste unless connected to public sewer. Any uses producing other than domestic waste shall be permitted only when public sewer is available. Some conditional uses may require further investigation as to the disposal of other wastes.

(2) Permitted Uses.

The following uses are permitted in this district:

- (A) Repair and maintenance of Agricultural Equipment and the sale of equipment parts.
- (B) Public or private offices with sewage discharge limited to domestic effluent.
- (C) Building material sales.
- (D) Storage or wholesaling of manufactured goods.
- (E) Warehousing, including mini-warehouses, but they shall not have floor drains to prevent groundwater contamination.
- (F) Public utility facilities.
- (G) Police, fire & postal stations.
- (H) Repair & maintenance of automotive upholstery.
- (I) Commercial bakeries.
- (J) Greenhouses.
- (K) Dry printing & publishing.

- (L) Distributors of food products.
- (M) Contractor's offices, including plumbing, heating, air conditioning and electrical.
- (N) Parking lots.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and after the recommendation and report of the Planning and Zoning Committee is given to the Town Board. The Committee and Town Board will review the applicable facts pertaining to the proposed conditional use utilizing the provisions and standards as found in Sections 5 and 7 of this Ordinance. Conditional use permits are acted on by the Town Board after receiving the recommendation and report of the Planning and Zoning Committee.

- (A) Assembly of goods.
- (B) Truck and bus terminals, Pipeline terminals, Bulk Tank Facilities for Petroleum, Gas and Chemical products for wholesale or retail sales.
- (C) Shops, including but not limited to welding, sheet metal and blacksmith.
- (D) Garages for repair and servicing of motor vehicles including body repair, painting or motor rebuilding.
- (E) Laboratories and facilities for research, development and testing.
- (F) Contractors storage yards and sale of machinery and equipment.
- (G) Packing and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, tobacco, toiletries and food.
- (H) Storage facilities for flammable gases.
- (I) Animal hospitals, animal clinics or veterinary services.

- (J) Radio, television, and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities.
- (K) New building material sales and new landscaping material sales, except that no storage of any used building materials or any used landscaping materials is permitted.

(4) Parking and Loading Requirements.

- (A) All light industrial establishments shall provide one 200 square foot parking space per two employees.
- (B) Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height clear of all obstructions, of 14 feet, according to the following schedule:

<u>NUMBER OF GROSS FLOOR AREA</u>	<u>LOADING SPACES</u>
5,000 Sq. Ft. To 24,000 Sq. Ft.	1
24,000 Sq. Ft. To 60,000 Sq. Ft.	2
60,000 Sq. Ft. To 96,000 Sq. Ft.	3
96,000 Sq. Ft. To 144,000 Sq. Ft.	4
144,000 Sq. Ft. To 192,000 Sq. Ft.	5
192,000 Sq. Ft. To 240,000 Sq. Ft.	6
240,000 Sq. Ft. To 294,000 Sq. Ft.	7
294,000 Sq. Ft. To 348,000 Sq. Ft.	8

For each additional 54,000 Sq. Ft., one additional space is required.

The Town Board may permit the required loading spaces to remain undeveloped until the Town Board decides that they are needed.

- (5) Screening: All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial use or districts either:
- (A) By a solid wall or fence not less than six feet nor more than eight feet in height; or
 - (B) By a densely planted hedge or shrubbery at least six feet in height which effectively causes a visual barrier; or
 - (C) By a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least six feet in height.

All front yard setbacks are also subject to Section 9.1 of this Ordinance for setbacks on arterial, collector and local roads.

(6) Requirements

- (A) **Maximum Building Height - 35 ft.**
- (B) **Minimum Front Yard Setback - 50 ft.; 75 ft. if parking is permitted in front yard.**
- (C) **Minimum Rear Yard Setback - 50 ft., 25 ft. if parcel's structure is a mini-warehouse/mini-storage unit.**
- (D) **Minimum Side Yard Setback - 20 ft.; 50 Foot when abutting a residential area).**
- (E) **Corner Side Yard Setback - 50 ft.**
- (F) **Minimum Lot Size - 2.5 acres, 1.5 acres if parcel's structure is a mini-warehouse/mini-storage unit.**
- (G) **Minimum Lot Width - 100 ft.**
- (H) **Minimum Parking Provided - 1 space per 2 employees**
- (I) **Minimum Accessory Sideyard Setback - 8 feet.**
- (J) **New Commercial and Industrial Zoning Districts shall be located on Arterial or Major Collector Highways as indicated in the Rock**

County Highway Functional Highway Map.

(K) Minimum Lot Frontage on a Public Road – 100 ft.

(7) Prohibited Uses

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

SECTION 5.0 CONDITIONAL USE PERMITS

5.1 General Provisions

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

5.2 Required Information

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

5.3 Procedure

- (A) The procedure for obtaining a Conditional Use Permit is as follows:
- (1) A Conditional Use Permit Application is submitted to the Town Clerk.
 - (2) A public hearing is held by the Planning and Zoning Committee (hereafter called the Committee).
 - (3) The application and information obtained at the public hearing is reviewed by the Committee at a public meeting as to potential problems that may effect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.

- (4) Upon consideration of these factors and the standards in this Chapter 5 and Chapter 7 of this Ordinance, the Committee may recommend approval, approval with conditions, or denial of the conditional use application.
 - (5) Upon consideration of these factors, the Committee's recommendation, and the standards in this Chapter 5 and Chapter 7 of this Ordinance, the Town Board may approve, approve with conditions, or deny the conditional use application.
 - (6) Upon approval, the Town Clerk is to forward a copy of the approved conditional use application and any conditions of approval to the Chair of the Planning and Zoning Committee and to the County Planning and Development Agency. The County will enumerate the conditional use on the Official Zoning Map and enter it into the Town's Conditional Use Data Base.
- (B) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Town Board if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without Town Board approval.

5.4 Standards Applicable to All Conditional Uses

- (A) In passing upon a conditional Use Permit application, the Planning and Zoning Committee and Town Board shall consider the following factors:
- (1) The location, nature, and size of the proposed use.
 - (2) The size of the site in relation to it.
 - (3) The location of the site with respect to existing or future roads giving access to it.
 - (4) Its compatibility with existing uses on land adjacent thereto.
 - (5) Its harmony with the future development of the district.

- (6) Existing topography, drainage, soils types, and vegetative cover.
 - (7) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
- (B) If a proposed family farm business, agri-business, storage building, or sewage sludge disposal site is located on a Town Road, no Conditional Use Permit shall be issued unless the Town Board is assured that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense by a performance bond, or letter of credit that will protect the Town against any expense due to the inability or refusal of the applicant to repair any damage to the road.

5.5 Standards Applicable to Conditional Uses with the A-1 Districts.

- (A) In passing upon a Conditional Use Permit application in the A-1 Districts, the Planning and Zoning Committee and Town Board shall also consider the following factors:
- (1) The potential for conflict with agricultural use.
 - (2) The need of the proposed use for a location in an agricultural area.
 - (3) The availability of alternative locations.
 - (4) Compatibility with existing or permitted uses on adjacent lands.
 - (5) The productivity of the lands involved.
 - (6) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
 - (7) The need for public services created by the proposed use.
 - (8) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.

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

5.6 Conditions Attached to Conditional Use Permit

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

5.7 Notice and Public Hearing

Before issuing a Conditional Use Permit, the Planning and Zoning Committee shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Committee shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin State Statutes.

5.8 Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Town Clerk in accordance with the following schedule:

- (1) Conditional Use Fee ----- to be determined by Town Board by Resolution.

SECTION 6.0 BUILDING PERMITS

6.1 A Building Permit is required to be obtained from the Building Inspector as part of the requirements of this Ordinance.

6.2 Building Permits

(A) Cases where Building Permit is required.

- (1) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
- (2) Where any land use is substantially altered.
- (3) Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.

(B) Cases where Building Permit is not required.

- (1) For any accessory building which is less than 81 square feet provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
- (2) For any improvements or alterations to an existing building where the materials and the labor will be \$1,000 or less, where there is not a structural change, a land use change, or encroachment upon any yard requirement or open space.
- (3) For any maintenance repairs that do not involve a change to the structure.

(C) The Building Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

6.3 Application for Building Permit

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

- (1) An accurate map of the property, in duplicate, and properly dimensioned showing:
 - (A) The boundaries of the property involved.
 - (B) The location of the centerline, or road right of way lines of any abutting streets or highways.
 - (C) The location on the lot of any existing buildings, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline (or road right of way lines) of any abutting streets or highways to the nearest portion of such building.
 - (D) The floodway, floodfringe or if not available the high water line of any stream or lake on which the property adjoins or includes.
 - (E) The building plans and estimated costs.
- (2) Where the use involves an on-site sewer system, the Map shall include the location of the water system and sewage system which shall conform to the requirements set forth in H 62.20 of the Wisconsin Administrative Code which are hereby made by reference a part of this Ordinance. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.

6.4 Building Permit Fee

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

- (1) Building Permit ---- To Be Determined by Town Board by Resolution.
- (2) Accessory Building Permit -- To Be Determined by Town Board by Resolution.

SECTION 7.0 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES

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

7.1 Site Design and Physical Characteristics

- (1) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- (2) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- (3) Where public sewers are not available, the percolation characteristics of the soil.
- (4) Adequacy of the proposed internal circulation system, including safety consideration.
- (5) Access to sites from the internal circulation system.
- (6) The costs of providing various public services.
- (7) Appearance --- how the area will look?

7.2 Site Location Relative to the Public Road Network

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

7.3 Land Use

- (1) Compatibility with existing or proposed uses in the area.
- (2) Relation to any existing land use plan.
- (3) Relation to existing or proposed development at nearby interchanges.

7.4 Traffic Generation

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

7.5 Community Effects

- (1) Immediate and long-range tax base.
- (2) Access to market or service area.
- (3) Relation to scenic or recreation values.
- (4) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- (5) Compliance with the Development Plan's Goals and Objectives.

7.6 Other Relevant Factors

- (1) See Performance Standards in Section 12 of this Ordinance.
- (2) Additional impacts.

SECTION 8.0 BOARD OF APPEALS

8.1 Establishment

There is hereby established a Board of Appeals for the Town for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

8.2 Membership

The Board of Appeals shall consist of five (5) members appointed by the Town Chair and confirmed by the Town Board.

- (1) Terms shall be for staggered three-year periods.
- (2) Chair shall be designated by the Board of Appeals.
- (3) Conflict of Interest. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.
- (4) Two Alternate Members shall be appointed, for staggered 3-year terms, by the Town Chair and confirmed by the Town Board. The Town Chair shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a regular member refuses to vote because of a conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board refuses to vote because of a conflict of interest or is absent.
- (5) No member shall be a Town Board member, Planning and Zoning Committee member or the Building Inspector.
- (6) Secretary shall be the Town Clerk.
- (7) Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Appeals.
- (8) Official Oaths shall be taken by all members in accordance with

Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

- (9) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- (10) Compensation shall be as determined by the Town Board.

8.3 Organization

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

- (1) Meetings shall be held at the call of the Chair and shall be open to the public.
- (2) Minutes of the proceedings and a record of all actions shall be kept by the secretary, showing the vote of each member upon each question, or if absent, or failing to vote indicating such fact, the reasons for the Board's determination, and its finding of facts. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.
- (3) If a quorum is present, the Board of Appeals may take action under this subsection by a majority vote of the members present and shall exercise the powers enumerated in 8.4(1), (2), (3), and (4).

8.4 Powers

The Board of Appeals shall have the following powers:

- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning and Zoning Committee or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- (2) Variances. To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Ordinance shall be observed and the public safety, welfare, and justice secured. Use

variances shall not be granted, nor shall a variance be granted where the conditions exist as a result of a self-imposed hardship.

- (3) Interpretations. To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Planning and Zoning Committee has made a review and recommendations.
- (4) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issue of a permit.
- (5) Assistance. The Board may request assistance from other town and county officials, departments, commissions, and boards.
- (6) Oaths. The Chair shall administer oaths and may compel the attendance of witnesses.

8.5 Appeals and Applications

Appeals from the decision of the Building Inspector concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, committee, board, or bureau of the Town. Such appeals shall be filed with the secretary within sixty (60) days after the date of written notice of the decision or order of the Building Inspector. Applications may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the secretary. Such appeals and applications shall include the following:

- (1) Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within three hundred (300) feet.
- (2) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 6.3 for a Building Permit.
- (3) Additional Information required by Town Planning and Zoning Committee, Board of Appeals, or Building Inspector.
- (4) Fee Receipt from the Town Clerk. Fee to be set by the Town Board by Resolution.
- (5) Appeals and Application for property located in a Historic District shall also require the review and recommendation of the Historic

District Committee.

8.6 Hearings

The Board of Appeals shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 2 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building Inspector, and the Town Planning and Zoning Committee. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney.

8.7 Findings

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

- (1) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.
- (2) Absence of Detriment. That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (3) Findings of Fact. The decision of the Board shall be accompanied by findings of fact and conclusions of law.

8.8 Decision

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

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

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

8.9 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within sixty (60) days after the filing of the decision in the office of the Town Clerk.

SECTION 9.0 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

9.1 Classification and Setbacks

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

(1) Arterial Highways

- (A) The setback line for Arterial highways shall be 150 feet from the **centerline** of the highway or 100 feet from the right-of-way line whichever is greater.
- (B) Frontage roads to Arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
- (C) Minimum Road right-of-way shall be 100 feet.

(2) Collector Roads

The setback for collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 80 feet.

(3) Local Roads

All local roads shall have a minimum setback of 85 feet from the centerline or 50 feet from the right-of way line, whichever is greater. Minimum road right-of-way shall be 70 feet.

(4) Lesser Setbacks

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

(5) Special Width Road Right of Ways

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

9.2 Vision Clearance at Intersections

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerline and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated on the following page and titled Basic Illustration Of Clear Vision Triangles.

The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

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

- (1) Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
- (2) Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection 3 below.
- (3) Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road, is 60 feet or greater, the centerline of the pavements shall be used separately, in the manner illustrated on the following page, and entitled Illustration Of Designation Of Centerline For Clear Vision Triangles, to designate the clear vision triangles.

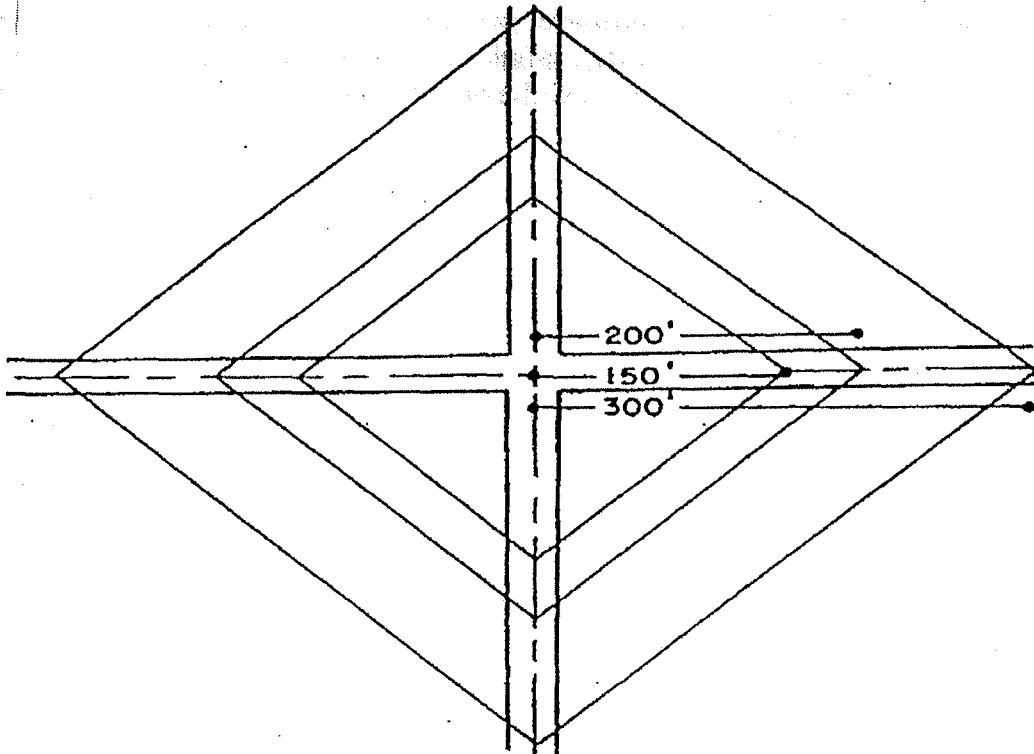
The distance specified from the point of intersection of the centerline to the aforesaid points on the centerline shall be as specified in the table as follows:

<u>Classification</u>	<u>Triangle Site Distance</u>
Arterial	300 ft.
Collector	200 ft.
Local	150 ft.
Railroad Crossing	330 ft.

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

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

CLEAR VISION TRIANGLE



9.3 Objects Permitted Within Setback Lines and Vision Triangles.

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

9.4 Access Control-Town Roads. Driveway access is limited to one driveway access per lot. Duplex lots may, at the discretion of the committee, have two separate driveways if the structural design of the building or the physical characteristics of the lot warrant a second driveway. Common driveways may be required to provide access to any new lots or lots that do not currently have an existing driveway. Common driveways shall be built on the common property line and to the standards of a single driveway. All new driveways shall have a minimum site distance of 150 feet in each direction and be located a minimum of six (6) feet from a common property line.

SECTION 10.0 NONCONFORMING USES, STRUCTURES, AND LOTS

10.1 Existing Nonconforming Uses

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

- (1) Only That Portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- (2) Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- (3) Substitution of New Equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (4) Licenses. This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as to the effective date of this Ordinance.

10.2 Abolishment or Replacement

If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

Notwithstanding the foregoing, if the nonconforming structure is damaged or destroyed on or after March 2, 2006 and the damage or destruction was destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation and such nonconforming structure is restored to the size, location, and use that it had immediately before the damage or destruction

occurred, then the above limitations do not apply. However, the size of such structure may be larger than the size it was immediately before the damage or destruction only if necessary for the structure to comply with applicable state or federal requirements.

10.3 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or as to comply with the provisions of this Ordinance.

10.4 Changes and Substitutions

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

10.5 Substandard Lots

In any residential or agricultural district, except the A-1 Farmland Preservation District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before March 22, 1994.

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

Yards Street Minimum 35 ft.; the second street yard on corner lots shall be not less than 35 ft.

Rear Minimum 20 ft.

Side Minimum 10 percent of the frontage, but not less than 5 ft.

- (2) If two (2) or more substandard lots exist side by side, under the same ownership, of which individual lots are less than 25,000

square feet, they shall be combined and considered as one (1) building site.

- (3) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

SECTION 11.0 CHANGES AND AMENDMENTS

11.1 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance when the amendment is consistent with an adopted development plan.

11.2 Initiation

A change or amendment may be initiated by the Town Board, Planning and Zoning committee, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

11.3 Petitions

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

- (1) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within three hundred (300) feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all properties lying within three hundred (300) feet of the area proposed to be rezoned.
- (3) Additional Information required by the Planning and Zoning Committee, or Town Board.
- (4) Fee Receipt from the Town Treasurer in the minimum amount to be determined by the Town Board.

11.4 Recommendations

The Planning and Zoning Committee shall review all proposed zoning changes and amendments within the Town and shall recommend to the Town Board, following the public hearing, that the petition be granted as

requested, modified, or denied. The recommendation shall be made no later than the next regular Town Board meeting subsequent to the public hearing date.

11.5 Public Hearing. The Town Clerk shall notify all adjoining property owners and owners of property within 300 feet of the land parcel in question, and after publishing a Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the time and place of the hearing and the changes or amendments proposed, the Planning and Zoning Committee shall hold a public hearing upon each proposed change or amendment. The Town Clerk shall also give at least ten (10) days prior written notice of such public hearing to the Clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

11.6 Town Board's Action

Following such public hearing and after careful consideration of the Town Planning and Zoning Committee recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

11.7 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to the Ordinance, duly signed and acknowledged by the owners of 20 percent or more of the land included in such proposed amendment, or by the owners of 20% or more of the land parcel within 300 feet of the proposed zoning amendment, such amendment shall not be passed unless recommended by a majority vote of the Committee and a favorable vote of three-fourths of the members present of the Town Board voting on the proposed change.

SECTION 12.0 PERFORMANCE STANDARDS

12.1 Compliance

This Ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

12.2 Air Pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States bureau of Mine's Information Circular 7718.

12.3 Fire and Explosive Hazards

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

12.4 Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

12.5 Liquid or Solid Wastes

No activity shall discharge at any point onto any land or into any water or

public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

12.6 Noise

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

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

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

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

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

*12.7 Odors

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be NR 154.18, Wisconsin Administrative Code. Agriculture odors associated with normal agricultural activities are exempted from this section.

12.8 Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

12.9 Vibration

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

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

12.10 Water Quality Protection

- (A) No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.
- (B) In addition, no activity shall discharge any liquid, gaseous, or solid

materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all navigable waters.

***Does not apply in Agricultural Districts**

13.0 SIGNS

13.1 Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except those signs permitted under Section 13.2, and without being in conformity with the provisions of this Ordinance, Section 84.30 of the Wisconsin Statutes, and Chapter HY 19 of the Wisconsin Administrative Code. The sign shall also meet all the structural requirements of local and state building codes.

13.2 Signs Permitted In All Districts Without A Zoning Permit

The following signs are permitted in all zoning districts without a permit subject to the following regulations.

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, up to two signs with each sign face totaling not more than thirty-two (32) square feet advertising such sale.
- (3) Real Estate Signs not to exceed thirty-two (32) square feet in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises (except that signs displaying the name of a farm or home may be up to eight (8) square feet in display area), and not closer than fifty (50) feet between signs (including signs displaying the name of a farm or home). There shall be no fee for a sign displaying the name of a farm or home.
- (5) Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area located on the premises.

- (6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Signs, such as traffic control, parking restrictions, information, and notices.
- (8) Political signs, so long as the sign is in compliance with all applicable state and local laws, except that no political sign may be placed on public property, and no political sign may be placed in a public right-of-way, including ditches. Political signs may only be placed on private property with the property owner's consent. Political signs include signs for candidates (including write-in candidates), committees (including members and employees), parties (including members and employees), elections (including elector rights and process information), polling places, recalls, referendums, initiatives, and/or any other person and/or issue that is on a ballot or proposed for a ballot. The provisions of this Ordinance shall not interfere with the First Amendment to the Constitution of the United States of America or with the rights of free speech guaranteed under the Constitutions of the United States of America and/or the State of Wisconsin.
- (9) Temporary Signs or banners when authorized by the Town Board.

13.3 Signs Permitted in All Business and Industrial Districts

The following signs are permitted in the Business and Industrial Districts with a permit and are subject to the following regulations:

- (1) Wall Signs placed against the exterior wall of a building shall not extend more than twelve (12) inches from the wall, and shall not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to three (3) square feet for each lineal front foot of building.
- (2) Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines; shall not extend above the roof line; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.

- (3) On-Premise Ground Signs in the B-1 District shall be limited to one sign for each individual business premises and advertise the business name, services offered, or products sold on the premises, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, and shall have a maximum height of 30 feet.
- (4) On-Premise Ground Signs in Other Business and Industrial Districts shall be limited to one sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.
- (5) Two of the above signs shall be permitted for each business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.
- (6) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- (7) Off-Premises Ground Signs shall require a conditional use permit from the Town Board after public hearing and recommendation of the Planning and Zoning Committee. Such signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or county trunk highway or any town road measured horizontally along a line perpendicular to the center of the highway; shall not be located within one thousand (1000) feet of any other off-premise ground sign located on the same side of the road; shall not exceed thirty (30) feet in height; shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides; shall conform to all yard and setback requirements of the district in which it is located; and shall not be located within 500 feet of a residential district.

13.4 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form, or

color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

13.5 Existing Signs

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

13.6 Bonds

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

13.7 Moveable or Temporary Signs

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

13.8 Lighting of Signs

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this Ordinance.

13.9 Roof-mounted Signs. Signs erected on the roof of a building shall be prohibited by this Ordinance.

13.10 Areas of Special Control

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

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

13.11 Permit Fees

Signs less than 200 square feet in area ----- To Be Determined By the Town Board by Resolution.

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

SECTION 14.0 DEFINITIONS

14.1 Usage

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

14.2 Words and Terms Defined

Accessory Building. Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.

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

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

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

Applicant. The owner of the land or his representative. Consent shall be required in writing from the legal owner of the premises.

Arterial Roads & Highways. Serve inter-community travel within and outside the area and provide a high level of urban mobility with little variation in operating conditions and form a continuous system with other arterial as indicated on the Rock County Functional Highway Classification Map.

Automotive Vehicle. A vehicle that is self propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

Basement. A story partly underground.

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

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

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

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

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

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

Collector Roads & Highways. Serve intermediate to long trips within an area, collect and distribute traffic to and from local roads and adjacent land within the areas, provide fair mobility and form a generally continuous pattern when combined with the arterial system as indicated on the Rock County Functional Highway Map.

Committee. The Planning and Zoning Committee.

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

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

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

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

Conditional Use. A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Confinement Operation. A farm operating which is intended to produce livestock, or a livestock product, where the livestock is housed in a confined building and/or limited yard, with the feed and water brought to the animals, and the manure removed from the building or yard.

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

Developer. The owner of land proposed for subdivision or his representative. Consent shall be required from the legal owner of the premises.

Development Guide. The Town's Development Plan (segment of the County Development Plan) (SS.59.97) or the incorporated municipality's Master Plan (SS.62.23).

Dog Kennels. Any place or entity that keeps, owns, runs, breeds, sells, rents, boards, grooms, cares for, trains or otherwise possesses four or more dogs in close proximity to each other at the same time. Dog is hereby defined as a dog five months old or older. Those wishing to operate a dog kennel within the Township must apply for a conditional use permit to locate the same within the A-1 FP, A-1 and A-2 districts only and shall comply with all of the requirements regarding the issuance of a conditional use permit, to wit after public hearing and approval by the

Planning and Zoning Committee and shall comply with the Town Ordinance regulating dog kennels.

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

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

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

Dwelling, Two-Family. A detached or semi-detached building designed as two separate dwelling units and occupied by two families or households.

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

Earthwork. The moving of more than 2 cubic yards of any type of soils.

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

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

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

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

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

Farm Consolidation. The sale or acquisition of farm acreage to/from another farm owner. A farm owner is a person who earns at least \$6,000/year in farm income.

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow therefrom.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.

Floor Area. The area within the exterior walls of a building which is usable as living quarters.

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

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

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

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

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

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

Home Occupation. A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (A home occupation includes, for example, such activities as baby sitting, millinery, dressmaking, canning, laundering, and crafts, but does not include, for example, such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios).

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

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

Household Unit. The body of persons who live together in one dwelling unit as a single housekeeping unit.

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

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

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

Large Farm Animal. Any horse, head of cattle, pony, sheep, goat, or hog.

License. A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.

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

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

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

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

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

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

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

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

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

Low Density. Those residential zoning districts in which the density is more than 40,000 square feet per dwelling unit.

Manufactured Home. A structure, transportable in one or more sections, which in a traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation and complies with the standards established under 42 USC 5401 to 5425 of the U.S. Department of Housing and Urban Development's Uniform National Construction Standards.

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

Medium Density. Those residential zoning districts in which the density is between 8,500 and 40,000 square feet per dwelling unit.

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

Mobile Home. A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an over all length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacture's warranty.

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

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

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

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

Motor Vehicle. A vehicle, including a combination of 2 or more vehicles or articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. "Motor Vehicle" includes, without limitation, a commercial motor vehicle or a vehicle which is propelled by electric power. A snowmobile or an all-terrain vehicle shall not be considered a motor vehicle under this Ordinance.

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

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

Non-operational Motor Vehicle. A motor vehicle incapable of being moved under its own power. A motor vehicle shall not include a snowmobile or an all terrain-vehicle.

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

Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient

proprietary interest in the land.

Park Management. The person who owns or has charge, care or control of mobile home park or travel trailer park.

Park Model Recreational Vehicle. A vehicle manufactured or assembled after June 15, 1976, designed to be towed as a single unit upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length of 45' or less.

Permit. A written building permit or certification issued by Building Inspector permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

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

Person. Any individual, firm, trust, partnership, public or private association or corporation.

Principal Structure. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance. In agricultural districts a barn for agricultural use or swine confinement facilities can be considered a principal structure, subject to the issuance of and compliance with a conditional use permit as provided for in the agricultural districts' zoning requirements.

Recreational Vehicle. Means a touring or recreational unit other than a primary housing unit designed to be either self-propelled or towed which does not exceed the minimum statutory size of a mobile home under Section 348.07 (2) of the Wisconsin Statutes. Commonly referred to as a motor home, pop-up-camper, Fifth wheel mobile home, or similar type of vehicle being equipped and used or intended to be used for temporary human habitation. A unit may or may not include plumbing, heating, and electrical systems or appliances. A "park model recreational vehicle" which is designed to be installed on real estate without tires and with skirting, but without a foundation, is not a "recreational vehicle" within this definition.

Rooming House. A building other than a hotel where lodging only is

provided for compensation from three or more persons not members of the owner's family.

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

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

Sexually Related. The primary or dominant theme, subject matter or purpose is the depicting, exhibiting, illustrating, describing or relating to:

A. Sexual activities, including:

1. Human genitals in a state of sexual stimulation, arousal or tumescence; or
2. Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sexual intercourse, or sodomy; or
3. Fondling or other erotic touching of human genitals, pubic region, buttock, anus, or female breast; or
4. Excretory functions as part of or in connection with any of the activities set forth in subsections 1 through 3; or

B. Specific anatomical areas including:

1. Less than completely and opaquely covered:
 - a. Human genitals and pubic regions; or
 - b. Cleavage of the human buttocks; or
 - c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola; this definition shall include the entire lower portion of the

female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not so exposed; or

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

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

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

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

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

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

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

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

Structure. Anything constructed or erected having location on the ground.

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

Structure, Single Family. A building designed for or occupied by, one

family or household.

Structure, Two-Family. A detached or semi-detached building designed as two separate dwelling units and occupied by two families or households.

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

- A. The act of division creates five (5) or more parcels, or building sites,
- B. Five or more parcels or building sites are created by successive divisions within a period of five years, or
- C. Where there is a dedication or reservation for public improvements.

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

Temporary Structure. A removable structure not designed for human occupancy not for the protection of goods or chattels and not forming an enclosure.

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

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

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

- (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding 32 feet;
- (b) a unit designed to be mounted on a truck chassis;
- (c) a unit constructed as an integral part of a self-propelled vehicle; or
- (d) a canvas, folding unit mounted on wheels.

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

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

Unit. Means a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include 2 or more noncontiguous areas.

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

Variance. Is authority granted to the owner to use his property in a manner which is prohibited by the zoning ordinance. A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.

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

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

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

normal high watermark of such stream.

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

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

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

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

APPENDIX "A"

Town of Janesville Planning and Zoning Committee Conditional Use Permit Approval

Applicant:

Site Location:

Zoning:

Applicable Conditional Use Provision: Section (2), (C) of this District provides that, Farm Dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created does not exceed five acres.

This application is approved, subject to the following conditions:

1. That the land use of this parcel be consistent with the uses in the Permitted Use Section of this district.
2. That the minimum requirements of Section (4), be met for any use of, or improvement on this parcel.
3. That the land use of this parcel be compatible with existing land uses on parcels directly east of this parcel.
4. That the land use of this parcel have no effect on water, air quality, soil erosion, rare or irreplaceable natural resources.
5. That any other land use listed in the Conditional Use Section of this District will be required to go through the Conditional Use Permit process prior to the land use or any structural improvements taking place.
6. That the animal units be limited to one animal unit per acre (unless an additional conditional use permit for a confinement operation is obtained). One animal unit is defined as being the equivalent of the following: one full grown steer; one beef, dairy cow or bull; four swine; ten sheep or goats; 50 chickens or rabbits; 50 ducks or turkeys, or other poultry; one horse or pony.
7. That the residence on the parcel remain single-family.
8. That a method of storage and disposal of animal wastes (map included) be prepared by the owner and approved by the Committee prior to any animals being placed on this parcel.

**AN ORDINANCE AMENDING
THE TOWN OF JANESVILLE OUTDOOR AREA BURNING
ORDINANCE (NUMBER 051003.1)**

Ordinance No. 070604

The Town Board of the Town of Janesville do ordain as follows:

SECTION 1. Section 4.1 of the Outdoor Area Burning Ordinance for the Town of Janesville (Ordinance No. 051003.1) is hereby amended to read as follows:

- 4.1** No person shall start or maintain any outdoor area burning without obtaining a permit from the Town Fire Marshall. A permit for outdoor area burning must be applied for at least one day prior to the day of burning and not more than four days prior to the day of burning. No permit is necessary if the outdoor area burn is to be conducted, controlled and supervised by a professional company that is professionally trained and insured for this activity so long as that company and its equipment will remain on-site until the burn is completely extinguished.

SECTION 2. Section 5.0 of the Outdoor Area Burning Ordinance for the Town of Janesville (Ordinance No. 051003.1) is hereby amended to read as follows:

- 5.0 Liability.** The person who applies for the outdoor area burning permit shall be responsible for any and all liability resulting from damage caused by the fire. If a professional company is responsible for the burn, as permitted by Section 4.1 above, the professional company and the property owner shall both be jointly responsible for any and all liability resulting from damage caused by the fire and the professional company provide the property owner with an acknowledgement of such responsibility.

SECTION 3. This Ordinance will take effect and be in force after passage and publication as required by law.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date Passed: 06/04/07

Date Published: 06/08/07

**AN ORDINANCE AMENDING
THE TOWN OF JANESVILLE OUTDOOR AREA BURNING
ORDINANCE (NUMBER 051003.1)**

Ordinance No. 061106

The Town Board of the Town of Janesville do ordain as follows:

SECTION 1. Section 3.1 of the Outdoor Area Burning Ordinance for the Town of Janesville (Ordinance No. 051003.1) is hereby amended to read as follows:

3.1 "Outdoor Area Burning" means a fire which is intentionally set and which is intended to travel outward to seek its source of fuel. An example of outdoor area burning which this ordinance is intended to regulate is the burning of grass, weeds and vines where it is intended that the fire will travel to such items to burn them.

SECTION 2. Section 3.2 of the Outdoor Area Burning Ordinance for the Town of Janesville (Ordinance No. 051003.1) is hereby amended to read as follows:

3.2 "Other Burning" means burning where materials to be burned are brought to the location of the fire.

SECTION 3. This Ordinance will take effect and be in force after passage and publication as required by law.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date Passed: 11-6-06

Date Published: 11-17-06

**AN ORDINANCE AMENDING
THE TOWN OF JANESVILLE OUTDOOR AREA BURNING
ORDINANCE (NUMBER 051003.1)**

Ordinance No. 061106

The Town Board of the Town of Janesville do ordain as follows:

SECTION 1. Section 3.1 of the Outdoor Area Burning Ordinance for the Town of Janesville (Ordinance No. 051003.1) is hereby amended to read as follows:

3.1 "Outdoor Area Burning" means a fire which is intentionally set and which is intended to travel outward to seek its source of fuel. An example of outdoor area burning which this ordinance is intended to regulate is the burning of grass, weeds and vines where it is intended that the fire will travel to such items to burn them.

SECTION 2. Section 3.2 of the Outdoor Area Burning Ordinance for the Town of Janesville (Ordinance No. 051003.1) is hereby amended to read as follows:

3.2 "Other Burning" means burning where materials to be burned are brought to the location of the fire.

SECTION 3. This Ordinance will take effect and be in force after passage and publication as required by law.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date Passed: 11-6-06

Date Published: 11-17-06

90-4-2

AMENDMENT TO TOWN OF JANESVILLE ZONING ORDINANCE

The Town Board of the Town of Janesville do hereby ordain as follows:

1. Section 1. Dog Kennels as defined herein may be located in the Township as a conditional use only in the Agricultural District and Second Agricultural District.

2. Section 2. Dog kennels are hereby defined as any place or entity that keeps, owns, runs, breeds, sells, rents, boards, grooms, cares for, trains or otherwise possesses four or more dogs in close proximity to each other at the same time. Dog is hereby defined as a dog five months old or older. Those wishing to operate a dog kennel within the Township must apply for a conditional use permit to locate the same within the districts specified above only and shall comply with all of the requirements regarding the issuance of a conditional use permit, to-wit after public hearing and approval by the Planning and Zoning Committee and shall comply with the Town Ordinance regulating dog kennels.

3. Section 3. This ordinance shall take effect and be in force after passage and publication as provided by law.

TOWN OF JANESVILLE

By: Edward Marshall
Edward B. Marshall
Chairman

Attest: Gloria Brown
Gloria Brown
Clerk

Passed:

4-2-90

Published:

4-9-90

ORDINANCE NO. 90-7-2.1

AN ORDINANCE REGULATING DOG KENNELS
IN THE TOWN OF JANESVILLE

The Town Board of the Town of Janesville do ordain as follows:

SECTION 1. Definitions.

1. Dog Kennel means any establishment, place or entity wherein or whereon four or more dogs are kept for the purpose of breeding, sale, training, boarding, grooming, sporting purposes, or are otherwise possessed at the same time.

2. Dog means any dog five months of age or older.

SECTION 2. Licensing.

1. There is created a Kennel Permit for the Town of Janesville.

2. Applications for Kennel Permit in the Town of Janesville shall be obtained from the Town Clerk.

3. All applications for a Kennel Permit shall be approved or denied by the Town Board of the Town of Janesville. Should the Town Board approve the permit for a dog kennel, the applicant for said permit shall pay to the Town Clerk a non-refundable fee of \$100.00 per year or portion thereof prior to the issuance of said permit.

4. Any Kennel Permit issued under this Section shall be effective for a period of one year commencing April 1 and ending March 31.

Section 3. License Required. It shall be unlawful to own, operate or possess a dog kennel within the Town of Janesville without a valid Kennel Permit. Holders of Kennel Permits must comply at all times with the provisions, conditions, and requirements of this Ordinance. Any violation of such provisions

shall be grounds for revocation of the Kennel Permit by the Town Board in addition to the penalties specified herein.

Section 4. Conditions and Requirements.

1. No dog kennel may house more than twelve dogs at one time.

2. Dogs kept pursuant to a Kennel Permit must be also licensed pursuant to Chapter 174, Wis. Stats., and such keeping must be in compliance therewith at all times.

3. All dogs shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

4. The quarters in which the dogs are kept shall be maintained in a clean condition and in a good state of repair. Said quarters shall allow adequate protection against weather extremes.

5. All dog pens or enclosures shall be sufficiently large to permit freedom of movement to the animals confined therein.

6. Food supplies shall be stored in rodent proof containers and be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the dog.

7. All dogs shall have potable water available at all times.

8. Feces shall be removed from yards, pens and enclosures daily and stored in tightly covered metal containers until final disposal.

9. Yards, pens, premises and the dogs themselves shall be kept free of insect infestation.

10. No odor nuisance shall be permitted.

11. No repeated or continual barking, such constituting a noise nuisance, shall be permitted.

SECTION 5. Minimum Area Requirement. A minimum of ten (10) contiguous acres either owned or rented by the applicant shall be required on which to located each dog kennel in the Town of Janesville.

SECTION 6. Present Dog Kennels Excluded. All dog kennels validly in existence on the effective date of the Ordinance are excluded from the applicability of this Ordinance provided a Kennel Permit is maintained for that kennel.

SECTION 7. Penalties. Any person who violates any provision of this section shall upon conviction thereof forfeit not more than \$50.00 for the first and second offense in any 12 month period, \$75.00 for the third offense in any 12 month period, \$100.00 for the fourth and subsequent offenses in any 12 month period; together with the costs of prosecution.

SECTION 8. This Ordinance shall take effect and be in force after passage and publication as provided by law.

TOWN OF JANESVILLE

By: ES
Edward L. Marshall
Chairman

ATTEST:

ES
Gloria Brown, Clerk

Passed this 2nd day of July, 1990.
Published this 18th day of August, 1990.

**TOWN OF JANESVILLE
ORDINANCE ESTABLISHING
FIRE PROTECTION CHARGES**

Ordinance No. 061204

WHEREAS, 1983 Wisconsin Act 532 authorizes Towns to charge property owners a portion or all of the costs of fire protection;

WHEREAS, it is in the public interest of the Town of Janesville to charge a portion of the costs of such protection to property to owners;

NOW THEREFORE, the Town Board of Supervisors of the Town of Janesville, does ordain as follows:

Section 1 - State Authority

Pursuant to Sections 60.55, 60.555, and 60.557 of Wisconsin Stats., the Town of Janesville, Rock County hereby establishes the following policy and procedure for the payment of fire costs incurred by the Town of Janesville.

Section 2 - Liability for Fire Protection Costs

The property owners of real estate within the Town of Janesville for which fire protection is provided shall be responsible for the costs of the fire calls made to their property in accordance with Sections 3 and 4 of this Ordinance. Personal property owners shall also be responsible for the costs of the fire calls made for fire protection for their personal property, including motor vehicle fires occurring within the Town of Janesville in accordance with Sections 3 and 4 of this Ordinance.

Section 3 - Schedule

- For an initial standard response, usually including one fire engine, one EMS unit, one pumper truck and six personnel - \$500.00
- For any additional equipment, including personnel - \$250.00 for each vehicle

Section 4 - Liability Cap

The limit of liability for any one fire for an owner of real property or personal property under the provisions of this Ordinance shall be \$500.00.

Section 5 - Liability for Fire Calls from Fire Departments Other than Authorized Fire Departments

It is the policy of the Town of Janesville to contract with the City of Janesville Fire Department for fire protection services. Any property owner requesting fire protection directly from a fire department other than the City of Janesville Fire Department shall be responsible for the full costs billed to the Town for the fire call response from any other fire department. This section shall not apply to the costs of any other department responding at the request of the City of Janesville Fire Department under mutual aid.

Section 6 - Billing and Payment Procedure

The costs of fire calls as outlined above shall be billed by the Town Clerk to the property owner and paid to the Town Treasurer within 60 days of the date of the bill. The failure to pay the bill within 60 days will result in interest being charged at the rate of one percent (1%) per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1 of any year shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to appropriate provisions of the Wisconsin Statutes.

Section 7 - Separability of Provisions

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

Section 8 - Effective Date

This ordinance shall take effect from and after its passage and posting as provided by law.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date of Public Hearing: _____

Date Passed: 12/04/06

Date Published: 02/14/07

**OUTDOOR AREA BURNING ORDINANCE
TOWN OF JANESVILLE**

Ordinance No. 051003.1

SECTION 1: PURPOSE

- 1.00 Purpose.** This ordinance is intended to promote the safety of the citizens of the Town of Janesville with respect to outdoor area burning.

SECTION 2: APPLICABILITY

- 2.00 Applicability.** This ordinance applies only to outdoor area burning, as that term is defined herein below, within the Town of Janesville. This ordinance does not apply to wood burning stoves, burn barrels, refuse burning, burning of leaves, brush, wood and other vegetative debris, camp fires or any other burning which falls outside the definition of outdoor area burning.

SECTION 3: DEFINITIONS

3.00 Definitions.

- 3.1.** "Outdoor Area Burning" means a fire which is intended to burn in an area greater than 25 square feet, is intentionally set and which is intended to travel outward to seek its source of fuel. An example of outdoor area burning which this ordinance is intended to regulate is the burning of grass, weeds and vines where it is intended that the fire will travel to such items to burn them.
- 3.2.** "Other Burning" means burning intended to take place in an area of 25 square feet or smaller, and where materials to be burned are brought to the location of the fire.
- 3.3** "Town Fire Marshall" means a person appointed by the Town of Janesville Town Board to issue outdoor area burning permits. The Town Fire Marshall shall have the authority to grant or withhold permits and to issue any directives deemed necessary to ensure that outdoor area burning is done safely and without threat to the person(s) or property of the applicant or the applicant's neighbors.

SECTION 4: BURNING PERMIT

4.00 Burning Permit.

- 4.1** No person shall start or maintain any outdoor area burning without obtaining a permit from the Town Fire Marshall. A permit for outdoor area burning must be applied for at least one day prior to the day of burning and not more than four days prior to the day of burning.
- 4.2** Before issuing an outdoor area burning permit, the Town Fire Marshall will inspect the area to be burned and after considering all of the conditions then and there present, issue directives with respect to the proposed burning.
- 4.3** The Town Fire Marshall shall have the authority to withhold a burning permit whenever it is determined that the proposed burning and/or the conditions then present make the proposed burning unsafe.
- 4.4** If the person seeking the permit disagrees with the determination of the Town Fire Marshall or any directive set by the Town Fire Marshall, the applicant may appeal to the Town Board.
- 4.5** There shall be no fee for an outdoor area burning permit.

SECTION 5: LIABILITY

5.00 Liability. The person who applies for the outdoor area burning permit shall be responsible for any and all liability resulting from damage caused by the fire.

SECTION 6: RIGHT OF ENTRY AND INSPECTION

6.00 Right of Entry and Inspection. The Town Fire Marshall or any authorized officer, agent, employee or representative of the Town of Janesville who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance and any and all conditions set forth in the outdoor area burning permit. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Section 66.0119 of the Wisconsin Statutes.

SECTION 7: ENFORCEMENT AND PENALTY

7.00 Enforcement and Penalty.

7.1 The Town Fire Marshall and the Town Board are authorized to enforce the provisions of this ordinance.

7.2 The penalty for violation of any portion of this ordinance, including any directives issued by the Town Fire Marshall for the proposed burning shall be a forfeiture of not less than \$100.00, or more than \$500.00, plus the cost of prosecution. Penalties are doubled for the second and subsequent offenses.

SECTION 8: EFFECTIVE DATE

8.00 Effective Date. The effective date of this Ordinance shall be January 1, 2006.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date of Public Hearing: 12/5/05

Date Passed: 12/5/05

Date Published: 12/29/05

PROPERTY MAINTENANCE
Ordinance No. 021202

(a) Purpose.

The purpose of this Ordinance is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of buildings, yards, or vacant areas. Attractive and well-maintained property will enhance the Town of Janesville and provide a suitable environment for increasing physical and monetary values.

(b) Maintenance Requirements.

Every owner or operator shall improve and maintain all property under his control to comply with all local, state and federal rules, regulations, ordinances, statutes and laws, as well as the following minimum requirements,:

- (1) Debris. All exterior property areas shall be properly maintained in a clean and sanitary condition free from debris, rubbish or garbage, physical hazards, rodent harborage and infestation from animal feces, except that an owner of agriculturally zoned property may pile rocks, trees, and/or stumps that are gathered on and/or from the agricultural property on which they are piled. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section.
- (2) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials, debris, or refuse. Yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, tires, batteries, or building material not used within six (6) months, or any unsightly bulk items. Additionally, yards shall not be used to store inoperable or unused machinery and/or equipment, except that such machinery and/or equipment may be stored on agricultural property if the machinery and/or equipment is agriculturally related and is able to be repaired and/or returned to operation. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section, except that an owner notified of a violation relating to the storage of inoperable or unused agricultural machinery and/or agricultural equipment may request to be allowed to continue to store such item on agricultural property pending future repair and/or use.
- (3) Abandoned Fuel Oil Tanks. Fuel oil tanks which are no longer in use shall be removed within 6 months of the date of last use. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section.
- (4) Removal of Debris.
 - a. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Town of Janesville, except at approved disposal sites, and

except that an owner of agriculturally zoned property may pile rocks, trees, and/or stumps that are collected on and/or from the agricultural property on which they are piled.

- b. Except as provided in Paragraphs (b)(1) and (b)(4)a of this Ordinance, no land owner shall allow an accumulation of rocks, trees, stumps, waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than thirty (30) days.
- c. Upon notice of a violation, every owner or operator shall have thirty (30) days to bring the property into compliance with this section.

(c) Penalties and Violations.

- (1) Any violation of this Ordinance shall be deemed unlawful. The Building Inspector or other authorized inspectors shall promptly report all such violations to the Town Board, who may refer the matter to the Town Attorney to bring an action to enjoin the violation. The violator may also be subject to a penalty as provided in the general penalty provisions of the Zoning Ordinance. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town of Janesville officials constitute a defense. Compliance with the provisions of this Ordinance may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Ordinance.
- (2)
 - a. If an inspection reveals a noncompliance with this Ordinance, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. COMM 20.10(l)(c), Wis. Adm. Code.
 - b. Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town of Janesville from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance.
- (3) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.
- (4) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Janesville charged with the enforcement of this Ordinance shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Ordinance. Any suit brought against any officer, agent or employee of the Town of Janesville as a result of any act required or permitted in the discharge of his duties under this Ordinance shall be defended by the legal

representative of the Town of Janesville until the final determination of the proceedings therein.

- (5) Unless another penalty is expressly provided within the Town of Janesville Building Code, any person or entity violating any of the provisions of this Ordinance shall, upon conviction, be subjected to a forfeiture of not less than \$50.00 nor more than \$500.00 and the cost of prosecution for each violation. In default of payment of such forfeiture and costs, the Court where the action is venued shall, in its discretion, be allowed to jail the convicted person or entity until such forfeiture and costs of prosecution are paid. Every day upon which a violation occurs or exists constitutes a separate offense and violation. If there is an amendment of or addition to the Town of Janesville Building Code, the penalty provided for the violation shall also relate to any amendment or addition.

Approved by the Town Board of the Town of Janesville.

Dated this 6th day of January, 2003.

Town of Janesville

By: /s/ Edward Marshall
Ed Marshall
Town Chairperson

Attest:

By: /s/ Gloria Brown
Gloria Brown
Town Clerk

**AN ORDINANCE AMENDING THE
TOWN OF JANESVILLE ZONING ORDINANCE
SECTION 4.3 GENERAL DISTRICT REGULATIONS**

Ordinance No. 061106.1

The Town Board of the Town of Janesville do ordain as follows:

SECTION 1. Section 4.3(4) of the Town of Janesville Zoning Ordinance is hereby amended to read as follows:

- (4) Parking and Storage of Certain Vehicles. Up to 2 non-operable motor vehicles may be parked or stored outside of a building for a period of up to three months. The relocation of any non-operable motor vehicle(s) to a different location(s) on the same property or to any other property(s) within the Town of Janesville does not initiate a new three month period.

SECTION 2. This Ordinance will take effect and be in force after passage and publication as required by law.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date Passed: November 6, 2006

Date Published: November 17, 2006

**AN ORDINANCE
AMENDING THE TOWN OF JANESVILLE ZONING ORDINANCE**

Ordinance No. 060911

The Town Board of the Town of Janesville do ordain as follows:

SECTION 1. Section 8.2 (4) of the Town of Janesville Zoning Ordinance is hereby amended to read as follows:

- (4) Two Alternate Members shall be appointed, for staggered 3-year terms, by the Town Chair and confirmed by the Town Board. The Town Chair shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a regular member refuses to vote because of conflict of interest or when a member is absent. The second alternate shall act only when the first alternate refuses to vote because of a conflict of interest or is absent, or if more than one member of the board refuses to vote because of a conflict of interest or is absent.

SECTION 2. Section 8.3 (3) of the Town of Janesville Zoning Ordinance is hereby amended to read as follows:

- (3) If a quorum is present, the Board of Appeals may take action under this subsection by a majority vote of the members present and shall exercise the powers enumerated in 8.4(1), (2), (3), and (4).

SECTION 3. This Ordinance will take effect and be in force after passage and publication as required by law.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date Passed: 09/11/06

Date Published: 09/29/06

SMALL WIND ENERGY FACILITIES ORDINANCE

Ordinance No. 070806.1

1. PURPOSE

The purpose of this Ordinance is to provide a regulatory scheme for the construction and operation of Small Wind Energy Facilities in the Town of Janesville, subject to reasonable restrictions, which will preserve the public health and safety.

2. DEFINITIONS

As used in this Ordinance, the following terms shall have the meanings indicated:

Administrator means the Town of Janesville Zoning Administrator.

Committee shall mean the Town of Janesville Planning and Zoning Committee.

FAA shall mean the Federal Aviation Administration.

Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.

MET Tower shall mean a meteorological tower used for the measurement of wind speed and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given locations.

Owner shall mean the individual or entity that intends to own and operate the Small Wind Energy Facility in accordance with this Ordinance.

Rotor Diameter means the cross sectional dimension of the circle swept by the rotating blades.

Small Wind Energy Facility shall mean an electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and/or other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). It includes substations, MET Towers, cables and wires and other buildings accessory to such facility.

Total Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.

Tower means the monopole, freestanding, or guyed structure that supports a wind generator.

Town shall mean Town of Janesville.

Wind Access Permit shall mean a wind access permit within the meaning of Wis. Stats. §66.0403 or any successor statute.

Small Wind Energy Facility Siting Permit shall mean a construction and operating permit granted in accordance with the provisions of this Ordinance.

Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a Wind Turbine for purposes of this Ordinance if it has both a Total Height less than 170 feet and nameplate capacity of 100 kilowatts or less.

3. **REGULATORY FRAMEWORK**

3.1. **ZONING AND MINIMUM ACREAGE**

Small Wind Energy Facilities (using wind turbines as defined herein) shall be a permitted use in all zoning districts subject to the regulations set forth herein. A Conditional Use Permit shall be required for any Small Wind Energy Facility located on less than ten (10) acres, regardless of zoning.

3.2. **PRINCIPAL OR ACCESSORY USE**

Small Wind Energy Facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Small Wind Energy Facility or a part of such facility on such lot. Small Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

4. **APPLICABILITY**

The requirements of this Ordinance shall apply to all Small Wind Energy Facilities proposed after the effective date of this Ordinance. Small Wind Energy Facilities for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, however, that any such preexisting Small Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Ordinance prior to recommencing production of energy. However, no modification or alteration to an existing Small Wind Energy Facility shall be allowed without full compliance with this Ordinance.

5. **GENERAL REQUIREMENTS FOR SMALL WIND ENERGY FACILITIES**

5.1. **VISUAL APPEARANCE; LIGHTING; POWERLINES**

- 1) Wind Turbines shall be painted a non-reflective, non-obtrusive color.
- 2) At Small Wind Energy Facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the Small Wind Energy Facility to the natural setting and then existing environment.

- 3) Small Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- 4) Wind Turbines shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the Small Wind Energy Facility.
- 5) Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

5.2. **SETBACKS**

The following setbacks and separation requirements shall apply to all Wind Turbines; provided, however, that the Committee may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby.

- 1) Inhabited structures: Each Wind Turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance no less than the greater of (a) two (2) times its Total Height or (b) one thousand (1,000) feet.
- 2) Property lines: Each Wind Turbine shall be set back from the nearest property line a distance of no less than 1.1 times its Total Height, unless appropriate easements are secured from adjacent property owners, or other acceptable mitigation is approved by the Committee.
- 3) Public Roads: Each Wind Turbine shall be set back from the nearest public road a distance no less than 1.1 times its Total Height, determined from the existing power line or telephone line.

5.3. **NOISE**

Audible noise due to Small Wind Energy Facility operations shall not exceed fifty (50) dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any Small Wind Energy Facility Siting Permit.

In the event audible noise due to Small Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in subparagraph 1) of this subsection shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.

In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the

highest whole number sound pressure in dBA, which is succeeded for more than (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

Any noise level falling between two whole decibels shall be the lower of the two.

In the event the noise levels resulting from the Small Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be granted by the Committee provided that the following has been accomplished:

Written consent from the affected property owners has been obtained stating that they are aware of the Small Wind Energy Facility and the noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement has been recorded in the Rock County Register of Deeds' office which describes the benefitted and burdened properties and which advises all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

5.4. **MINIMUM GROUND CLEARANCE**

The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

5.5. **SIGNAL INTERFERENCE**

The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any Small Wind Energy Facility. (If the applicant is a public utility, s. PSC 113.0707 also applies.)

5.6. **SAFETY**

- 1) All wiring between Wind Turbines and the Small Wind Energy Facility substation shall be underground.
- 2) Wind Turbine towers shall not be climbable up to 15 feet above ground level.
- 3) All access doors to Wind Turbine towers and electrical equipment shall be lockable.
- 4) Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and Small Wind Energy Facility entrances.

5.7 **CODE COMPLIANCE**

All Small Wind Energy Facilities, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

5.8 **UTILITY NOTIFICATION AND INTERCONNECTION**

Small Wind Energy Facilities that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."

5.9 **MET TOWERS**

MET Towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as Small Wind Energy Facilities.

6. **PERMIT REQUIREMENTS**

6.1 **BUILDING PERMIT**

A building permit shall be required for the installation of a Small Wind Energy Facility.

6.2 **DOCUMENTS**

The building permit application shall be accompanied by a plot plan which includes the following:

- 1) Property lines and physical dimensions of the property;
- 2) Location, dimensions, and types of existing major structures on the property;
- 3) Location of the proposed wind system tower;
- 4) The right-of-way of any public road that is contiguous with the property;
- 5) Any overhead utility lines;
- 6) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed);
- 7) Tower foundation blueprints or drawings; and
- 8) Tower blueprint or drawing.

6.3 **FEES**

The application for building permit for a Small Wind Energy Facility must be accompanied by a \$250.00 filing fee.

6.4 **EXPIRATION**

A permit issued pursuant to this Ordinance shall expire if:

- 1) The Small Wind Energy Facility is not installed and functioning within 24 months from the date the permit is issued; or,
- 2) The Small Wind Energy Facility is out of service or otherwise unused for a continuous 12 month period.

7. **ABANDONMENT**

- 1) A Small Wind Energy Facility that is out of service for a continuous 12 month period will be deemed abandoned. The Administrator may issue a Notice of Abandonment to the owner of a Small Wind Energy Facility that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the Small Wind Energy Facility has not been abandoned.
- 2) If the Small Wind Energy Facility is determined to be abandoned, the Owner of the Small Wind Energy Facility shall remove the wind generator from the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator may pursue a legal action to have the wind generator removed at the Owner's expense.

8. **BUILDING PERMIT PROCEDURE**

- 1) An Owner shall submit an application to the Administrator for a building permit for a Small Wind Energy Facility. The application must be on a form approved the Administrator and must be accompanied by two copies of the plot plan identified in Section 6.2 above.
- 2) The Administrator shall issue or deny the application within one month of the date on which the application is received.
- 3) The Administrator shall issue a building permit for a Small Wind Energy Facility if the application materials show that the proposed Small Wind Energy Facility meets the requirements of this Ordinance.
- 4) If the application is approved, the Administrator will return one signed copy of the application with the permit and retain the other copy.
- 5) If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68, Wisconsin Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.

- 6) The Owner shall conspicuously post the building permit on the premises so as to be visible to the public at all times until construction or installation of the Small Wind Energy Facility is complete.

9. **VIOLATIONS**

It is unlawful for any person to construct, install, or operate a Small Wind Energy Facility that is not in compliance with this Ordinance or with any condition contained in a building permit issued pursuant to this Ordinance.

10. **ADMINISTRATION AND ENFORCEMENT**

This Ordinance shall be administered by the Administrator or other official as designated.

The Administrator may enter any property for which a building permit has been issued under this Ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

The Administrator may issue orders to abate any violation of this Ordinance.

The Administrator may issue a citation for any violation of this Ordinance.

The Administrator may refer any violation of this Ordinance to legal counsel for enforcement.

11. **PENALTIES**

- 1) Any person who fails to comply with any provision of this Ordinance or a building permit issued pursuant to this Ordinance shall be subject to enforcement and penalties as set forth in Section 2 of the Town of Janesville Zoning Ordinance.
- 2) Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this Ordinance.
- 3) The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Andrea Peabody
Andrea Peabody, Clerk

Date of Public Hearing: 08/06/07
Date Passed: 08/06/07
Date Published: 08/14/07

**TOWN OF JANESVILLE
LAND DIVISION AND SUBDIVISION ORDINANCE**

1.00: Introduction and Purpose

- (1) Introduction. This Ordinance is adopted for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes.
 - (a) The provisions of this Ordinance shall be held to be the minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Janesville.
 - (b) This Ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

- (2) Purpose. The purpose of this Ordinance is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Town and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Town of Janesville.

State Law Reference: Chapter 236, Wis. Stats.

1.01: Abrogation and Greater Restriction

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

1.02: Interpretation

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

1.03: Severability

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

1.04: Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

1.05: Title

This Ordinance shall be known as, referred to, or cited as the Town of Janesville Land Division and Subdivision Ordinance.

1.06: Definitions

- (1) The following definitions shall be applicable in this Ordinance:
 - (a) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (b) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Town. It has a secondary function of providing access to abutting land and to collector and minor streets.
 - (c) Bikeway. A bike route completely apart from a Street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
 - (d) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the Subdivision and streams or water bodies.
 - (e) Building Line or Building Setback Line. A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Town Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line. The building setback line shall be substantially parallel to the right-of-way.
 - (f) Town. The Town of Janesville, Wisconsin, and, where appropriate, its Town Board, commissions, committees and authorized officials.
 - (g) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

- (h) Committee. The Planning and Zoning Committee created by the Town Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
- (i) Comprehensive Development Plan. A comprehensive plan prepared by the Town indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Town and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (j) Concept Plan. A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
- (k) Condominium. A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (l) Cul-de-sac. A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (m) Days. As used in this Ordinance, “days” shall mean calendar, not working days.
- (n) Dead End Street. A Street permanently or temporarily closed at one end, with or without turnarounds.
- (o) Drainageway. An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainageways may also be referred to as “greenways.”
- (p) Easement. The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (q) Final Plat. The final map, drawing or chart, on which the Subdivider’s plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (r) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (s) Half Street. A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street,

of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.

- (t) Impervious Lot Area. Roof areas, gravel or bituminous surfaces, sidewalks, decks or other hard surface areas.
- (u) Improvement. Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (v) Land Division. A division of a parcel of land where the act of division, including by certified survey, creates lots, parcels or building sites of thirty-five (35) acres each or less in area.
- (w) Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (x) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Ordinance and any applicable zoning ordinance.
- (y) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (z) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (aa) Lot Depth. The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (bb) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (cc) Lot, Reversed Corner. A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (dd) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (ee) Lot Width. The width of a parcel of land measured along the front building line.
- (ff) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

- (gg) Master Plan. An extensively developed plan, map, or other document pertaining to planning and adopted by the Town Board which may pertain to the division of lands, including the Comprehensive Development Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as placing documents within this definition.
- (hh) Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a “local street.”
- (ii) Minor Subdivision (Certified Survey). The division of land by the owner or Subdivider resulting in the creation of not more than four (4) parcels or building sites, any one (1) of which is thirty-five (35) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites.
- (jj) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Town Board pursuant to Chapter 62, Wis. Stats.
- (kk) Outlot. A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division, or is an otherwise undefined territory in a plat.
- (ll) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Ordinance.
- (mm) Parcel. Contiguous lands under the control of a Subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (nn) Parking Space. An off-street area suitable to be used for parking a passenger automobile.
- (oo) Person. Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (pp) Planned Commercial Site. A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities

and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Town recorded in the office of the County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Town. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.

- (qq) Planned Unit Development or PUD. A form of development characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement by public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (rr) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (ss) Plat. The map, drawing or chart on which the Subdivider's plat of subdivision is presented to the Town for approval.
- (tt) Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning and Zoning Committee and Town Board for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (uu) Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (vv) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof.
- (ww) Residential Dwelling Unit or Dwelling Unit. A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.

- (xx) Right-of-Way. A public way dedicated to the public for its intended use.
- (yy) Setbacks. The standards for setbacks shall be as defined in the Town Zoning Code.
- (zz) Shorelands. Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (aaa) Street. A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (bbb) Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (ccc) Subdivider. Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the Subdivider under the provisions of this Ordinance.
- (ddd) Subdivision. Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
 - a. The act of division creates five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (eee) Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (fff) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

1.07: General Provisions

- (1) Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Ordinance and the following:
 - (a) The provisions of Ch. 236 and Sec. 82.18, Wis. Stats.
 - (b) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter Trans. 233 for subdivisions which abut a state trunk highway or connecting street.
 - (c) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program.
 - (d) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Town Board.
 - (e) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (f) The Town of Janesville Development Plan and Official Map, or components thereof:
 1. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said "Development Plan" or Official Map, such part of such proposed public way shall be platted and dedicated by the Subdivider in the location and at a width indicated along with all other streets in the subdivision.
 2. Where a proposed school site or other public ground shown on the Development Plan or Official Map of the Town of Janesville is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Ordinance or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the Town of Janesville, Rock County, or any other appropriate agency having the authority to purchase said property. The Town, or other agency having the authority to purchase said property, and the Subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.

- (g) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (2) Certified Survey. Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (3) Compliance; Issuance of Permits. The Town of Janesville shall not recognize, and no building or other permits shall be issued by the Town authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully complied with and a resolution approving the land division has been adopted by the Town Board of the Town of Janesville.
- (4) Applicability to Condominiums. This Ordinance is expressly applicable to condominium developments within the Town's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. For purposes of this Ordinance, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (5) Recording of Plats or Certified Surveys. Plats and certified surveys, approved by the Town Board of the Town of Janesville must be recorded together with the certification of approval, with the Rock County Register of Deeds within six (6) months of the date of the last resolution of approval and not later than twenty-four (24) months following the date of the first resolution of approval. Land divisions shall not be recognized by the Town until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the Town Clerk and Building Inspector prior to issuance of any permits. The Subdivider shall file one recorded copy of the approved land division with the Town Clerk.
- (6) Exemptions. The provisions of this Ordinance shall not apply to:
 - 1. Cemetery Plats or Assessor's Plats.
 - 2. Transfers of interests in land by will or Court Order.
 - 3. Leases for a term not to exceed 10 years, mortgages or easements.
 - 4. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance or the Town of Janesville Zoning Ordinance.

1.08: Land Suitability

No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Town Board upon the recommendation of the Planning and Zoning Committee, for reason of flooding, inadequate drainage, adverse soil on area to be improved or

rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Town Board, in applying the provision of this Ordinance, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the Subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Town Board upon the recommendation of the Planning and Zoning Committee may affirm, modify, or withdraw its determination of unsuitability.

1.09: Condominium Developments

(1) Purpose.

- (a) The Town Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Ordinance to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (b) The factor that makes this Ordinance applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels," with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (c) Thus, the Town Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - 1. Additional population density.
 - 2. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - 3. Additional demands upon Town area parks, recreation areas, utility facilities and schools.
 - 4. Additional traffic and street use.

(2) Portions of Ordinance Applicable to Condominium Developments. The following Sections of this Ordinance shall apply to condominium developments:

- (a) Section 1.08 relating to land suitability and construction practices.

- (b) Sections 1.10-1.13 and 1.15-1.17 relating to preliminary and final plat approval. The technical requirements for plats set forth in Sections 1.18 and 1.19 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (c) Section 1.36 relating to fees for review.
 - (d) Sections 1.21-1.30 relating to required improvements.
 - (e) Sections 1.31-1.35 relating to design standards for improvements.
 - (f) Section 1.38 relating to enforcement.
- (3) Exceptions. This Ordinance shall not apply to any condominium plat recorded prior to the effective date of this Ordinance.

1.10: Preliminary Consultation

It is recommended that prior to the filing of an application for the approval of a land division, that the land divider consult with Town staff in order to obtain an understanding of local planning procedures, regulations and other pertinent information which may help the land divider secure approval of the land divider's application. This consultation is neither formal nor mandatory, but is intended to help the land divider and the Town reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the Town as a whole.

1.11: Submission of Preliminary Plat

- (1) Submission. Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat and a letter of application. The Subdivider shall submit twenty (20) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with the standards of this Ordinance, particularly Section 1.18 and the Subdivider shall file copies of the Plat and the application as required by this Ordinance with the Town Clerk at least ten (10) days prior to the meeting of the Planning and Zoning Committee at which action is desired. The Town Clerk shall submit copies of the Preliminary Plat to the Planning and Zoning Committee.
- (2) Affidavit. The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.
- (3) Supplementary Data to be Filed with Preliminary Plat. The following shall also be filed with the Preliminary Plat:
 - (a) Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and

- (b) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (c) Area Plan. Where the Subdivider owns property adjacent to that which is being proposed for the subdivision, the Subdivider shall comply with the requirements of Section 1.18(1)(e) for the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (4) Final Plat Requirements. Approval of any preliminary plat shall include a requirement that all requirements for a final plat, as stated in this Ordinance, are satisfied by the Subdivider.
- (5) Referral to Other Agencies and Utilities.
- (a) Utilities. The Subdivider shall also forward a copy to the local electric, gas, cable television and telephone utilities. When the Subdivider expects the Town to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that the transmittal responsibility lies with the Town, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
 - (b) County and State Agencies. The Town Clerk may, within two (2) days after the filing of the Preliminary Plat, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Administration or successor department, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, and an adequate number of copies to the Planning and Zoning Committee. The County Planning Agency, the Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies. The Town Clerk shall also transmit a copy of the Preliminary Plat to other affected Town committees or departments for their review and recommendations concerning matters within their jurisdiction.
 - (c) Alternative Filing Procedure. In lieu of the procedures set forth in paragraph (b) above, the Subdivider may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing of the Preliminary Plat directly to the director of the planning function of the Wisconsin Department of Administration who will prepare and forward copies of the Plat at the Subdivider's expense to the objecting agencies. When the Subdivider elects to use this alternative procedure, it shall be the responsibility of the Subdivider to submit the additional copies required herein by Section 1.11(1) of this Ordinance.

- (d) Action by Outside Agencies. Within twenty (20) days of the date of receiving the copies of the Preliminary Plat, any state or county agency having authority to object under Subsection (b)(1) above shall notify the Subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit, it shall be deemed to have no objection to the plat. The recommendations of Town agencies shall also be transmitted to the Planning and Zoning Committee within twenty (20) days from the date the plat is filed.

1.12: Preliminary Plat Review and Approval

- (1) Committee Action. The Planning and Zoning Committee shall, within forty (40) days of the date the Preliminary Plat was filed with the Town Clerk recommend approval, conditional approval or rejection of the preliminary plat and shall transmit the preliminary plat and application along with its recommendation to the Town Board.
- (2) Board Action.
 - (a) The Board shall, within ninety (90) days of the date the preliminary plat was filed with the Town Clerk approve, approve conditionally, or reject such preliminary plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the Subdivider. Failure of the Town Board to act within ninety (90) days or extension thereof shall constitute an approval of the preliminary plat, unless authorized agencies object to the plat. The Town Clerk shall communicate to the Subdivider the action of the Town Board. If the preliminary plat is approved, the Town Clerk shall endorse it for the Town Board.
 - (b) Upon approval of the preliminary plat the Town Board shall refer copies of the preliminary plat as approved to the Town Clerk. An Abstract of Title or Registered Property Report may be referred to the Town Attorney for his examination and report.
- (3) Preliminary Plat Amendment. Should the Subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure outlined herein, unless the amendment is, in the opinion of the Planning and Zoning Committee or the Town Board of such scope as to constitute a new plat, in which such case it shall be refiled.

1.13: Final Plat Review and Approval

- (1) Filing Requirements.
 - (a) The Subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file twenty (20) copies of the Plat and the application with the Town Clerk at least twenty-one (21) days prior to the meeting of the Planning and Zoning Committee at which action is desired. The owner or Subdivider shall file twenty (20) copies of the Final Plat not later than eighteen (18) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the Subdivider and for good cause granted by the Town. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the Subdivider expects the Town to act as the transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the Town and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to, be transmitted to such authorities.
 - (b) If the Town is acting as the transmitting authority, the Town Clerk shall, within two (2) days after filing, transmit copies to the County Planning Agency, copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies to all affected Town board, commissions and committees, and the original Final Plat and adequate copies to the Planning and Zoning Committee. The County Planning Agency, the Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.
 - (c) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
 - (d) The Town Clerk shall refer copies of the Final Plat to the Planning and Zoning Committee.
- (2) Planning and Zoning Committee Review.
 - (a) The Planning and Zoning Committee shall examine the Final Plat only in the event the Subdivider has amended the Preliminary Plat as approved and shall recommend approval, conditional approval or rejection of the Plat to the Town Board.

- (b) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Administration has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Town. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (c) If the Final Plat is not submitted within eighteen (18) months of the last-required approval of the Preliminary Plat, the Planning and Zoning Committee may refuse to approve the Final Plat.
 - (d) The Planning and Zoning Committee shall, within forty-five (45) days of the date of filing of the Final Plat with the Town Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Town Board.
- (3) Board Review and Approval.
- (a) The Town Board shall, within sixty (60) days of the date of filing the original Final Plat with the Town Clerk, approve or reject such Plat unless the time is extended by agreement with the Subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider. The Town Board may not inscribe its approval on the Final Plat unless the Town Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein by the Town Clerk or the Developer; the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
 - (b) Failure of the Town Board to act within sixty (60) days, the time having not been extended by mutual written agreement and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (4) Recordation. After the Final Plat has been approved by the Town Board, required improvements are either installed or a contract and sureties insuring their installation is filed, all outstanding special assessments and taxes have been paid, and all other fees required by this Ordinance have been paid to the Town, the Town Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the Subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval. Recording fees shall be paid by the Subdivider.
- (5) Final Copies. The Subdivider shall file ten (10) copies of the Final Plat as approved with the Town Clerk for distribution to the approving agencies, affected utilities and other affected agencies for their files. One PDF file shall also be filed with the Town Clerk.

- (6) Partial Platting. The Final Plat may, if permitted by the Planning and Zoning Committee, constitute only that portion of the approved Preliminary Plat which the Subdivider proposes to record at the time.

1.14: Land Divisions And Consolidations By Certified Survey Map

- (1) Use of Certified Survey Map.
 - (a) A Certified Survey Map, prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of Sec. 1.20 and having been approved by the Town Board may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - 1. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the Town and recorded with the Rock County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or
 - 2. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the Rock County Register of Deeds, including those recorded by a metes and bounds description, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five (5) year period.
 - (b) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
 - (c) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the Subdivider, including those proposed for division or consolidation where one-quarter or more of a quarter section is affected. The Subdivider shall comply with all requirements of this Ordinance when a Certified Survey Map is used. A certification of the approval of the certified survey map by the Town Board shall be inscribed legibly on the face of the map. A certificate of the Town Clerk stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
- (2) Submission. Before submitting a final certified survey map for approval, the applicant for line division shall prepare a preliminary certified survey map and a letter of application with the Town Clerk. The applicant for land division shall file twenty (20) copies of the preliminary certified survey map.

- (3) Referral to Planning and Zoning Committee. The Town Clerk shall, within two (2) normal work days after filing, transmit the copies of the preliminary certified survey map and letter of application to the Planning and Zoning Committee.
- (4) Review and Approval. The Planning and Zoning Committee shall, within forty (40) days from the date of filing of the preliminary certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the preliminary certified survey map along with its recommendations to the Town Board. The Town Board shall, within ninety (90) days of the date the preliminary certified survey map was filed with the Town Clerk, approve, approve conditionally or reject such preliminary certified survey map and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the applicant for land division. The Town Clerk shall communicate to the applicant for land division the action of the Town Board. If the preliminary certified survey map is approved, the Town Clerk shall endorse it for the Town Board.
- (5) Effect of Preliminary Certified Survey Map Approval. Approval or conditional approval of a preliminary certified survey map shall entitle the final certified survey map to approval provided the final certified survey map conforms substantially to the preliminary certified survey map, including any conditions of that approval, conforms to applicable local ordinances, and is submitted within twelve (12) months of the last required approval of the preliminary certified survey map. If the preliminary certified survey map is approved, the final certified survey map must be approved by the Town Board within twelve (12) months of the preliminary plat or the preliminary certified survey map approval is void. Previous certified survey map approval shall not constitute grounds for approval upon resubmission.
- (6) Preliminary Certified Survey Map Amendment. Should the applicant for a land division desire to amend the preliminary certified survey map as approved, he may resubmit the amended map which shall follow the same procedure outline herein, unless the amendment is, in the opinion of the Planning and Zoning Committee or Town Board of such scope as to constitute a new map, in which such case it shall be refiled.
- (7) Filing requirements for Final Certified Survey Map.
 - (a) The applicant for the land division shall prepare a final certified survey map and a letter of application in accordance with this Ordinance and shall file twenty (20) copies with the Town Clerk at least twenty-one (21) days prior to the meeting of the Town Board at which action is desired. The applicant for land division shall file twenty (20) copies of the final certified survey map not later than twelve (12) months after the date of the approval of the preliminary certified survey map; otherwise the preliminary certified survey map and final certified survey map will be considered void unless an extension is requested in writing by the applicant for land division and for good cause granted by the Town. The owner or applicant for the land division may also be required to submit at this time a current certified

abstract of title or registered property report and such other evidence as the Town Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the map since the preliminary certified survey map.

- (b) The final certified survey map shall conform to the preliminary certified survey map as approved into the requirements of all applicable ordinances and state laws.
 - (c) The Town Clerk shall refer copies of the final certified survey map to the Town Board.
- (8) Board Review and Approval.
- (a) The Town Board shall, within sixty (60) days of the date of the filing of the original final certified survey map with the Town Clerk, approve or reject such map unless the time is extended by agreement with the applicant for a land division. If the map is rejected, the reason shall be stated in the minutes of the meeting in a written statement of the reasons forwarded to the applicant for a land division. If the map is approved, the Town Board shall cause the Town Clerk to so certify on the face of the original map and return the map to the Subdivider.
 - (b) Failure of the Town Board to act within sixty (60) days, the time having not been extended by mutual written agreement and no unsatisfied objections having been filed, the map shall be deemed approved.
- (9) Recordation.
- (a) The Subdivider shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within six (6) months of the date of the last resolution of approval and not later than twenty-four (24) months following the date of the first resolution of approval. All recording fees shall be paid by the Subdivider.
 - (b) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (10) Re-Approvals. Submittals of previously approved Certified Survey Maps for replatting or reapproval by the Town Board shall be in accordance with Section 1.15.

1.15: Replat

- (1) Whenever a Preliminary Plat of a replat is filed, the Planning and Zoning Committee shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published as a Class 3 notice and be mailed at the Subdivider's expense, to the owners of all properties

within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within two hundred (200) feet of the proposed replat.

- (2) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the final resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Town Board. No Final Plats shall be reapproved by the Town Board following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the Town.
- (3) Where lots are more than double the minimum size required for the applicable zoning district, the Planning and Zoning Committee may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Ordinance.

1.16: Determination of Adequacy of Public Facilities and Services

- (1) A Preliminary Plat, Final Plat or certified survey may not be approved if the Planning and Zoning Committee and the Town Board, in their discretion, determine that adequate public facilities and public services will be available to meet the needs of the proposed land division and that no public funds other than those already provided in an adopted capital or operating budget are required.
- (2) The applicant shall furnish any data requested by the Town Clerk who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Town Clerk shall act as coordinator of the reports from staff to the Planning and Zoning Committee and Town Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities, traffic counts, and schools.
- (3) Where the Planning and Zoning Committee or the Town Board determine that one or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (4) No land shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Town Board to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.

1.17: Disclaimer on Approvals

- (1) The purpose of requiring approvals under this Ordinance is to insure the health, safety, morale, comfort, prosperity and general welfare of the Town of Janesville. This Ordinance shall not be interpreted as placing any responsibility or liability on any Town official, Town employee or the Town as a municipal corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this Ordinance shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (2) Approvals issued by the Town shall not be construed as an assumption or expression of any responsibility, warranty or guarantee for the design or construction of any improvements within the land division.

1.18: Technical Requirements for Preliminary Plats

- (1) General. A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a scale of not more than two hundred (200) feet to the inch and shall show correctly on its face the following information:
 - (a) Title under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the County unless considered an addition to the subdivision.
 - (b) Legal Description/Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (c) Date. Scale and North Point.
 - (d) Names. Telephone Numbers, and Addresses of the owner, and any agent having control of the land, engineer, Subdivider, land surveyor preparing the plat.
 - (e) Entire Area contiguous to the proposed plat owned or controlled by the Subdivider shall be required by the Planning and Zoning Committee or Town Board to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a Subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The Planning and Zoning Committee or Town Board may waive these requirements where adjacent development patterns have already been established.
- (2) Plat Data. All Preliminary Plats shall show the following:

- (a) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (b) Locations of all Existing Properly Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (c) Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (d) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (e) Type Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations if required by the Planning and Zoning Committee or Town Board.
- (f) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (g) Existing Zoning on and adjacent to the proposed subdivision.
- (h) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described.
- (i) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (j) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (k) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.

- (l) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (m) Approximate Dimensions of All Lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (n) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use.
- (o) Approximate Centerline Radius.
- (p) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (q) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (r) Soil Tests and Reports as may be required by the Town Planning and Zoning Committee or Town Board for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features. Soil reports shall indicate depth to ground water.
- (s) Design Features.
 - 1. Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - 2. Layout numbers and preliminary acreages and dimensions of lots and blocks.
 - 3. Proposed contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to National Map Accuracy Standards based on Mean Sea Level Datum at vertical intervals of not more than two (2) feet.
 - 4. Gradients of proposed streets, including centerline profiles if required by Planning and Zoning Committee of Town Board.
 - 5. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - 6. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
 - 7. Sites, if any, to be reserved for parks or other public uses.

8. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
 9. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (t) Where the Planning and Zoning Committee or Town Board finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the Subdivider.
- (3) Additional Information. The Planning and Zoning Committee, Town Board or Town officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

1.19: Technical Requirements for Final Plats

- (1) General. Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Ordinance.
- (2) Additional Information. The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (a) Exact Street Width along the line of any obliquely intersecting street.
 - (b) Exact Location and Description of utility and drainage easements.
 - (c) Railroad Rights-of-Way within and abutting the plat.
 - (d) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat.
 - (e) Special Restrictions required by the Town Board relating to access control along public ways or to the provision of planting strips.
 - (f) Taxes. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
 - (g) Drainage Flows. The Subdivider shall cause to be set upon the final plat arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor (ten (10) year event) and major (one

hundred (100) year event) drainage components. The arrows shall be accompanied on the plat with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner.

- (h) Groundwater Presence. If required by the Planning and Zoning Committee or Town Board, where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the Subdivider shall place the following note on the plat:

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) _____ (insert numbers) to be at _____ (insert number) elevation or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information. The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table.

- (i) Dimensions of Lot Lines shall be shown in feet and hundredths.
- (j) A Numbered Identification System for all lots and blocks.
- (3) Deed Restrictions. Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.
- (4) Property Owners Association. The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (5) Survey Accuracy. The Town Board and Planning and Zoning Committee or their designees, shall examine all Final Plats within the Town of Janesville and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
- (6) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (7) Certificates. All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

1.20: Technical Requirements for Certified Survey Land Divisions

- (1) Additional Information. The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

- (a) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (b) Setbacks or Building Lines if required by the Town Board.
 - (c) All Lands Reserved for future acquisition.
 - (d) Date of the Map.
 - (e) Graphic Scale.
 - (f) Name and Address of the owner, Subdivider and surveyor.
 - (g) Square Footage of each parcel.
 - (h) Present Zoning for the parcels.
 - (i) Critical Building- Locations. Any building or structure and its location on the lot shall be dimensioned to the nearest one-tenth of one (0.1) foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning yard requirements.
- (2) Certificates. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Ordinance. The Town Board after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
 - (3) Street Dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21 (2)(a) of the Wisconsin Statutes.
 - (4) Requirements. To the extent reasonably practicable, the certified survey shall comply with the provisions of this Ordinance relating to general requirements, design standards and required improvements.

1.21: Improvements Required

- (1) General Requirement.
 - (a) In accordance with the authority granted by Sec. 236.13 of the Wisconsin Statutes, the Town of Janesville hereby requires that, as a condition of Final Plat or certified survey approval, the Subdivider agrees to make and install all public improvements required by this Ordinance and that the Subdivider shall provide the Town with security to ensure that the Subdivider will make the required improvements. As a further condition of approval, the Town Board hereby requires that the Subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.

- (b) As a condition for the acceptance of dedication of public rights-of-way, the Town requires that the public ways have been previously provided with all necessary facilities constructed to Town specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Town Board or that a specific portion of the costs be paid in advance as provided in Sec. 66.0709(2), Wis. Stats.
- (2) Options.
 - (a) The required public improvements shall be installed by the Subdivider at his cost; or
 - (b) The Town may enter into a recapture agreement with the Subdivider agreeing to require payment of recapture costs of public improvements from those properties benefitting from the improvements. The Town shall prohibit development on those properties until payment has been made. The Subdivider may contract directly with adjacent property owners and/or Subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
 - (c) Any workable combination of the above determined by the Town Board as acceptable.
 - (d) If the Town finds that Town construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions as provided under Subsections (2)(a) or (b) above.
- (3) General Standards. The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Town Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices.
- (4) Project Manager. The Subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the Subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the Subdivider directly.

1.22: Required Agreement Providing for Proper Installation of Improvement; Surety

- (1) Contract. At the time of approving a final plat or certified survey map, the Subdivider shall, at the option of the Town Board, be required to enter into a contract with the Town for land division improvements agreeing to install improvements. The contract form shall be provided by the Town and may provide for a phasing of public improvements construction, providing such phasing is approved by the Town Board. The Town reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.
- (2) Financial Guarantees.
 - (a) The Subdivider shall file with said contract, subject to the approval of the Town Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred twenty-five percent (125%) of the estimate of the cost of all proposed public improvements as surety to guarantee that such improvements will be completed by the Subdivider or his contractors not later than eighteen (18) months from the date of recording the plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Town. When a letter of credit is posted as security, the Town must be the beneficiary.
 - (b) However, the Subdivider may elect, with the approval of the Town, to install the improvements in construction phases provided that:
 1. The phases are specified in the contract for land division improvements;
 2. The developer submits surety in an amount equal to one hundred twenty-five percent (125%) of the estimated costs of improvements next required by the installation and construction schedules. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Town.
 3. The developer records deed restrictions approved by the Town Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the Town's approval is obtained;

4. The Subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 5. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (c) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Town and adjacent property owners for Street and other improvements to serve lands adjacent to and within the land division.
 - (d) As work progresses on installation of improvements constructed as part of the contract, the Town Board, upon written request from the Subdivider from time to time, may permit a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, greenway or other improvements) are completed by the Subdivider and determined acceptable by the Town Board, the Town Clerk is authorized, upon submission of lien waivers by the Subdivider's contractors, to reduce the amount of surety. The amount of surety may be reduced at the time all underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred twenty-five percent (125%) of the costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Town Board are valid for noncompletion, the Town Clerk is authorized to accept a reduction in the amount of surety to an amount in the estimate of the Town Board, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. The Town Board, at its option, may extend the bond. For additional periods not to exceed one (1) year each.
 - (e) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Ordinance.
 - (f) The Subdivider shall agree in the development contract to pay all street assessments and all water main assessments, if applicable, including where the land division abuts existing streets which are not improved within the Town standard street improvements.
- (3) Improvement Guarantee. The Subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company

with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the Town Board's estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Town Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the Subdivider shall remove it and replace it with nondefective work in compliance with the requirements of this ordinance. If the Subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Town may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.

- (4) Survey Monumentation. Before final approval of any plat or certified survey within the corporate limits of the Town, the Subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Town Board may waive the placing of monuments for a reasonable time during public improvement construction on condition that the Subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the Town, the Town Clerk is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Town Board. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the Subdivider at his cost.

1.23: Lake and Stream Shore Plats

All subdivisions abutting a navigable lake or stream shall comply with the requirements of Sections 236.16(3)(4), Wis. Stats., which are incorporated herein by reference.

1.24: Street Improvements

The Subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Ordinance, particularly Sections 1.31 and 1.32.

- (1) General Considerations. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain

features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- (2) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the Town in this Ordinance and any applicable provisions of the Zoning Ordinance of the Town or any other applicable ordinances of the Town.
- (3) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map.
- (4) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the Town, the Subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Town Board may waive the placing of monuments for a reasonable time during public improvement construction on condition that the Subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the Town, the Town Clerk is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Town Board. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes and established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the Subdivider at his cost.
- (5) **Street Construction.** After the installation of all required utility and other improvements, the Subdivider shall prepare for surfacing all roadways, streets proposed to be dedicated, to the widths described by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street in a manner and quality consistent with this Ordinance.
- (6) **Street Cross Sections.** When permanent street cross sections have been approved by the Town, the Subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation.

1.25: Sewer Facilities

All land divisions intended for residential, commercial or industrial use shall be capable of either on site sewage disposal system or be connected to a public sewer system that will adequately provide treatment of an effluent generated on the premises.

1.26: Street Signs

The Subdivider shall arrange with the Town and pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades and “road closed” signs as may be required by the Town Board until the street improvements have been accepted by the Town Board resolution.

1.27: Erosion Control

The Subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

1.28: Partition Fences

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the Subdivider may be required to erect partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

1.29: Easements

- (1) Utility Easements. The Town Board on the recommendation of appropriate departments, utilities and agencies serving the Town, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Ordinance to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (2) Drainage Easements. Drainage easements shall comply with the requirements of Section 1.34.
- (3) Easement Locations.
 - (a) Utility easements shall be at least eight (8) feet wide, or wider where recommended by the Town Board or Planning and Zoning Committee, and may run across lots or alongside of rear lot lines. Evidence shall be furnished the Planning and Zoning Committee and Town Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

- (b) All easements dedicated on final plat or certified survey maps for survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement." All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
- (4) Deed Restrictions for Easements. Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the Subdivider may not be altered thereafter by him, or any subsequent landowner by more than six (6) inches.

1.30: Acceptance of Improvements and Dedications

- (1) Acceptance of Improvements. The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Town or the public shall not be considered accepted by the Town for public ownership until such time as the required public improvements within the intended dedication have been completed and accepted by the Town Board by adoption of a resolution accepting such dedication. The Subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Town Board by resolution. In the event the Town must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Town, the costs of such measures shall hereby be determined to be Town-incurred costs to be reimbursed to the Town by the Subdivider in accordance with the provisions of this Ordinance.
- (2) Inspection and Certification of Improvements.
 - (a) After any of the following increments of the required improvements have been installed and completed, the Subdivider shall notify the Town Board, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Town Clerk and approved by the Town Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:

1. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 2. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
- (b) The Town Clerk shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance. When the taxes and special assessments have been paid and when the necessary lien waivers and affidavits have been filed, the recommendation of the Town Clerk shall be forwarded to the Town Board for approval and acceptance of the improvements and dedications.

1.31: General Street Design Standards

- (1) Compliance with Statutes. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Town and Rock County regulations. In all cases where the requirements of this Ordinance are different from the requirements of Chapter 236 or other Town or County regulations, the more restrictive provision shall apply.
- (2) Street Layout. The layout of streets shall conform to the plan for the most advantageous development of adjoining areas. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the reposed use of the land to be served by the streets.
- (3) Street Classifications. Streets shall be required and classified in the classifications indicated below:
 - (a) Arterial Streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles. Arterial streets shall have a minimum right-of-way width of one hundred (100) feet.
 - (b) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed. Collector streets shall have a minimum right-of-way width of eighty (80) feet.
 - (c) Local Minor Streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Local streets shall have a minimum right-of-way width of seventy (70) feet.

- (4) Alleys; Cul-de-Sacs Streets.
- (a) Alleys. Alleys may be provided in commercial and industrial districts. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
- (b) Cul-de-Sac Streets. Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed one thousand (1,000) feet in length. Cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way diameter one hundred forty (140) feet and a roadway diameter of one hundred (100) feet.
- (5) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Town Board upon the recommendation of the Planning and Zoning Committee such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.
- (6) Minor Streets. Minor streets shall be so laid out so as to discourage their use by through traffic.
- (a) Frontage Roads. Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the Subdivider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Planning and Zoning Committee or Town Board to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (7) Private Streets. Private streets are allowed only if approved by the Town Board. All private streets shall be required to conform to the requirements of public streets.
- (8) Horizontal Curves. When connecting street lines, deflect from each other at any one point by more than ten (10) degrees, they shall be connected by a curve with a radius of not less than one hundred fifty (150) feet on local streets, three hundred (300) feet on collector streets, and seven hundred (700) feet on arterial streets, unless otherwise approved by the Town Board.

- (9) **Visibility.** Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided for such distance as may be required by the Town Board based upon the applicable speed limit for the streets involved.
- (10) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (11) **Street Grades.** The grade of major thoroughfares and arterial streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Planning and Zoning Committee or Town Board. Grades of collector and local streets shall not exceed nine percent (9%). The minimum grade of all streets shall be five tenths percent (.5%), unless approved by the Planning and Zoning Committee or Town Board.
- (12) **Vertical Curves.** All changes in street grades for arterials and changes in Street grades for collector and local streets where the algebraic difference in the rate of grade exceeds one percent (1%) shall be connected by vertical curves. The minimum length, in feet, of the vertical curve shall be the product of the "K" value for the associated street design speed times the algebraic difference in the rate of grade.
- (13) **Half Streets.** Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the Subdivider shall endeavor to acquire and dedicate the remaining half street.
- (14) **Intersections.**
- (a) **Angle of Intersect.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than forty (40) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
 - (b) **Number of Streets Converging.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
 - (c) **Number of Intersections -- Arterial Streets.** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the Planning and Zoning Committee or Town Board.
 - (d) **Local Street Spacing.** Local streets and frontage roads intersecting with other local streets shall be spaced no closer than three hundred (300) feet

between centerlines and spaced no closer than eight hundred (800) feet between centerlines on collector streets, unless otherwise approved by the Planning and Zoning Committee or Town Board.

- (e) Property Lines at Street Intersections. Property lines at street intersections shall be rounded when required by the Town Board.
- (f) Local Streets. Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within one hundred fifty (150) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
- (g) Additional Sight Easements. At any intersection determined by the Planning and Zoning Committee or Town Board, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the Subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the Street right-of-way lines and a point on each right-of-way line being not less than twenty-five (25) feet from the intersection point.

(15) Street Names.

- (a) Duplication of existing street names by similar word, spelling, or sound shall not be permitted.
- (b) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
- (c) A street name shall be changed when required to conform to the proposed or existing house numbering base.
- (d) A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
- (e) The following designations shall be used only in the situations indicated:
 - 1. "Boulevard." A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
 - 2. "Court." To be limited to a cul-de-sac.

3. "Parkway." To be limited to a street abutting a park or greenway or creek.
- (f) The maximum number of street names at one (1) intersection shall be three (3).
 - (g) Street names shall be assigned to avoid intersections which have the same exact street names.
 - (h) The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
 - (i) The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this Subsection.
 - (j) Service roads and highways served by them shall have the same street name and designation.
 - (k) Approval of street names on a preliminary plat will not reserve the names nor shall the Town be required to accept such names at the time of final platting.
 - (l) A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall not exceed twelve (12).

1.32: Specifications for Preparation, Construction and Dedication of Streets and Roads

- (1) General Requirements.
 - (a) Construction Standards. All roadway construction and materials used shall be performed in accordance with the industrial road and rural road specifications of Rock County and the Town, and this Ordinance. The design requirements of this Ordinance and Section 1.31 shall be applicable to all streets and roads that are to be dedicated to the Town, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the Planning and Zoning Committee and/or Town Board.
 - (b) Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants.
 - (c) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed utilizing the methods listed in Chapter 13, entitled "Drainage,"

of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. All culverts shall be designed to pass a ten (10) year, twenty-four (24) hour duration storm event.

- (d) Continuity and Transitions. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.

1.33: Lot Design Standards

- (1) Size.
 - (a) The size, shape and orientation of lots shall be appropriate for the location of topography of the land division, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Town Zoning Code.
 - (b) Lot dimensions, shape and size shall provide for conformance to the requirements of the Zoning Code for the permitted land use(s) without the need for the granting of Zoning Code variances by the Zoning Board of Appeals. Excessive depth in relation to width shall be avoided.
- (2) Commercial or Industrial Lots. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Town Zoning Code.
- (3) Minimum Lot Frontage. All lots on curved streets and cul-de-sacs shall have a minimum of fifty (50) feet of platted frontage on a public street to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Town Board. In any case, minimum lot width at building setback line shall be in conformance with the requirements of the Zoning Code. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
- (4) Corner Lots. Corner lots for residential use shall have extra width to permit full building setback from both streets, or as required by applicable zoning regulations.
- (5) Access to Public Streets. Every lot shall front or abut on a public street or approved private street.
- (6) Side Lots. Side lot lines shall be substantially at right angles to straight street lines or radial to curved street lines. Lot lines shall follow Town boundary lines.
- (7) Natural Features. In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions

which, if preserved, will add attractiveness and stability to the proposed development.

- (8) Land Remnants. All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (9) Large Lots. In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the Town Zoning Code for the zoning district in which the land is located, such parcels may be so arranged to permit redividing into parcels in accordance with this Ordinance and with the Zoning Code.
- (10) Trunk Highway Proximity. All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref Wis. Adm. Code Trans 233).
- (11) Easement Allowance. Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (12) Drainage Way and Watercourses. Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the Town Board to obtain building sites that are not subject to flooding from a post development one hundred (100) year twenty-four (24) hour duration storm event.

1.34: Drainage and Stormwater Management System

- (1) Purpose. The following provisions in this Ordinance are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.
- (2) Drainage System Required. The Subdivider shall submit to the Town at the time of filing a Preliminary Plat or Preliminary Certified Survey Map a drainage system plan which satisfies the Town that:
 - (a) Storm water runoff will be adequately handled so that it will not harm the future residents; their property, any public, quasi-public or private property.
 - (b) Erosion and sedimentation from the land division during and after construction will not increase as compared to the conditions prior to development.
 - (c) The storm water runoff from the upstream area of the water shed will be accommodated in the land division assigned.

- (d) The storm water runoff from the land division and the upstream area of the water shed will be accommodated in the downstream area.

1.35: Nonresidential Subdivisions

- (1) General.
 - (a) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Town may require.
 - (b) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Town Building Code. A non-residential subdivision shall be subject to all the requirements of this Ordinance, as well as such additional standards required by the Town and shall conform to the proposed land use standards established by any Development Plan and the Town Zoning Code.
- (2) Standards. In addition to the principles and standards in this Ordinance, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Town Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (a) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (b) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (c) Special requirements may be imposed by the Town Board, with respect to the installation of public utilities.
 - (d) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (e) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

1.36: Administrative and Other Fees.

- (1) General. The Subdivider shall pay the Town of Janesville all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map according to a developer agreement.

- (2) Review Fee. The Subdivider shall pay a fee to the Town equal to the cost, if any, of legal, engineering, administrative or physical work which may be undertaken by the Town in connection with a plat or certified survey map.
- (3) Concept Plan. There shall be no fee for the Town's review of a concept or sketch plan of a proposed land division.
- (4) Preliminary Plat and Final Plat Review Fee.
 - (a) A Subdivider who submits a Preliminary Plat for the Town Planning and Zoning Committee and the Town Board shall file said Preliminary Plat with the Town Clerk and shall deposit with the Town Clerk a fee to cover the costs of reviewing said application. The total fee for a Preliminary Plat and Final Plat shall be in an amount as established by resolution of the Town Board as set forth on a schedule on file with the Office of the Town Clerk, as may be amended from time to time. Such fee is waived where, concurrent with the filing of the Preliminary Plat, there is filed a Petition to rezone all or a portion of the property to which the Preliminary Plat pertains.
 - (b) A reapplication fee of Twenty-five Dollars (\$25.00) shall be paid to the Town Clerk at the time of reapplication for approval or amendment of any Preliminary Plat and Final Plat which has previously been reviewed.
- (5) Certified Survey.
 - (a) The Subdivider shall pay an application fee in an amount as established by resolution of the Town Board as set forth on a schedule on file with the Office of the Town Clerk, as may be amended from time to time. Such fee is waived where, concurrent with the filing of the certified survey, there is filed a Petition to rezone all or a portion of the property to which the certified survey pertains.
 - (b) The Subdivider shall pay an application fee in an amount as established by resolution of the Town Board as set forth on a schedule on file with the Office of the Town Clerk, as may be amended from time to time for each certified survey which results in more than two (2) lots, outlots, or parcels within the certified survey. Such fee is waived where, concurrent with the filing of the certified survey, there is filed a Petition to rezone all or a portion of the property to which the certified survey pertains.
 - (c) Should the Subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Fifty Dollars (\$50.00) for each amended or revised Certified Survey.
- (6) Assessments. All outstanding special charges and taxes due to the Town shall be due prior to the signing of the Final Plat or Certified Survey by the Town.

1.37: Variations and Exceptions

- (1) Where the Subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Ordinance. Application for any such variance shall be made in writing by the Subdivider to the Town Clerk at the time when the Preliminary Plat or certified survey is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Town officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Town Clerk may request that the Town Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Ordinance. The Town Clerk shall refer the matter to the Planning and Zoning Committee with a written report and recommendation from Town staff. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (2) The Town Board shall not grant variations or exceptions to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (b) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
 - (d) There would be no costs (present or future) to the Town resulting from the granting of the variance or exception.
- (3) Any recommendations for variances or exceptions by the Planning and Zoning Committee must be approved by a three-fourths (3/4) majority vote of the Planning and Zoning Committee and shall be so endorsed by the Secretary and transmitted to the Town Board. The Town Board if it approves, shall do so by resolution adopted by two-thirds (2/3) vote and shall instruct the Town Clerk to notify the Planning and Zoning Committee and the Subdivider.

- (4) Variances from the strict application of this Ordinance may also be granted in accordance with this Ordinance in the case of Planned Unit Developments provided the Town Board upon review and recommendations from the Planning and Zoning Committee shall find that the proposed development is fully consistent with the purpose and intent of this Ordinance, Town Zoning Ordinances, and any Town comprehensive plan.

1.38: Enforcement, Penalties and Remedies

- (1) Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.
- (2) Penalties.
 - (a) Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (b) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (c) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (d) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (e) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Town at the expense of the Subdivider when a subdivision is created by successive divisions.
- (3) Revocation of Permits and/or Approvals.
 - (a) The Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Ordinance and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 1. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the Subdivider or his contractor

- has refused to conform after written warning or instructions has been issued to him.
2. Whenever this continuance of any construction becomes dangerous to life or property.
 3. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 4. Whenever, in the opinion of the Building Inspector, the Subdivider has provided inadequate management of the project.
 5. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 6. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (b) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and/or on the person having charge of construction.
 - (c) A revocation placard shall also be posted upon the premises in question by the Building Inspector.
 - (d) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Ordinance, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Ordinance. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may required for the preservation of life and safety.
 - (e) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Town Clerk for consideration before the Town Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (f) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Ordinance is obtained.

- (g) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Ordinance may result in health or safety problems for the occupants.
- (4) Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10., 14. and 15., of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

1.39: Disclaimers on Approvals

- (1) The purpose of requiring approvals under this Ordinance is to insure the health, safety, morale, comfort, prosperity and general welfare of the Town. This Ordinance shall not be interpreted as placing any responsibility or liability on any Town official, Town employee, or the Town as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Ordinance shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (2) Approvals issued by the Town shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.

1.40: Restrictions for Public Benefit

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on, platted lands by covenant, grant of easement, land division or consolidation approval, which was required by the Town and which names a public body or public utility as Guarantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Town Board.

Town of Janesville
Ordinance No. 46

An Ordinance regulating the construction and maintenance of private swimming pools in the Town of Janesville, Rock County, Wisconsin.

Section I. The Town Board of the Town of Janesville, Rock County, Wisconsin, in the interest of public health, and public safety, do hereby ordain and establish as follows:

Section II. No person, firm or corporation shall erect, ~~construct or enlarge any swimming pool~~ ^{30"} or more ~~without first having obtained~~ depth a permit therefor, from the Building Inspector, as provided herein.

Section III. Applications for permits shall be made in writing, showing the location of the proposed swimming pool. A copy of the plans drawn to scale and specifications showing size and drainage, location of fences and gate, shall accompany such application, together with the sum of Fifteen Dollars permit fee.

Section IV. Any private swimming pool shall be constructed, equipped and maintained in such manner to meet the sanitary requirements of the Town of Janesville, and all other applicable regulations of the Town of Janesville.

Section V. Every outdoor swimming pool shall be enclosed with a fence or wall, not less than five feet in height and no further than 25 feet away from the pool edge, and of such design and construction that it cannot be climbed over or under or through. Entrance shall be by a suitable gate or door of the same height as the enclosure; which gate or door shall be kept closed and securely locked at all times when adequate supervision is not inside or within the enclosure. All pools in use prior to the date hereof shall be fenced by June 1, 1973.

Section VI. This ordinance shall be enforced by the Building Inspector of the Town of Janesville, and any violation thereof, shall be punished by a fine of not less than \$25.00 nor more than \$100.00 upon conviction.

Section VII. This ordinance shall become effective upon the posting and publication thereof, as provided by law.

By Order of the Town Board of the Town of Janesville, Rock County, Wisconsin.

This the 10th day of July, 1972.

Kenneth Austin
Kenneth Austin
Town Chairman

Attest:

Vernice Stark
Vernice Stark
Town Clerk

**AN ORDINANCE AMENDING THE
TOWN OF JANESVILLE ZONING ORDINANCE
PROVIDING FOR THE REGULATION
OF WIRELESS COMMUNICATION FACILITIES**

The Town Board of the Town of Janesville do ordain as follows:

SECTION 1. The following Zoning District provisions: A-1, A-2, A-3, B-1, C-2, C-1 and M-1 are hereby amended to add the following provision to the list of conditional uses in the zoning districts referred to herein so as to clarify the conditional uses provided for therein: "radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities."

SECTION 2. Radio, television and communication transmitting antennas or relay towers, cellular antennas and wireless communication antenna towers and associated facilities are not permitted or conditional uses in the following districts: R-R, SF-RR, P.U.D., MHP and SP.

SECTION 3. This Ordinance will take effect and be in force after passage and publication as required by law.

TOWN OF JANESVILLE

By: /s/ Edward Marshall
Edward Marshall, Chairman

ATTEST:

/s/ Gloria Brown
Gloria Brown, Clerk

Date of Public Hearing: December 11, 1997

Date Passed: December 11, 1997

Date Published: 12/27/97

**AN ORDINANCE
REGULATING WIRELESS COMMUNICATION FACILITIES
IN THE TOWN OF JANESVILLE**

SECTION 1. STATEMENT OF PURPOSE AND INTENT. The purpose of this ordinance is to provide standards and criteria for the placement, construction and maintenance of wireless communication facilities in the Town of Janesville. The intent of this ordinance is to:

- (1) Strike a balance between the interests of the wireless communication service providers, the consumers of those services and the Town of Janesville.
- (2) Restrict the location of towers to nonresidential areas and minimize the total number of towers throughout the Town.
- (3) Protect residential areas and land uses from potential adverse impact of towers and antennas.
- (4) Encourage co-location of new antennas on existing towers.
- (5) Encourage users of towers and antennas to locate them, to the maximum extent possible, in areas where the adverse impact on the township is minimal.
- (6) Encourage users of towers and antennas to configure them in a way that minimizes their adverse visual impact by careful design, siting, landscaping, screening and camouflaging techniques.
- (7) Protect property values and the public health, safety and welfare.
- (8) Avoid potential damage to adjacent properties from tower failure through careful engineering and siting of tower structures.
- (9) Enable wireless communication service providers to provide their services to the township in a prompt, effective and efficient manner.
- (10) Create clear and objective approval criteria.
- (11) Ensure that all wireless communication providers are given an equal opportunity to compete in the local market.

SECTION 2. DEFINITIONS. When used in this Ordinance, the following words and phrases shall have the meanings indicated:

- (1) **ALTERNATIVE TOWER STRUCTURE.** An existing man-made structure which is used as an alternative to a tower and to which an antenna and/or an antenna support structure is attached.
- (2) **ANTENNA.** An outdoor apparatus designed to send or receive wireless communications.

- (3) **ANTENNA SUPPORT STRUCTURE.** A structure which is attached to an alternative tower structure and which is designed to support an antenna at a height sufficient to permit effective receipt or transmission of wireless communications.
- (4) **CO-LOCATION.** The location of the antennas of more than one commercial wireless communication service provider on a single tower or alternative tower structure.
- (5) **EQUIPMENT FACILITY.** A building, cabinet, or other enclosure used to house and protect the electronic equipment necessary for processing wireless communications at a wireless communications facility.
- (6) **FAA.** Federal Aviation Administration.
- (7) **FCC.** Federal Communications Commission.
- (8) **GOVERNING AUTHORITY.** The Town of Janesville.
- (9) **HEIGHT.** The distance from the ground at the base of the tower, or alternative tower structure, to the highest point of the tower or any fixture attached to it, whichever is highest.
- (10) **OPERATOR.** A person, corporation, partnership, association, or other organization which:
 - (a) Provides wireless communication services, either directly or through one or more agents, employees, subsidiaries or affiliates.
 - (b) Controls or is responsible for the management and operation of a wireless communications facility.
- (11) **POINTS OF VISUAL INTEREST.** Views of waterways, open spaces, historic buildings, architecturally significant structures or other scenic views.
- (12) **PREEXISTING TOWERS AND ANTENNAS.** Any tower or antenna for which a building permit or conditional use permit had been properly issued prior to the effective date of this Ordinance.
- (13) **TOWER.** A freestanding, self-supporting structure which rests upon or is embedded into the ground and that is designed and constructed primarily for the purpose of supporting wireless communication antennas. "Tower" does not include structures supported by anchored guy wires.
- (14) **TOWER SITE.** The parcel of land where a tower and associated wireless communication structures, fixtures and equipment are located.
- (15) **WIRELESS COMMUNICATIONS FACILITY.** All of the wireless communication devices located at a single wireless communication site. The term "wireless

communications facility" is synonymous with the terms "telecommunications facility" and "communications facility."

- (16) **WIRELESS COMMUNICATION SERVICE.** The provision of wireless communication services for a consideration. Wireless communication services include, but are not limited to, Cellular Communications Service (CCS), Personal Communication Service (PCS), Specialized Mobile Radio Service (SMR), Enhanced Specialized Mobile Radio (ESMR), paging services and other similar wireless communication services. Wireless communication service does not include wireless over the air broadcasts to the public at large, ham or citizen band radio broadcasts.

SECTION 3. APPLICABILITY OF REGULATIONS.

- (1) **FACILITIES REGULATED BY THIS Ordinance.** Except as provided in subsection (2)(a) of this section, the regulations contained in this Ordinance shall apply to all wireless communication facilities in the Town of Janesville.

- (2) **FACILITIES EXEMPT FROM OTHER PROVISIONS OF THIS Ordinance.**

- (a) List of Exempt Facilities. The following wireless communication facilities are exempt from the provisions of this Ordinance, except the regulations contained in subparagraph (b) of this subsection.

1. A ground or building mounted receive-only radio or television antenna which does not exceed 25 feet in height and which is used solely by the occupants of a dwelling located in a residential zoning district.
2. A ground or building mounted receive only radio or television satellite dish which does not exceed thirty-six inches (36") in diameter; which does not project beyond the roof line and which is used solely by the occupants of a dwelling located in a residential zoning district.
3. A citizens band radio tower and antenna which does not exceed 35 feet in height.
4. A ham radio tower and antenna that does not exceed 75 feet in height.
5. Microwave dishes for private home use.
6. Governmentally owned and operated receive and/or transmit telemetry station antenna for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems, with heights not exceeding 35 feet.

7. Towers and antennas that existed prior to the enactment of this Ordinance, subject however to the requirements of Section 6 herein.
- (b) Regulation of Exempt Facilities. Notwithstanding subparagraph (1) of this section, exempt facilities shall be subject to the following rules and regulations:
1. In residential districts:
 - a. There shall be no more than one antenna support structure per tax parcel, except that more than one antenna support structure may be used by a licensed ham radio operator.
 - b. Satellite dishes shall not exceed 8 feet in diameter.
 2. Exempt towers shall be designed to prevent children and other trespassers from climbing on those structures. Ladder rungs shall be at least 20 feet above the ground immediately below.
 3. The tower and antenna shall be constructed and maintained in accordance with the provisions of Section 7 of this Ordinance.
- (c) Other Codes Apply. Notwithstanding the provisions of subsection (2)(a) of this section, towers and antennas constructed and maintained in the Town of Janesville shall comply with all other applicable local, state and federal laws.

SECTION 4. PERMITS.

- (1) **PERMIT REQUIRED.** No person shall construct, install or alter any wireless communication facility in the Town of Janesville without first obtaining a permit. Wireless communication facilities are conditional uses only in the following zoning districts: A-1, A-2, A-3, B-1, C-1, C-2 and M-1. The provisions of the Zoning Ordinance relating to application for conditional use permits will apply.
- (2) No tower shall be installed unless a permit is first obtained by the owner from the Town. The following shall be required as part of the application submittal:
 - (a) A scaled site plan clearly indicating the location, type and height of the proposed tower and appurtenant equipment, any proposed and existing structures, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, tower and equipment setbacks from property lines, and other information deemed by the Town to be necessary to assess compliance with this Ordinance;
 - (b) The setback distance between the proposed tower and the nearest residential unit, and residentially zoned properties;

- (c) The separation distance from other towers, antennas or sites approved for towers or antennas, that are either within the jurisdiction of the Town, or within one mile of the border thereof, including specific information about the location, height, and design of each tower;
 - (d) Landscape plan showing specific plant materials;
 - (e) Method of fencing, including location, materials and finished color and, if applicable, vegetative screening.
- (3) PERMIT FEE. The applicant shall pay a fee to the Town with the application in an amount established by the Town Board.
- (4) CONDITIONS PRECEDENT TO ISSUANCE OF THE PERMIT.
- (a) Compliance with Zoning Regulations. No permit shall be issued for a tower, antenna support structure or equipment facility unless such tower, antenna support structure or equipment facility is permitted by the zoning code or unless a conditional use permit is issued pursuant to that code.
 - (b) Conditional Use Permit. No permit shall be issued for a wireless communication facility for which a conditional use permit is required until such conditional use permit has been issued.
 - (c) General Requirements. No permit shall be issued to the applicant until each of the following has been met:
 1. Plans, Specifications and Statements. The applicant for a permit to construct a new tower or equipment facility shall provide the following to the building inspector.
 - a. Wisconsin Professional Engineer stamped Plans and Specifications for construction of the tower. Such plans must specify the minimum height for the chosen location. The tower must be capable of being increased in height to accommodate a subsequent co-locator or co-locators up to an ultimate height to be determined by the Town Board after receiving the recommendation of the Town Planning and Zoning Committee.
 - b. A written statement by an electrical engineer licensed to practice in the State of Wisconsin that the reception and transmission functions of the proposed tower, antenna or equipment facility will not interfere with the usual and customary transmission and reception of radio, television or other services on adjacent properties.
 - c. A copy of the FAA determination, the FCC license and the State of Wisconsin Department of Commerce building plan

approval indicating that the proposed tower, antenna or equipment facility complies with rules administered by those agencies.

- d. For towers, a written statement from the applicant's engineer licensed in the State of Wisconsin indicating:
- (1) The types of antennas that may be accommodated by the tower.
 - (2) The tower's capacity for such antennas; and
 - (3) The failure characteristics of the tower; and
 - (4) The adequacy of its set back in the event of failure.
2. Site and Landscape Plans. The applicant shall provide the building inspector with Site Plans and Landscape Plans drawn to a scale of 1" = 20'. Those plans should specify the location of any tower, building, parking, landscaping, fencing and other accessory uses. The Landscape Plans shall indicate the size, spacing and type of plantings for the proposed site.
3. List of Other Antenna Facilities. The applicant shall provide the Building Inspector with a list of the applicant's existing towers and antennas located within the Town of Janesville or within one mile of the Town limits. The list should identify the location, height and design of each tower and the location of each antenna. The Building Inspector may share such information with other applicants applying for a building permit to construct, install or alter wireless communication facilities.
4. Affidavit Regarding Other Towers. The applicant for a permit to construct a new tower shall execute an affidavit stating whether any other wireless communication tower is located within a radius of 2,000 feet from the location of the proposed new tower.
5. Utilizing Existing Structures. No permits for a new tower shall be issued unless the applicant demonstrates that the telecommunication equipment planned for the new tower cannot be accommodated on an existing or approved tower or structure. In the event the Town determines that it is necessary to consult with a third party in considering the factors listed below, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Such demonstration may include one or more of the following reasons:

- a. Existing towers or structures are not located within the geographic area required to meet the applicant's engineering requirements.
 - b. Existing towers or structures are not of sufficient height to meet the engineering requirements.
 - c. Existing towers or structures do not have the structural capacity to support the applicant's proposed antenna and related equipment and the existing tower or structure cannot be reinforced, modified or replaced to accommodate planned equipment at a reasonable cost.
 - d. The planned equipment would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing antennas would cause interference with the applicant's proposed antenna and the interference cannot be prevented at a reasonable cost.
 - e. The fees, costs or contractual provisions required by the owner to share an existing tower or structure are cost prohibitive.
6. Co-Location.
- a. Any proposed telecommunication tower and tower site shall be designed, structurally, electrically, and in all respects to accommodate co-location of both the applicant's antenna(s) and comparable antenna(s) for at least two additional users. Towers and tower sites shall be designed to allow for future rearrangement of antennas upon the tower, to accept antennas mounted at varying heights, and to accommodate supporting buildings and equipment.
 - b. The holder of a permit and a conditional use permit for a tower shall allow co-location for at least two additional users and shall not make access to the tower and tower site for the additional users economically unfeasible. If additional user(s) demonstrate (through an independent arbitrator or other pertinent means) that the holder of the tower conditional use permit has made access to such tower and tower site economically unfeasible, then the permit and conditional use permit shall become null and void. Tower conditional use permits will be issued conditional upon a holder thereof reasonably allowing co-location upon the tower.

SECTION 5. OTHER REQUIREMENTS.

(1) HEIGHT.

(a) Towers. No tower shall exceed 150 feet in height. The applicant for a tower must propose the minimum height necessary for the installation proposed. The tower must be of a type that can be expanded vertically by a co-locator to accommodate additional co-location. See Section 4(4)(c)1.a.

(b) Antenna Support Structure.

1. General Rule. Except as provided in subparagraph (2), no antenna support structure, including any antenna or other device attached thereto, shall extend more than 15 feet above the highest point of the building or structure to which the antenna support structure is attached.

2. Exception. An antenna support structure, including any antenna or other device attached thereto, may extend to a height of 70 feet, if the antenna support structure is located on the roof of a commercial, industrial, professional or institutional building and:

a. The building is not altered to accommodate the alternative support structure; and

b. The alternative support structure complies with all applicable local, state and federal laws, rules and regulations.

(2) ADVERTISING SIGNS PROHIBITED. No person shall place any advertising sign on any tower, antenna support structure or antenna. Nor, shall anyone place any flag, decorative sign, streamer, pennant, ribbon, spinner or other moving object on a tower, antenna support structure or antenna.

(3) LIGHTING. No tower, antenna support structure or antenna shall be artificially illuminated, unless such lighting is required by local, state or federal law. This subsection does not prohibit the use of motion detectors and associated lighting nor the use of outdoor lights when the wireless communication provider's personnel are present. This subsection is not intended to prohibit any lighting required by any local, state or federal law, rule or regulation. If lighting is required by such law, rule or regulation, the operator and owner shall choose the lighting which causes the least disturbance to the occupants of adjacent properties.

(4) TRAFFIC. Traffic that is associated with the wireless communication facility shall not adversely affect abutting streets or neighboring properties.

- (5) POINTS OF VISUAL INTEREST. No wireless communication facility shall be located so as to obstruct the view of a point of visual interest from a residence within 300 feet of the wireless communication facility.
- (6) SET BACKS. Wireless communication facilities shall be set back from all lot lines of adjacent residentially zoned properties, occupied structures or public road rights of way as follows:

<u>Zoning District</u>	<u>Set Back Distance</u>
A-1, A-2, R-R, SF-RR, C-2, C-1 and M-1	105% of tower height

- (7) TOWER SEPARATION. No new tower shall be constructed within 2,000 feet of an existing tower. The distance shall be measured in a straight line between the base of the existing tower and the proposed location for the base of the new tower.
- (8) TOWER COLOR. The tower shall have a galvanized steel finish or shall be painted in a neutral color so as to reduce visual obtrusiveness or to camouflage the tower. Antennas and antenna support structures shall be of a neutral color which is identical to, or closely compatible with, the color of the tower or alternative support structure.
- (9) LADDERS. Towers shall be designed to prevent children and trespassers from climbing on these structures. Ladder rungs on towers shall not be placed within 20 feet of the ground.
- (10) FENCING. A wireless communications facility shall be enclosed by a security fence not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area as determined by the Town Clerk.
- (11) LANDSCAPING. A buffer of plant materials to effectively screen the site from public view and from adjacent properties shall be provided.
 - (a) The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the wireless communications facility.
 - (b) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - (c) Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. In some cases, such towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
 - (d) All landscaping requirements detailed here shall be properly maintained for the life of the conditional use permit or while the tower is in place.

(12) Interference. The tower shall be shielded, filtered and grounded in a manner consistent with the FCC and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally received transmissions. In the event of any complaint of interference is received by the Town, and the interference is verified by a qualified engineer to be caused by the tower, the Town shall notify the owner and operator in writing and the owner and operator shall have a period of 30 days to investigate the complaint and respond to the Town. In the event it is determined that the tower is the source of the interference, the owner and operator shall take steps to correct the interference.

(13) **BUILDINGS, ENCLOSURES AND OTHER ASSOCIATED DEVICES.**

(a) Location. All buildings, enclosures, equipment and other associated devices shall be placed in close proximity to the base of the tower located on the wireless communications site. If the wireless communications facility does not have a tower, the buildings, equipment and other associated devices shall be placed in close proximity to the alternative tower structure. If the wireless communication facility has a roof mounted antenna support structure, an equipment enclosure may be located on the roof provided that such enclosure is placed as unobtrusively as possible and in compliance with all applicable building and zoning rules and regulations.

(b) Security. All buildings and equipment enclosures shall be kept located at all times. Each building and enclosure shall have a label attached to it. The label shall give the name, address and telephone number of the person who should be contacted in the event of an emergency.

SECTION 6. ANNUAL LICENSE.

(1) **FACILITIES TO BE LICENSED.** The owner or operator of a wireless communication facility shall obtain an annual license for the operation of each wireless communication facility located in the Town of Janesville.

(2) **APPLICATION FOR LICENSE.**

(a) Form and Contents. The owner or operator of a wireless communication facility shall complete an application for a license on a form prescribed by the Town Board. The application form shall be signed by the owner or operator of the wireless communication facility and by the owner of the property on which that facility is located. The application form shall be submitted to the Town Clerk together with a receipt for payment of the applicable license fee. The applicant shall pay the license fee to the Town Treasurer.

(b) Issuance of a License. Upon receipt of a fully completed application and proof of payment of the license fee, the Town Clerk shall issue a license to the owner or operator of the wireless communication facility.

(c) License. The license shall be issued annually for the period beginning January 1 and ending December 31. The owner or operator of a new wireless communications facility shall not be required to obtain a license until January 1 of the calendar year immediately following the calendar year in which the wireless communications facility first became operational.

(d) License Fees:

1. The annual license fee shall be \$125.

2. Appeal. Any person aggrieved by a decision to suspend, revoke or refuse renewal of a license may appeal that decision to the Town Board. The decision of the Town Board may be appealed by Writ of Certiorari to the Circuit Court for Rock County within thirty (30) days of the date of such suspension, revocation or non-removal of a license.

SECTION 7. MAINTENANCE AND OPERATIONAL REQUIREMENTS.

(1) **GENERAL REQUIREMENTS.** The wireless communication facility shall be maintained in accordance with all applicable local, state and federal regulations. If the building inspector concludes that a tower or any other part of a wireless communication facility fails to comply with such codes and constitutes a danger to persons or property in the vicinity, the building inspector shall notify the owner or operator of the wireless communication facility of such fact. The notice shall be in writing and shall require the owner or operator to bring the facility into compliance with such codes within 30 days of the date of service of the notice. If the owner or operator fails to bring the wireless communication facility into compliance within the time provided, the Town building inspector may order the tower or other wireless communications facility removed to the extent necessary to protect persons or property in the vicinity. The cost of removing the tower or other portion of the wireless communication facility shall be at the owner's expense. The owner and operator shall be responsible to maintain the premises upon which the wireless communication facility is located in a clean and sanitary condition.

(2) **OUTDOOR STORAGE PROHIBITED.** No person shall store any vehicles, equipment or other goods on the wireless communications facility except in an enclosed building. This section does not apply to overnight storage of vehicles or equipment necessary for the repair of the wireless communication facility.

SECTION 8. ABANDONED TOWERS AND ANTENNAS.

(1) **EVIDENCE OF ABANDONMENT.** An antenna or tower shall be deemed abandoned if any of the following shall occur:

(a) The antenna or tower is not operated for 12 continuous months.

- (b) The owner or operator has failed to renew the annual license by March 1 of the license year.
 - (c) The owner or operator has notified the Town of Janesville that it has ceased operations of the antenna or tower.
- (2) NOTIFICATION OF ABANDONMENT. The owner or operator of a wireless communication facility shall notify the Town Clerk whenever an antenna or tower is abandoned or its use discontinued. Such notice shall be given to the Town Clerk within 30 days of such abandonment or discontinuance.
 - (3) REMOVAL OF ABANDONED TOWERS AND ANTENNAS. The owner and operator of an abandoned tower or antenna shall remove it from the wireless communications facility within 6 months after the tower or antenna is abandoned or its use discontinued. If the owner fails to removed the antenna or tower within that time, the Town shall remove the antenna or tower at the owner's and operator's expense. In the event that the cost of removal is not paid, the Town may assess the cost of such removal against the property upon which the wireless communications facility is located.
 - (4) SITE RESTORATION. Whenever a tower is removed from a wireless communications facility, the remainder of the site shall e restored to its preexisting condition and all buildings, equipment and other devices accessory to the tower shall be removed from the site.

SECTION 9. TOWERS SUPPORTED BY GUY WIRES PROHIBITED.

No tower supported in full or in part by guy wires shall be permitted anywhere in the Town of Janesville.

SECTION 10. LEGAL NONCONFORMING FACILITIES.

Preexisting towers, antenna support structures, antennas or wireless communications facilities which do not conform to the requirements of this Ordinance, shall be permitted to continue in accordance with the provisions of Section 10 of the Zoning Code of the Town of Janesville which deals with nonconforming buildings, structures and uses.

SECTION 11. ENFORCEMENT.

Any person who violates any provision of this Ordinance shall, upon conviction of such violation, be subject to a penalty as provided in section 2.4 of the Zoning Ordinance and the provisions of Sections 2.5 and 2.6 of the Zoning Ordinance shall apply to any violation of any provision of this Ordinance.

SECTION 12. This Ordinance will take effect and be in force after passage and publication as required by law.

TOWN OF JANESVILLE

By: _____
Edward Marshall, Chairman

ATTEST:

Gloria Brown, Clerk

Date of Public Hearing: _____

Date Passed: _____

Date Published: _____

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