

*Town of Milton, WI
Wednesday, February 8, 2023*

Chapter 400. Zoning

[HISTORY: Adopted by the Town Board of the Town of Milton 11-5-1979; amended in its entirety 4-12-2004 by Ord. No. 4-1204. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Animals — See Ch. **12**.

Building construction — See Ch. **38**.

Comprehensive Plan — See Ch. **90**.

Mobile homes, mobile home parks and recreational vehicles — See Ch. **246**.

Salvage yards and junk motor vehicles — See Ch. **316**.

ATTACHMENTS

400a Clear Vision Triangles 

400b Appendix diagrams 

Article I. Introduction

§ 400-1. Authority.

[Amended 12-14-2015 by Ord. No. 2015-5]

The Town Board of the Town of Milton, Wisconsin, has heretofore been directed, on April 4, 1933, at an annual Town meeting of qualified electors to exercise all powers relating to and conferred upon villages, and whereas these regulations are adopted under the authority granted by §§ 60.22(3), 60.62, 61.35, 62.23(7), 93.90 Wis. Stats. and Chapter ATCP 51 of the Wisconsin Administrative Code.

§ 400-2. Purpose.

The purpose of this chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community. Furthermore, the purpose of this chapter is to implement the Town of Milton Land Use and Transportation Plan, including its goals, objectives, policies, and map that were developed as a part of the Town's comprehensive planning process.

§ 400-3. Intent.

- A. It is the general intent of this chapter 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; and implement the community's Comprehensive Plan or plan components. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.
- B. It is also the intent of this chapter to implement the Rock County Agricultural Preservation Plan, help preserve agricultural land, and provide tax credit eligibility for agricultural landowners.

§ 400-4. Abrogation and greater restrictions.

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

§ 400-5. Interpretation.

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

§ 400-6. Severability.

If any application of this chapter 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.

§ 400-7. Title.

This chapter shall be known as, referred to, or cited as the "Town of Milton Zoning Ordinance Code, Rock County, Wisconsin."

§ 400-8. When effective.

- A. This chapter shall be effective after a public hearing, adoption by the Town Board, and posting as provided by law.
- B. Changes or amendments to the text of this chapter or the Official Zoning Map shall be effective after the provisions of Article **XI** of this chapter have been complied with and the change or amendment has been posted as provided by law.

Article II. General Provisions

§ 400-9. Jurisdiction.

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

§ 400-10. Compliance.

No land or water shall hereafter be used without full compliance with the provisions of this chapter and all other applicable local, county and state regulations. The duty of the Ordinance Enforcement Officer shall be to investigate all complaints, whether written or oral, give written notice of violations, and to enforce this chapter. All complaints shall be in compliance within 30 days of receiving violation notice or as deemed appropriate time by the Town Board. Inspections of public and private lands may be made at any reasonable time by the authorized Ordinance Enforcement Officer.

§ 400-11. Use restrictions.

The following use restrictions and regulations shall apply:

- A. Permitted uses. Only those principal uses specified, their essential services, and the following uses shall be permitted in that district.
- B. Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry as a principal use.
- C. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Town Board and issuance of a conditional use permit in accordance with Article V of this chapter.
- D. 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.
- E. 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, with the time specified by the Board.
- F. Performance standards listed in this chapter shall be complied with by all uses in all districts.
- G. Soil restrictions. Certain soil types in the Town, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, 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.

§ 400-12. Violations and penalties.

Any person, firm, or corporation who fails to comply with or violates any of these regulations shall be subject to a fine of not more than \$500 nor less than \$100 or, in default of payment thereof, imprisonment for a period not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 400-13. Violations.

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

§ 400-14. 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 remove 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.

Article III. Administration

§ 400-15. Planning and Zoning Committee.

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

§ 400-16. Membership.

The Town Planning and Zoning Committee shall consist of five members. One member may be a Town Board member, and the Town Chairman shall appoint the Committee's presiding officer. The Town Board shall appoint four citizen members who upon creation of the Committee shall be appointed for one, two, and two members for three-year terms. The Town Clerk and Building Inspector shall be ex officio members and shall attend all Planning and Zoning meetings but shall not be voting members.

§ 400-17. Terms of office.

The four citizen members shall initially serve for terms of one, two, and three years, respectively from the succeeding first day of May, and thereafter annually during April one or more of the members shall be appointed for a term of three years. The term of the Town Board member shall be one year.

§ 400-18. Qualifications.

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

§ 400-19. Building Inspector.

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 compensation shall be determined by the Town Board. The Building Inspector shall prepare building permit forms; assist the applicant in preparing his application; advise the applicant as to the provisions of this chapter; inspect each project for which a permit has been applied or granted; report violations; and provide this information to the Planning and Zoning Committee. The Building Inspector may issue building permits which are within the literal requirements of this chapter. Whenever there is a question other than the literal requirements of this chapter, it is to be brought directly to the Planning and Zoning Committee Chairman. The Building Inspector shall make a monthly report of his activities to the Town Board.

§ 400-20. Ordinance Enforcement Officer.

There is herewith created the Office of Ordinance Enforcement Officer which may be a full-time or part-time position, as the Town Board in its discretion shall determine; the Ordinance Enforcement Officer shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His compensation shall be determined by the Town Board. The duties of the Ordinance Enforcement Officer shall be to administer, supervise, and literally enforce the provisions of this chapter.

§ 400-21. Vacancies.

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

§ 400-22. Matters referred to Planning and Zoning Committee.

- A. 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; all plats of land in the Town; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic 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 Board or other public body may take final action without it.
- B. The Planning and Zoning Committee shall have the following responsibilities:
- (1) Zoning districts: to conduct a public hearing and recommend to the Town Board zoning changes when within the provisions of this chapter.
 - (2) Conditional uses: to conduct a public hearing and recommend to the Town Board conditional use permits when within the provisions of this chapter in conjunction with the Building Inspector.
 - (3) Subdivisions: to review and recommend to the Town Board the approval or denial of preliminary and final subdivisions. Conditions of approval may be attached to preliminary or final plans.
 - (4) Substitutions: to review and recommend to the Town Board applications for substitutions of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) Unclassified uses: to review and recommend to the Town Board applications for unclassified and unspecified uses, provided that such uses are similar in character to the principle uses permitted in the district.
 - (6) Temporary uses: to review and recommend to the Town Board applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Town Board and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.

§ 400-23. Meetings.

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

§ 400-24. Minutes.

The minutes shall be kept by the Secretary.

§ 400-25. Quorum.

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

§ 400-26. Organization.

The Town Clerk shall serve as the Secretary. The Committee may also formulate any lawful rules for its operation and procedures.

§ 400-27. Compensation.

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

§ 400-28. Authority of Town Board.

The Town Board is the public body having authority thereon to change or amend this chapter. The Town Board may retain an attorney, planner, engineer, architect, or other professional consultants to advise the Town Board and/or Planning and Zoning Committee and/or Board of Adjustment on any or all aspects of a rezoning, conditional use, or variance petition. The cost of this shall be borne by the applicant. The Town Board may also direct by majority vote that building permits and conditional use permits be issued when in compliance with § **400-22A** of this chapter.

§ 400-29. Site plan review and architectural control.

- A. For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure, with the exception of single-family and two-family dwellings and farm dwellings and related farm structures that support a farm operation, without first obtaining the approval of the Town Board of detailed site and architectural plans as set forth in this section.
- B. The Planning and Zoning Committee shall review and recommend for approval, approval with conditions, or denial to the Town Board the site plans; plans for existing and proposed structures; architectural plans; neighboring uses; parking areas; driveway locations; loading and unloading areas and facilities; highway access; traffic generation and circulation; drainage, sewage and water systems; and utilization of landscaping and open space for all zoning districts in the Town.
- C. The Town Board shall review and approve the site plans; plans for existing and proposed structures; architectural plans; neighboring uses; parking areas; driveway locations; loading and unloading areas; highway access; traffic generation and circulation; drainage, sewage and water systems; and utilization of landscaping and open space and the proposed operation for development in all zoning districts in the Town.
 - (1) Principles. To implement and define criteria for the purposes set forth above, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

- (a) No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.
 - (b) Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Town Board may require that drainage easements be executed.
 - (c) Buildings and uses regulated by this section shall provide for adequate construction site erosion control measures. The Town Board may require erosion control plans and establish time schedules for landscaping and revegetation of construction sites. Erosion control plans shall be in conformance with the requirements of § SPS 321.125, Wis. Adm. Code.
 - (d) Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.
 - (e) Buildings and uses regulated by this section shall provide adequate parking and loading areas.
 - (f) Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.
 - (g) Use of exterior lighting shall be designed in such a manner that all light rays are directed downward onto the property. No rays shall be directed towards adjacent properties.
- (2) Administration. Plan data shall be submitted to the Town Clerk who shall transmit all applications and their accompanying plans to the Building Inspector, Planning and Zoning Committee, and Town Board for their review. Plan data to be submitted with all plan review applications shall include the following:
- (a) Site plan drawn to a recognized engineering scale.
 - (b) Name of project.
 - (c) Owner's and/or developer's name and address.
 - (d) Architect's and/or engineer's name and address.
 - (e) Date of plan submittal.
 - (f) Scale of drawing and North arrow.
 - (g) Existing and proposed topography shown at a contour interval not more than two feet. Topography shall extend 40 feet onto adjacent property, or to the building on the adjacent lot, whichever is greater.
 - (h) The characteristics of soils related to contemplated specific uses.
 - (i) Total number of parking spaces.
 - (j) The type, size, and location of all structures with all dimensions shown.
 - (k) Height of all structures.
 - (l) Existing and proposed street names.
 - (m) Existing and proposed public rights-of-way and widths.
 - (n) Location of existing and proposed sanitary sewers, storm sewers, and water mains, if appropriate.
 - (o) Location of proposed stormwater management facilities, including detention and retention areas.

- (p) Location of existing trees.
 - (q) Location, extent, and type of proposed landscaping.
 - (r) Location of existing and proposed sidewalks and walkways.
 - (s) A graphic outline of any proposed development staging.
 - (t) Architectural plans, elevations, and perspective drawings and sketches illustrating the design and character of proposed structures.
- (3) Review and findings. The Planning and Zoning Committee shall review the referred plans within a reasonable period of time following their submittal and forward a recommendation for approval, approval with conditions, or denial to the Town Board no later than 60 days following the receipt of a completed application. The Town Board shall not approve any plans unless they find after reviewing the application that the structures or use, as planned, will not violate the intent and purpose of this chapter and that said plans will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion, or otherwise endanger the public health or safety.
- (4) Sureties. The Town Board may impose time schedules for the completion of buildings, parking areas, open space utilization, and landscaping. The Town Board may require appropriate sureties to guarantee that improvements will be completed on schedule. The Town Board may further require a fee equal to the cost of any legal, engineering, administrative, or fiscal work undertaken by the Town in their review of a development project.
- (5) Appeals. Any person or persons aggrieved by any decisions of the Town Board related to plan review may appeal the decision to the Town Board of Adjustment. Such appeals shall follow the standards set forth in Article **VIII** of this chapter.

Article IV. Zoning Districts

§ 400-30. Establishment of zoning districts.

For the purpose of this chapter the Town of Milton is hereby divided into the following zoning districts:

Agricultural District (A-1)
 Agricultural District (A-2)
 Agricultural District (A-3)
 Rural Residential District (R-R)
 Residential District (R-1)
 Residential District (R-3)
 Local Business District (B-1)
 Large Scale Commercial District (B-2)
 Commercial Highway Interchange District (CHI)
 Lowland Conservancy Overlay District One (C-1)
 Highland Conservation District Two (C-2)
 Commercial Recreational District (CR)
 Planned Unit Development District (PUD)
 Mobile Home Park District (MH)
 Special Purpose District (SP)
 Light Industrial District (M-1)

Historic Conservation District (HC)

§ 400-31. Zoning Map and district boundaries.

The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Milton, Wisconsin," dated November 5, 1979, as amended, which accompanies and is made a part of this chapter. Such boundaries shall be construed to follow: Town and corporate limit lines; U.S. Public Land Survey lines; lot or property lines; soil mapping unit lines; topographic lines; center lines 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 attached hereto is correct only as of the day of passage of this chapter. The Town Clerk shall keep a revised version of said Map reflecting any and all changes of zoning boundaries.

§ 400-32. General district regulations.

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

- A. Erection of more than one principal structure on a lot. In any district no more than one structure housing permitted or conditional use may be erected on a single lot except in the B-1, A-1, and A-2 Districts where the requirements of those districts shall be met for each structure as though it were on an individual lot; mobile homes only when in a mobile home park or when they meet conditional use regulations in A-1, A-2, or A-3 Districts.
- B. 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.
- C. 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.
- D. Parking and storage of certain vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- E. A setback less than the setback required by this chapter may be permitted where there are at least five existing main buildings existing at the date of enactment of this chapter within 500 feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or, if there is no building on one side, the average of the setback for the main building on one side and the required setback. Such setback shall be granted by a permit from the Town Board and shall not require a variance.
- F. 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.
- G. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family.
- H. 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.

- I. 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.
- J. Utility lines which will serve individual lots on new subdivisions will be left to the discretion of the utility company.
- K. No overhead power, telephone or telegraph lines shall be erected within 1/2 mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- L. The landing and takeoff of ultralight airplanes, parachute jumping, and parasailing behind boats and similar uses are prohibited on or into lakes of less than 100 acres.
- M. Restrictions on recreational vehicles. No person shall park or store any recreational vehicle within the Town of Milton unless said recreational vehicle is parked or stored in a licensed recreational vehicle park except that a recreational vehicle may be parked or stored on a lot located within any of the other districts, provided all the following conditions are complied with:
 - (1) At no time shall such parked or stored recreational vehicles be occupied or used for living or housekeeping purposes unless the occupants of said recreational vehicle are guests of Town residents or property owners on a lot where an adequate water supply and toilet facilities are available to the guests in the dwelling unit of their hosts.
 - (a) Such occupancy shall not exceed 30 days per calendar year.
 - (b) No fee shall be imposed for such occupancy.
 - (2) No parked or stored recreational vehicle may be used as a permanent storage unit.
 - (3) No additional outside structures may be attached to or placed adjacent to a parked or stored recreational vehicle.

§ 400-33. Agricultural District One (A-1).

[Amended 4-12-2007 by Ord. No. 68; 7-8-2013 by Ord. No. 2013-1; 12-14-2015 by Ord. No. 2015-5]

- A. Purpose and intent of Agricultural District One (A-1). The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Town's Comprehensive Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent of having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provisions of essential public services and to be eligible for the State of Wisconsin Farmland Preservation Program.
- B. Permitted uses. The following uses are permitted in this district.
 - (1) Agricultural uses: any of the following activities conducted for the purpose of producing an income or livelihood:
 - (a) Crop or forage production.
 - (b) Keeping livestock other than equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink up to 500 animal units.
 - (c) Keeping equine animals, bison, farm-raised deer, ratites and camelids up to three animals per acre in the aggregate for the total acreage allocated for such keeping.
 - (d) Keeping of fish, captive game birds and mink.

- (e) Beekeeping.
 - (f) Nursery, sod, or Christmas tree production.
 - (g) Floriculture.
 - (h) Aquaculture.
 - (i) Fur farming.
 - (j) Forest management.
 - (k) Enroll land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (2) Accessory uses: any of the following accessory uses:
- (a) A building, structure, improvement activity or business operation that is an integral part of, or is incidental to, a permitted agricultural use.
 - (b) One farm residence.
- (3) Existing residences: residences, regardless of occupancy, existing as of January 1, 2014.
- (4) Undeveloped natural resource and open space areas.
- (5) Transportation, utility, communication uses: 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 conditional use permit for that use.
- C. Conditional uses. A conditional use in this district is to permit the following uses only after review and recommendation of the Planning and Zoning Committee and after public hearing and approval by the Town Board. The Committee and the Board will review the applicable facts pertaining to the proposed conditional use according to the standards established in this chapter.
- (1) Farm family business: a business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those that are an integral part of, or incidental to, an agricultural use, that employs no more than four full-time nonfamily employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
- (2) Agriculture-related uses:
- (a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
 - (b) 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.
- (3) Transportation, communications, pipeline, electric transmission, utility, or drainage. Those transportation, communications, pipeline, electric transmission, utility, and drainage uses if the Town Board determines that all of the following apply:
- (a) The use and its location in the district are consistent with the purposes of the district.
 - (b) The use and its location in the district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - (c) 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.

- (d) 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.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (4) Governmental, institutional, religious, or nonprofit community uses: governmental, institutional, religious, or nonprofit community uses if the Town Board determines that all of the following apply:
- (a) The use and its location in the district are consistent with the purposes of the district.
 - (b) The use and its location in the district are reasonable and appropriate, considering alternative locations, or are specifically approved under state and federal law.
 - (c) 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.
 - (d) 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.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (5) Nonmetallic mineral extraction: nonmetallic mineral extraction if the Town Board determines that all of the following apply:
- (a) The operation complies with Wisconsin Statutes and administrative rules and county and town ordinances and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
 - (b) The operation and its location in the district are consistent with the purposes of the district.
 - (c) The operation and its location in the district are reasonable and appropriate, considering alternative locations, or are specifically approved under state and federal law.
 - (d) The operation is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (e) 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.
 - (f) The conditional use permit issued requires the owner to restore the land to agricultural use, consistent with any locally approved reclamation plan, when extraction is completed.
- (6) Oil and gas exploration or production: oil and gas exploration that is licensed by the Wisconsin Department of Natural Resources under state law.
- (7) Keeping of livestock: keeping of livestock as follows:
- (a) Livestock other than equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink livestock consisting of 500 or more animal units;
 - (b) Equine animals, bison, farm-raised deer, ratites and camelids in excess of three per acre in the aggregate for the total acreage allocated for such keeping.
- (8) Lagoon wastewater application: application of lagoon wastewater or other liquid by-products of animal waste by the use of center pivot waste distribution systems.
- (9) Additional farm residences.
- D. Requirements for permitted and conditional uses. Within the A-1 District, the following standards shall apply:

- (1) Minimum lot size: 35 acres, or a smaller lot size by conditional use permit.
- (2) Maximum building height: 35 feet for residential structures; no maximum on other structures.
- (3) Minimum front yard setback: 50 feet.
- (4) Minimum front yard setback (arterial): 75 feet.
- (5) Minimum rear yard setback: 50 feet.
- (6) Minimum side yard:
 - (a) Principal buildings: 20 feet on each side.
 - (b) Accessory buildings: 10 feet on each side.
- (7) Minimum lot width at building line: 100 feet.
- (8) All front yard setbacks are to also refer to § **400-81** ordinance for setbacks on arterial, collector and local roads.
- (9) Livestock facilities.
 - (a) All new livestock facilities with 500 animal units or more must as a minimum meet the agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in Wis. Adm. Code Ch. NR 151. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.
 - (b) All expanding livestock facilities for which the expansion results in more than 500 animal units and for which the expansion is greater than 20% of the existing facility size must as a minimum meet the agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in Wis. Adm. Code Ch. NR 151. This requirement is only applicable to the proposed expansion component. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.
- (10) Agricultural use shall be calculated using contiguous parcels. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purpose of this chapter.
- (11) General setbacks applicable to livestock structures.
 - (a) Property lines. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.
 - (b) Public road right-of-way. Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.
 - (c) Waste storage structure.
 - [1] A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

- [2] A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:
 - [a] Located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
 - [b] No larger than the existing structure;
 - [c] No further than 50 feet from the existing structure; and
 - [d] No closer to the road or property line than the existing structure.
- [3] This setback requirement does not apply to existing waste storage structures, except that an existing structure within 350 feet of a property line may not expand toward that property line or road.

(12) Water quality and related setback requirements.

- (a) Navigable waters and wetlands. A livestock facility shall comply with setback and related requirements in any applicable Rock County shore land or wetland zoning ordinances or chapter enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.
- (b) Floodplains. A livestock facility shall comply with setback and related requirements in any applicable floodplain zoning ordinance or chapter that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.
- (c) Wells. All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR 811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

E. Rezoning land in the Farmland Preservation Zoning District.

- (1) The Town of Milton may rezone land out of the farmland preservation zoning district if it meets the following, in writing, in addition to following the requirements of § 400-96:
 - (a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
 - (b) The rezoning is consistent with any applicable comprehensive plan.
 - (c) The rezoning is substantially consistent with the County certified farmland preservation plan.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (2) The Town shall by March 1 of each year provide to DATCP and the County a report of the number of acres that the political subdivision has rezoned out of an Agricultural Zoning District during the previous calendar year and a map that clearly shows the location of those acres.

§ 400-34. Agricultural District Two (A-2).

- A. Purpose and intent of 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 Guide. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of

the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller farm units. The A-2 District is delineated by agricultural soils defined as follows:

AzA	DuC2	He	LoA	Ot	RtB2	SkA	WfB2	WnC2
B1A	EdB2	HeA	LoB	Pa	RtC2	SkB	WfC2	WoA
B1B	E1A	JaA	Ma	PeA	SaA	SkC2	WeA	ZuA
Br	EmA	JaB	Mb	PeB2	SaB	SbA	WeB	ZuB
CaB2	EoA	JuA	Md	PeC2	SaC2	SbB	WkC2	ZuC2
Co	EvB	KaA	Mf	P1A	SbC2	SbC2	W1A	
Da	EvC2	KdB	Na	P1B	Se	TrA	W1B2	
DrA	F1A	KdC2	OgA	P1C2	PmA	Wa	W1C2	
DrB	F1B	KeA	OgB	RnB2	PmB	WaB	WhB2	
DrC2	GrA	KeB2	OoA	RnC2	PnA	WaC2	WhC2	
DuA	GrB2	KeC2	OoB	RpB	PnB	WcA	WnA	
DuB2	GrC2	LkA	OoC2	RpC2	Ha	WfA	WnB2	

B. Permitted uses. The following uses are permitted in this district:

- (1) 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.
- (2) Forestry grazing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables, truck farming, and other appropriate agricultural pursuits, 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 eight square feet each advertising such sale.
- (3) Airports not open to the public.
- (4) One residential dwelling for those resident owners and workers actually engaged in the principal permitted uses.
- (5) One trailer box per farm, for use in storing nonflammable farm-related items, excluding animals, with wheels removed and placed on timbers, limerock or slab.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:

- (1) Churches, veterinary hospitals, community parks and recreational areas.
- (2) Water storage facilities and power stations, provided they are enclosed by an eight-foot or more protective fence.
- (3) Farm dwelling and related farm structures may be separated from the farm plot, provided that the parcel created conforms with all regulations set forth in the A-3 District but not to exceed five acres or deem the remaining land inconsistent with the requirements of this district.
- (4) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, holding pens, confinement operations, and other agricultural uses that may cause noxious odors or noise, provided that written permission be obtained from the Town Board on the recommendation of the Planning and Zoning Committee.
- (5) Riding stables, riding schools, and shooting preserves.

- (6) The installation of one mobile home on any operation farm when the head of the occupant household of such mobile home is employed in connection with the farm operation.
- (7) Creameries, milk condenseries, cheese factories, and pea vineries; provided, however, that same are not located or operated nearer than 500 feet to any dwelling.
- (8) Supportive agribusiness activities to include grain elevators, seed, fertilizer, and farm chemical sales, commercial feedlots, feed mills, and similar activities, provided they are adjacent to arterial or collector roads as defined by Article **IX** of this chapter.
- (9) Commercial storage of nonagriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- (10) An additional farm dwelling for those resident owners and workers actually engaged in the principle permitted uses.
- (11) Telephone, telegraph and electric transmission lines, buildings or structures.
- (12) Home occupation.
- (13) Gravel pit, private or commercial.
- (14) Day cares when required to be licensed by the state.
- (15) Farm family business.
[Added 4-12-2007 by Ord. No. 68]
- (16) Wireless communication facilities in accordance with Article **XIV** of this chapter.^[2]
[2] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

D. Requirements for permitted and conditional uses:

- (1) Lot size: 10 to 35 acres.
- (2) Maximum building height: 35 feet for residential structures; no maximum on other structures.
- (3) Minimum front yard setback: 50 feet.
- (4) Minimum rear yard setback: 50 feet.
- (5) Minimum side yard:
 - (a) Principal buildings: 20 feet on each side.
 - (b) Accessory buildings: 10 feet on each side.
- (6) Animals per acre: one animal unit per acre. Additional animals per unit will require a conditional use permit.
- (7) All front yard setbacks are to also refer to § **400-81** of this chapter for setbacks on arterial, collector, and local roads.
- (8) Fences shall be required on parcels where animals are kept.

§ 400-35. Agricultural District Three (A-3).

- A. 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 agriculture land uses which are consistent with the goals and objectives of the Development Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is 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 not prime agricultural soils. No residential development shall take place on the following soils or the agricultural soils listed in the A-1 District which are hereby made part of this district.

Ad	EdE	KaK	Ot	SoB
Aw	E1A	KdD	Pa	SoC2
AzA	EmA	DeD2	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	W1A
Da	GpC2	Mc	Rs	W1C2
DrD2	GrD2	Md	RtD	W1D2
EdB2	Ha	Me	RuE	WhB2
EdC2	Ho	Mf	RuF	WhC2
EdD2	JuA	Na	SaD	WhC2
		OoD2	SbC2	WoA

B. Permitted uses. The following uses are permitted in this district:

- (1) Single-family dwellings but not to include a major subdivision as defined in this chapter; mobile homes when located in a mobile home park; one private garage for each residential parcel.
- (2) 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.
- (3) 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.
- (4) Gardening, including truck gardens, nurseries and greenhouses.
- (5) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (6) Public parks, playgrounds, recreational and community center buildings and grounds.
- (7) Grade schools, churches and their affiliated uses.
- (8) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (9) Water storage facilities and their accessory structures.
- (10) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however that no accessory building may be used as a separate dwelling unit. There shall be no more than three accessory buildings per lot totaling 3,000 square feet.
- (11) Uses customarily incidental to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- (12) One trailer box per farm, for use in storing nonflammable farm-related items, excluding animals, with wheels removed and placed on timbers, limerock or slab.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

- C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:
- (1) Home occupation.
 - (2) 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.
 - (3) 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.
 - (4) Mobile homes, provided that only one mobile home will be permitted in conjunction with an established farmstead and that the head of the occupant household of such mobile home is employed in connection with the farm operation.
 - (5) Fur farms, insect-breeding facilities commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise.
 - (6) More than three accessory buildings requires a conditional use permit. One or more buildings totaling more than 3,000 square feet requires a conditional use permit.
 - (7) Gravel pit, private or commercial.
 - (8) Day cares when required to be licensed by the state.
 - (9) Farm family business.
[Added 4-12-2007 by Ord. No. 68]

D. Requirements for permitted and conditional uses.

- (1) Maximum building height: 35 feet.
- (2) Minimum side yard:
 - (a) Principal buildings: 20 feet on each side.
 - (b) Accessory buildings: 10 feet on each side.
- (3) Minimum front yard setback: 50 feet.
- (4) Minimum rear yard setback: 50 feet.
- (5) Lot size: three to 10 acres.
- (6) Accessory buildings: any square feet in excess of 3,000 square feet requires a conditional use permit.
- (7) Animals per acre: two large animal units per three acres, 1/2 additional animal unit per acre thereafter; additional animals will require a conditional use permit.
- (8) Fences shall be required on parcels where animals are kept.

§ 400-36. Rural Residential District (R-R).

A. Purpose and intent of R-R District.

- (1) 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 on soils

that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and will not infringe on primary agricultural soils.

- (2) The following described soil types have been determined to have severe limitations due to high water tables, slow permeability, lateral seepage, liquefies easy, flotation 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	EdE	KaK	Ot	SoB
Aw	E1A	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	W1A
Da	GpC2	Mc	Rs	W1B2
DrD2	GrD2	Md	RtD	W1C2
EdB2	Ha	Me	RuE	W1D2
EdC2	Ho	Mf	RuF	WhB2
EdD2	JuA	Na	SaD	WhC2
		OoD2	SbC2	WoA

B. Permitted uses. The following uses are permitted uses in this district:

- (1) Single-family dwellings, one private garage for each residential lot.
- (2) Gardening, including truck gardens, nurseries, greenhouses and the keeping of small animals to include up to 10 rabbits, 10 chickens, two dogs and/or two cats per dwelling unit.
- (3) Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- (4) Public parks, playgrounds, recreational and community center buildings and grounds.
- (5) Grade schools, churches and their affiliated uses.
- (6) Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- (7) Water storage facilities and their accessory structures.
- (8) 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. There shall be no more than two accessory buildings per lot.
- (9) Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public nuisance.

C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:

- (1) Home occupation.
- (2) 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.

- (3) 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.
- (4) 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.
- (5) Telephone, telegraph and electric transmission lines, buildings or structures.
- (6) Two-family dwellings, nursing homes and hospitals.
- (7) Day cares when required to be licensed by the state.

D. Requirements for permitted and conditional uses:

- (1) Lot size: 40,000 square feet to three acres.
- (2) Maximum building height: 35 feet.
- (3) Minimum front yard setback: 50 feet.
- (4) Minimum side yard setback: 15 feet.
- (5) Minimum rear yard setback: 25 feet.
- (6) Minimum lot width at building line: 100 feet.
- (7) Minimum frontage on public road: 50 feet.
- (8) Accessory building setbacks:
 - (a) Front yard: 50 feet.
 - (b) Side yard: eight feet.
 - (c) Rear yard: eight feet.
- (9) Maximum area of accessory building: 1,000 square feet.
- (10) Maximum accessory building height: 16 feet.
- (11) Minimum lot area with approved soil test and preplanned lot: 20,000 square feet.
- (12) Minimum lot area per two-family dwelling: 55,000 square feet.
- (13) Minimum on main floor living area of a single-family ranch dwelling: 900 square feet.
- (14) Minimum on main floor living area of a two-family ranch dwelling, per family: 800 square feet.
- (15) Minimum living area for a multilevel single-family dwelling: 1,200 square feet.
- (16) Minimum living area for a two-family multilevel dwelling, excluding basements, per family: 1,100 square feet.
- (17) Basements will not count as square footage in one level ranch and two-story homes.
- (18) Any dwelling constructed without a full height basement, the main floor living area shall be increased by: 200 square feet.
- (19) Off-street parking, residential: two spaces per family.
- (20) Off-street parking, public gathering: one space per five seats, if applicable, or one space per 200 square feet of building.

- (21) Two-family dwelling ratio: not more than one two-family per four single-family dwelling, or not more than one two-family dwelling per four acres of land under a single ownership within the district.
- (22) All front yard setbacks are to also refer to § 400-81 of this chapter for setbacks on federal, state, and county roads.

§ 400-37. Residential District One (R-1).

A. Purpose and intent of Residential District One (R-1).

- (1) The purpose of the R-1 District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The R-1 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 sites. The intent of this district is to provide a suitable open character for single- and two-family dwellings at medium densities when sewage treatment facilities comply with state requirements.
- (2) The following soil types have been determined to have severe engineering limitations because of their characteristics that include a high shrink-swell potential, low bearing capacity, high moisture content, bedrock at or near the surface, liquification potential, or flotation of pipes and, therefore, no residential development shall take place thereon:

Ad	EvD	Md	RrF
Aw	EvE	Me	Rs
Br	GoD	Mf	RuE
CaE	Ho	Na	RuF
Co	JuA	Ot	Se
EdC2	KeE	Pa	SoD
EdD2	Ma	Ro	SoF
EdE	Mb	RpD2	W1D2
Eoa	Mc	RrE	WoA

B. Permitted uses. The following uses are permitted in this district:

- (1) Single-family dwellings.
- (2) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (3) Public parks, playgrounds, recreational and community center buildings and grounds.
- (4) One private garage and one accessory building.
- (5) Uses customarily incidental to any other above uses, provided that no such use generates traffic, odor, or noise that would create a public or private nuisance.
- (6) Gardening, including truck gardens, nurseries, greenhouses and the keeping of small animals to include up to two dogs and/or two cats.

C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:

- (1) Home occupation.

- (2) 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.
- (3) 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.
- (4) 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.
- (5) Telephone, telegraph and electric transmission lines, buildings or structures.
- (6) Two-family dwellings, nursing homes and hospitals when located on collector streets.
- (7) Churches and all affiliated uses, all grade schools, libraries and hospitals, water storage facilities and related structures.
- (8) Day cares when required to be licensed by the state.

D. Requirements for permitted and conditional uses:

- (1) Minimum lot area: 8,400 square feet.
- (2) Maximum lot area: 20,000 square feet.
- (3) Maximum building height: 35 feet.
- (4) Minimum front setback: 25 feet.
- (5) Minimum side yard setback: eight feet minimum; total of 20 feet on both sides.
- (6) Minimum rear setback: 25 feet.
- (7) Minimum lot width at building line: 70 feet.
- (8) Minimum lot frontage on public road: 50 feet.
- (9) Accessory building setbacks:
 - (a) Front yard: 25 feet.
 - (b) Side yard: five feet.
 - (c) Rear yard: five feet.
- (10) Accessory building height: 16 feet.
- (11) Maximum area of accessory building: 1,000 square feet.
- (12) Minimum lot area per two-family dwelling: 12,000 square feet.
- (13) Minimum on main floor living area of a single-family ranch dwelling: 900 square feet.
- (14) Minimum on main floor living area of a two-family ranch dwelling, per family: 800 square feet.
- (15) Minimum living area for a multilevel single-family dwelling: 1,200 square feet.
- (16) Minimum living area for a two-family multilevel dwelling excluding basements, per family: 1,100 square feet.
- (17) Basements will not count as square footage in one level ranch and two story homes.

- (18) Any dwelling constructed without a full height basement, the main floor living area shall be increased by: 200 square feet.
- (19) Off-street parking, residential: two spaces per family.
- (20) Off-street parking, public gathering: one space per five seats if applicable or one space per 200 square feet of building.
- (21) Maximum lot coverage ratio of all buildings: not to exceed 25% of total lot.
[Amended 6-12-2006]
- (22) Two-family dwelling ratio: not more than one two-family dwelling per four single-family dwellings, or not more than one two-family dwelling per one acre of land under a single ownership within the district.
- (23) All front yard setbacks are to also refer to § **400-81** of this chapter for setbacks on federal, state, and county roads.

§ 400-38. Residential District Three (R-3).

- A. Purpose and intent. The purpose of this district is to provide for moderate-density residential development in public service areas where public sewer services and facilities are readily available. This district is intended to protect and enhance existing residential areas occupied by a variety of low and moderate density and existing undeveloped parcels to accommodate new moderate-density residential development which is consistent with the Development Plan and compatible with adjoining land uses.
- B. Permitted uses. The following uses are permitted in this district:
 - (1) Multiple-family dwellings, up to eight units per building upon approval of a site plan by the Planning and Zoning Committee.
 - (2) Single- and two-family dwellings.
 - (3) Churches and affiliated uses, grade schools, libraries, water storage facilities and related structures.
 - (4) Municipal buildings, except sewage plants, garbage incinerators, warehouses, garages, shops, and storage yards.
 - (5) Parks, playgrounds, recreational and community center building and grounds.
 - (6) Private garages and accessory buildings.
- C. Conditional uses. The following conditional uses shall be allowed only after issuance of a conditional use permit:
 - (1) Multiple-family dwellings greater than eight units.
 - (2) 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.
 - (3) Professional offices, when such office is conducted solely by a member of the resident family, entirely within the residence and incidental to the residential use of the premises.
 - (4) 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.
 - (5) Nursing homes and hospitals when located in collector or arterial highways.

- (6) Day-care centers and nursery schools.
- (7) Funeral homes and undertaking parlors.

D. Requirements:

- (1) Maximum building height: 35 feet.
- (2) Minimum front setback: 50 feet.
- (3) Minimum rear yard setback: 25 feet.
- (4) Minimum side yard setback: 15 feet; 25 feet for both yards.
- (5) Accessory building side setback: five feet.
- (6) Minimum lot width at building line: 100 feet.
- (7) Minimum lot frontage on public road: 100 feet.
- (8) Minimum lot area for single-family: 10,000 feet.
- (9) Minimum lot area for two-family: 12,000 feet.
- (10) Minimum lot area for multifamily dwelling units larger than two units: 10,000 square feet for base lot, plus 2,000 square feet for each additional unit.
- (11) Off-street parking, residential: two two-hundred-square-foot parking spaces per unit.
- (12) Off-street parking for home occupation and professional offices, in addition to Subsection **D(11)**: one two-hundred-square-foot space per 200 square feet of business space in structure.
- (13) Usable open space shall be provided on each lot used for multifamily dwelling of three or more units. Usable open space shall comprise at least 25% of the gross land area of the lot area and shall be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development but shall not include public or private streets, drives, or drainageways.
- (14) The developer is responsible for preparing a site plan as part of the application for three or more units.
- (15) The Planning and Zoning Committee has the discretion to recommend to the Town Board to relax the above setback requirements for principle structures intended for condominium ownership except on the periphery of the original parcel.
- (16) Site plan.
 - (a) The site plan map shall be submitted as part of the building permit application and provide the following:
 - [1] Be drawn to a scale of one inch equals 100 feet and accurately showing the location, dimensions, of existing elevations including two-foot topographic contours of the site;
 - [2] Show elevations and setbacks of all pertinent structures, cut and fill areas, drainage and stormwater runoff areas, storage areas;
 - [3] Indicate size, location and spatial arrangements of all proposed and existing structures, parking facilities on the site; and
 - [4] Indicate the location and elevations of streets, water supply and sanitary facilities.
 - (b) The applicant shall provide any additional pertinent information that is requested by the Committee to determine the suitability of the particular site for the proposed use.

§ 400-39. Local Business District (B-1).

- A. Purpose and intent of Local Business 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 Guide. 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 be compatible with residential uses.
- B. Permitted uses:
- (1) 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; laundry and dry cleaners; gift shops; taverns and restaurants; parking areas and the similar retail establishments normally found in neighborhood shopping centers.
 - (2) 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.
 - (3) Personal services to include barbershops, beauty salons, tailor shops, and coin-operated laundromats.
 - (4) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds.
- C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:
- (1) 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.
 - (2) Lodges and fraternal buildings, nursing and retirement homes, nursery and day-care centers.
 - (3) All public utility facilities, sewage treatment facilities.
 - (4) Animal hospitals and clinics, excluding open kennels and exercise yards.
 - (5) Sport shooting ranges, archery ranges, miniature golf courses, golf driving ranges, volleyball courts and other similar outdoor commercial or nonprofit recreational activities, including such activities that may require outdoor lighting to operate at night, provided that any light, noise, odor or vibrations generated by such use is within the performance standards of this chapter.
[Added 5-19-2015 by Ord. No. 2015-1]
- D. Requirements for permitted and conditional uses:
- (1) Maximum building height: 35 feet.
 - (2) Minimum frontage on public roads: 70 feet.
 - (3) Minimum floor area: 300 square feet.
 - (4) Parking requirements: one 300 square feet parking space for each 300 square feet of building.
 - (5) Minimum lot area (sewered): 7,500 square feet.
 - (a) Setbacks:
 - [1] Front yard: 30 feet.
 - [2] Rear yard: 12 feet.
 - [3] Side yard: 10 feet.

- [4] Width at building line: 75 feet.
- (6) Minimum lot area (unsewered): 40,000 square feet (NOTE: Soil types may require a larger lot size as to Rock County Sanitary Code.)
 - (a) Setbacks:
 - [1] Front yard: 50 feet.
 - [2] Rear yard: 25 feet.
 - [3] Side yard: 15 feet.
 - [4] Width at building line: 100 feet.
- (7) Accessory side yard building setback: five feet.

§ 400-40. Large Scale Commercial District (B-2).

- A. Purpose and intent of Large Scale Commercial District B-2. The purpose of this district is to provide a means of obtaining the economic goals and objectives of the Development Guide. This district is intended to provide areas adjacent to major highways for the location of commercial establishments which usually require extensive land area for the open storage and display of merchandise and equipment.
- B. Permitted uses. The following uses are permitted uses in this district:
 - (1) Sales, rental, and servicing, including repair of new and used automobiles, trucks, trailers, construction equipment and agricultural equipment.
 - (2) Filling stations.
 - (3) Lumber yards, building service and supply.
 - (4) Feed and grain dealers, grain storage; farm machinery, equipment and supplies, no height restrictions.
 - (5) Cooperatives, milk depot.
 - (6) TV, electrical, plumbing, heating and air-conditioning sales and service.
 - (7) Plumbing, air-conditioning, and heating: equipment sales, warehousing and repair facilities.
 - (8) Commercial laundries and dry cleaning plants.
 - (9) Public utility facilities, except sewage treatment plants and sanitary landfills.
 - (10) Animal hospitals, clinics, and kennels.
 - (11) Sales, servicing, repairing, and renting of equipment used by business, industry, and agriculture.
 - (12) Restaurants and taverns.
 - (13) Welding, sheet metal, or blacksmith shops.
- C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:
 - (1) Retailing, wholesaling, or warehousing of drugs and chemicals.
 - (2) Industrial machinery and supplies.

D. Requirements for permitted and conditional uses.

- (1) Maximum building height: two times the setback of the building.
- (2) Minimum frontage of public road: 70 feet.
- (3) Parking requirements.
 - (a) All business and commercial establishments shall provide one parking space for each 200 square feet of floor area.
 - (b) Every structure or building containing 5,000 square feet or more 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:

Gross Floor Area (square feet)	Number of Loading Spaces
5,000 to 24,000	1
24,001 to 60,000	2
60,001 to 96,000	3
96,001 to 144,000	4
144,001 to 192,000	5
192,001 to 240,000	6
240,001 to 294,000	7
294,001 to 348,000	8

- (c) There shall be definite entrances and exits to the property.
- (4) Minimum lot area: 40,000 square feet.
- (5) Green area. Not less than 15% of the lot shall be permanently set aside, planted and maintained as a green area.
- (6) Screening. All storage, except of motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened 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.
- (7) Minimum front yard setback: 50 feet.
- (8) Minimum back yard setback: 50 feet.
- (9) Minimum lot width at building line: 100 feet.
- (10) Maximum lot coverage of all buildings to lot size: five (lot) to one (building).
- (11) Minimum setback for grain elevators, silos, and feed storage: two times the length of the facility.

§ 400-41. Commercial Highway Interchange District (CHI).

- A. Purpose and intent of Commercial Highway Interchange District (CHI). The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Development Guide. The CHI District is to provide facilities to serve the traveling public at locations along federal and state highway routes. This district is intended to provide and protect sites that are suited to highway service development from haphazard development that could destroy the best use of such sites for their unique business functions.
- B. Permitted uses. The following uses are permitted uses in this district:
- (1) Gasoline service stations, provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least 100 feet from any existing or officially proposed street line.
 - (2) Automobile repair shops, including shops for general mechanical repairs, and repair of tires, but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles on major automobile body or engine repair.
 - (3) Leasing of passenger automobiles, limousines or trucks, without drivers, or of truck trailers, or utility trailers.
 - (4) Establishments engaged in the daily or extended term rental or leasing of house trailers, mobile homes, or campers.
 - (5) Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
 - (6) Restaurants, taverns, lunch rooms and other eating places, including drive-in type establishments.
 - (7) Commercial parking lots, parking garages, parking structures.
 - (8) Tourist-oriented retail shops, including souvenir shops, gift shops, and flea markets.
 - (9) Residential use only when an integral part of the commercial building.
- C. Conditional use. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:
- (1) Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
 - (2) Wholesale merchandise establishments.
 - (3) Warehouses.
 - (4) Motor carrier facilities.
 - (5) Travel trailer parks, specifically, parcels of land in which two or more spaces are occupied, or intended for occupancy, by travel trailers or campers, and for transient dwelling purposes only. This provision shall include by reference the definitions of "travel trailer park" and "travel trailer" set forth in Article **XV** of this chapter.
 - (6) Wireless communication facilities in accordance with Article **XIV** of this chapter.^[1]
[1] Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).
- D. Requirements for permitted and conditional uses:
- (1) Maximum building height: 35 feet.
 - (2) Minimum front yard setback: 50 feet.
 - (3) Minimum rear yard setback: 50 feet.

- (4) Minimum lot width at building line: 100 feet.
- (5) Minimum lot frontage on public road: 50 feet.
- (6) Minimum lot area: three acres.
- (7) Minimum side yard setback: 15 feet.
- (8) Truck unloading area: sufficient space that no streets or alleys need be blocked.
- (9) Off-street parking, public gathering: one space per three seats if applicable or one space per 300 square feet of building.
- (10) Maximum lot coverage ratio of all buildings to lot size: five (lot) to one (building).
- (11) Site design: using the information on Article **VII** of this chapter as a guideline.
- (12) Natural features, such as drainage areas, wet soils, and steep slopes shall be designed into the site plan.
- (13) Not less than 20% of the area of each parcel as it existed when first covered by this chapter shall be permanently reserved for grass, flowers, shrubs, cover plants, trees, or equivalent esthetic treatment (green area) within the area between the front of the principle building and front yard line. Driveways or parking lots shall not qualify for such a green area but ponds or fountains shall qualify as a green area.
- (14) Access or frontage roads. As a prerequisite to issuing a building permit, any area which comes under the CHI District shall have an interior road network dedicated to the public which will provide adequate access for future lots to the public road system.
- (15) There shall be no access permits located within 1,000 feet of the most remote end or taper of any existing or proposed entrance or exit ramp of an interchange, or at intervals of less than 600 feet thereafter. Access points along opposite sides of intersecting highways shall be located either directly opposite each other, or directly opposite a median strip crossover, or separated by at least 300 feet of lateral distance along the highway center line.
- (16) Truck parking areas shall be separated from automobile parking areas. Road network design should address truck traffic and automobile traffic and separate but integrate activities.
- (17) All front yard setbacks are to also refer to § **400-81** of this chapter for setbacks on federal, state and county roads.

§ 400-42. Lowland Conservancy Overlay District One (C-1).

A. Purpose and intent of Lowland Conservancy District One (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 and general welfare of the citizens of the community; private and public property from the hazards of floodwater inundation or high groundwater; 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 are subject to flood hazard 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 chapter as follows:

Ad	EoA	Me	Aw	Ha
Mf	AzA	Ho	Na	BmA
KaA	Ot	Br	LkA	Pa
Co	Ma	Rs	Da	Mb

Se	EIA	Mc	Wb	EmA
Md	WcA			

B. Permitted uses. The following uses of land are permitted in this district:

- (1) Agricultural uses to include crop and pasture land when conducted in accordance with the SCS standards, not including the erection of buildings or structures.
- (2) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (3) Forestry and the management of forests.
- (4) Wildlife preserves.
- (5) The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- (6) Hunting, fishing, trapping, piers, docks, and boathouses.
- (7) Public and private parks, picnic areas, and similar uses.
- (8) Hiking trails and bridle paths.
- (9) Preservation of areas of scenic, historic, or scientific value.
- (10) Watershed conservation areas.
- (11) Open storage uses such as parking areas.
- (12) Uses similar and customarily incident to any of the above uses.

C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:

- (1) Dams, reservoirs, ponds, grass waterways, water storage and primary facilities.
- (2) Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- (3) Utilities, such as, but not restricted to, telephone, telegraph, power, or other transmission lines.
- (4) Relocation of any watercourse.
- (5) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to § 59.692, Wis. Stats., Zoning of Shorelands on Navigable Waters.
- (6) Removal of topsoil or peat.
- (7) Sewage disposal plants.

D. Requirements for permitted and conditional uses:

- (1) Maximum building height: 35 feet.
- (2) Minimum front yard setback: 50 feet.
- (3) Minimum rear yard setback: 75 feet.
- (4) Minimum lot frontage on public road: 50 feet.
- (5) Minimum lot area: no minimum.
- (6) No minimum lot area except in A-1 District where minimum is 35 acres.

- (7) Minimum side yard setback: 15 feet.
- (8) Off-street parking, public gathering: one space per five seats, if applicable, or one space per 200 square feet of building.
- (9) All front yard setbacks are to also refer to § **400-81** of this chapter for setbacks on federal, state, and county roads.

§ 400-43. Highland Conservation District Two (C-2).

A. Purpose and intent of Highland Conservation District Two (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 20%; 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, groundwater 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	GrB2
DuB2	FIB	OgB	WfC2	SaB	OsB
DuA	F1A	OgA	WnA	SaC2	WfA
KeA	PmB	KeC2	WnB2	SbA	RpD2
KdC2	PmA	KeB2	WnC2	SbB	PnB
KdB	P1C2	TrA	WoA	SbC2	RpC2
JuA	P1B	WaA	ZuA	SkA	WeC2
JaB	P1A	WaB	ZuB	SkB	OsC2
JaA	PeC2	WaC2	RnB2	SkC2	GrC2
HeA	PeB2	WeA	RnC2	ZuC2	PnA
GrD2	PeA	WeB	RpB		

B. Permitted uses. The following uses are permitted uses in this district:

- (1) Forest and woodland crop management.
- (2) Farming and related agricultural uses.
- (3) Installation of soil and water conservation structures.
- (4) Parks and recreational areas, arboretums, and botanical gardens.
- (5) Forest preservation, wildlife reservations, and conservation projects.

C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:

- (1) 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.
- (2) Horse stables, riding clubs, and fairgrounds.
- (3) Private and public golf courses and country clubs.
- (4) Earth movements involving site disturbing in excess of one acre not related to farming activity.

- (5) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- (6) Single-family dwellings.
- (7) Ski hills, ski trails, hunting and fishing clubs.
- (8) Recreation camps.
- (9) Animal hospitals, shelters and kennels.
- (10) Telephone, telegraph and electric transmission lines, building or structures and similar public utility facilities.
- (11) Radio, television, and communication transmitters or relay towers and facilities.
- (12) Rifle ranges, skeet shooting clubs, and other activity features.
- (13) Other recreation activities that do not require a structure or earth movement.

D. Requirements for permitted and conditional uses:

- (1) Maximum building height: 35 feet.
- (2) Minimum front yard setback: 75 feet.
- (3) Minimum rear yard setback: 25 feet.
- (4) Minimum lot width at building line: 100 feet.
- (5) Minimum lot area: 10 acres.
- (6) Minimum side yard setback: 15 feet.
- (7) Off-street parking, public gathering: one space per five seats, if applicable, one space per 200 square feet of building, or one space per five anticipated users at maximum usage of facility.
- (8) All front yard setbacks are to also refer to § **400-81** of this chapter for setbacks of federal, state, and county roads.

§ 400-44. Commercial Recreational District (CR).

- A. Purpose of Commercial Recreational District. The purpose of this district is to provide a means of obtaining the recreational and economic goals and objectives of the Development Guide. This district is intended to provide certain limited recreational goods, services and facilities in areas that contain or are immediately adjacent to recreational resources.
- B. Permitted uses. The following uses are permitted uses in this district:
- (1) Marine sales and services, boat rental, boat launching sites, parking areas, marine and boat supplies, sporting goods and supplies, bait shops, yacht clubs, boat liveries, off-season storage facilities, snowmobile sales and services, swimming beaches and pools.
 - (2) Restaurants, hotels, motels, tourist courts, taverns, bars, supper clubs, drive-in food and beverage establishments, dance halls, skating rinks, bowling alleys, gift novelty and souvenir sales.
 - (3) Governmental and cultural uses to include fire and police stations, community centers, libraries, parks, playgrounds, museums, utilities, schools and churches.
 - (4) Tennis courts, handball courts and racquet ball courts that are included within a building.

- C. Conditional uses. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:
- (1) Residences for an owner or caretaker of a permitted use in this district.
 - (2) Archery ranges, miniature golf, golf driving ranges, and other similar commercial recreational activities that may require outdoor lighting to operate at night and that generate noise, odor or vibrations within the performance standards of this chapter.
 - (3) Amusement parks, penny arcades, billiard and pool halls, resorts, group camps, public assembly uses, and campgrounds.
- D. Requirements for permitted and conditional uses:
- (1) Maximum building height: 35 feet.
 - (2) Minimum front yard setback: 50 feet.
 - (3) Minimum rear yard setback: 50 feet.
 - (4) Minimum setback from high water mark: 75 feet.
 - (5) Minimum lot width at building line: 100 feet.
 - (6) Minimum frontage on public road: 50 feet.
 - (7) Minimum lot area with public sewer: 20,000 square feet.
 - (8) Minimum lot area without public sewer: 40,000 square feet.
 - (9) Maximum lot coverage ratio of all building to lot/size: five (lot) to one (building).
 - (10) Parking requirements: one two-hundred-square-foot parking space for each 200 square feet of building.
 - (11) All front yard setbacks are to also refer to § **400-81** of this chapter for setbacks on federal, state, and county roads.^[1]

[1] *Editor's Note: Original Sec. 4L of the Commercial Recreational District, regarding fees, which immediately followed this subsection, was repealed at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 400-45. Planned Unit Development Overlay District (PUD).

- A. The Planned Unit Development (PUD) is an area with a minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and/or more public, quasi-public, agricultural and/or conservation areas. The basic principle of the PUD is that property rights usually include a private area or lot and access to commonly owned property which is usually owned by a property owners' association or covered by easements which provide common use amongst property owners.
- B. Purpose and intent of planned unit development. 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 to the basic intent of this chapter and the general plan for community development. To this intent it allows diversification and variation in the relationship on 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 public services, and to encourage and facilitate preservation of open land.
- C. Lot area, lot width, height, floor area ratio, yard and usable open space requirements.

- (1) In the PUD the requirements of the respective zoning district may be relaxed to the discretion of the Planning and Zoning Committee but in no case shall the maximum number of units per square foot in relation to the total development be exceeded for the respective zoning district.
 - (2) A minimum of five acres of land shall be developed as a unit.
- D. Off-street parking. In the Planned Unit Development District, 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 chapter.
- E. Criteria for approval. As a basis for determining the acceptability of a planned unit development application, the following criteria shall be applied to the precise development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:
- (1) Character and intensity of land use. In a planned unit development, the uses proposed and their intensity and arrangement on the site shall be a visual and operational character which:
 - (a) Are compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth, and open space.
 - (b) 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.
 - (c) Would not adversely affect the anticipated provision for school or other municipal services.
 - (d) Would not create a traffic or parking demand incompatible with the existing or proposed facilities to serve it.
 - (2) Economic feasibility and impact. The proponents of a planned unit development application shall provide evidence satisfactory to the Planning and Zoning Committee of its economic feasibility of available adequate financing and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.
 - (3) Engineering design standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Planning and Zoning Committee.
 - (4) Preservation and maintenance of open space. In a planned community development area, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication of private land.
 - (a) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying 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. Buildings or uses for limited commercial, recreational, or cultural purposes 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 approval of building site and operational plans by the Planning and Zoning Committee.
 - (b) The care and maintenance of such open space reservation 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 the title to each property.

- (c) Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.
- F. Procedure. The procedure for obtaining a PUD shall be as required for any other conditional use under this chapter, except that in addition thereto, the conditional use may only be considered in conjunction with the development plan, and shall be subject to the following additional requirements:
- (1) General development plan. The applicant shall file with the County Planner and Planning and Zoning Committee a general development plan which shall include the following information:
 - (a) A statement describing the general character of the intended development.
 - (b) An accurate map of the project area, including its relationship to surrounding properties and existing topography and key features, with a two-foot contour interval.
 - (c) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in Subsection **E** of this section:
 - [1] The pattern of proposed land use, including shape, size and arrangement of proposed use areas, density and environmental character.
 - [2] The pattern of public and private streets.
 - [3] The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
 - [4] A utility feasibility study.
 - (d) Appropriate statistical data on the size of the development, ratio of various land uses, percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the community under the criteria of this section.
 - (e) General outline of intended organizational structure related to property owners' association, deed restrictions and private provision of common services.
 - (2) Referral and hearing.
 - (a) Within 60 days after completion of the filing of the petition for approval of a preliminary proposal, the Planning and Zoning Committee shall schedule the required public hearing.
 - (b) Approval of the conditional use and related preliminary proposal shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.
 - (3) Final plan. A specific and detailed plan for implementation of all or a part of a proposed planned unit development must be submitted within one year after receiving preliminary approval from the Planning and Zoning Committee. If a final plan has not been submitted within said time, which the Planning and Zoning Committee determines to be a reasonable phase of the total plan, the area shall revert back to the original zoning district without PUD classification. The specific implementation plan shall be submitted to the Planning and Zoning Committee and 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 one inch equals 200 feet) covered by the plan, including the relationship to the total general development plan.
 - (b) The pattern of public and private roads, driveways, walkways and parking facilities.
 - (c) Detailed lot layout and subdivision plat where required.
 - (d) The arrangement of building groups, other than single-family residences, and their architectural character.
 - (e) Sanitary sewer and water mains.
 - (f) Grading plan and storm drainage system.
 - (g) The location and treatment of open space areas and recreational or other special amenities.
 - (h) The location and description of any areas to be dedicated to the public.
 - (i) General landscape treatment.
 - (j) Proof of financing capability.
 - (k) Analysis of economic impact upon the community.
 - (l) A development schedule indicating:
 - [1] The approximate date when construction of the project can be expected to begin;
 - [2] The 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.
 - (m) Agreements, bylaws, provisions or covenants which govern the organizational structures, use, maintenance and continues protection of the planned community development and any of its common services, common open areas or other facilities.
 - (n) Any other plans, documents or schedules requested by the Committee.
- (4) Approval of the final plan.
- (a) Following a review of the specific implementation plan, and Planning and Zoning Committee shall recommend to the Town Board that it be approved as submitted, approved with modification or disapproved.
 - (b) Upon receipt of the Planning and Zoning Committee's recommendation, the Board may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back to the Planning and Zoning Committee for further negotiation with the developer.
 - (c) In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time. This shall be accomplished prior to the issuance of any building permit.

- (d) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Planning and Zoning Committee and if, in the opinion of the Committee, such change or addition constitutes substantial alteration of the original plan, the procedure provided in Subsection **F**, above, and in this subsection shall be required.

§ 400-46. Mobile Home Parks District (MHP).

A. Procedures and applications.

(1) Approvals required.

- (a) 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.
- (b) Any person owning or controlling a mobile home court in existence on the effective date of this chapter may apply for and receive an annual license for his existing court or camp by complying with Subsection **A(4)** hereof.
- (c) The Town Clerk shall issue an initial license only after the following actions have taken place:
- [1] The land has been zoned mobile home park by the Town Board.
 - [2] The applicant completes application form and submits it to the Town Clerk together with the required license fee.
 - [3] The Town Board approves the license.

(2) Fees and expiration date (per § 66.0435, Wis. Stats.).

(a) Fee schedule:

- [1] Initial mobile home court license fee: (appropriate fee as set by Town Board).
- [2] Annual mobile home court license fee: (appropriate fee as set by Town Board).
- [3] Mobile home court license transfer fee: (appropriate fee as set by Town Board).

- (b) 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 proration of fees.

(3) Initial license application.

- (a) Application for an initial license shall be made to the Town Clerk in an initial license application form. Fees as provided in Subsection **A(2)(a)** above are required prior to taking action on the approval steps listed herein.
- (b) Preliminary plan. The applicant shall apply for preliminary plan approval to the Planning and Zoning Committee. Such applicant shall submit six 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 the final plan.
- (c) Final plan.
- [1] 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 of \$500 and six copies of the general layout plan which shall include:^[1]

- [a] Three prints of a certified survey map or subdivision plat of the property showing existing features of the property.
 - [b] A complete plan of the court to a scale of not less than 200 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 court, including a detailed sketch of a typical mobile home lot.
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- [2] 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 court.
 - [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.
- [3] 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. 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.
- [4] 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 of Rock County, Wisconsin, a certified survey map or plat (per Ch. 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 according to the conditional use permit and recorded plans. Construction pursuant to such permit must commence within one year of the date of the license issuance or the license shall become null and void.
- (4) License application for 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.

- (5) 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 \$10.

B. Administration.

- (1) Building Inspector. It shall be the responsibility of the Building Inspector to enforce the provisions of this chapter by authorizing and directing inspections to be made of all mobile home courts.
- (2) Violations. Whenever the Building Inspector determines violations of pertinent regulations exists, he shall notify the licensee or permittee of such alleged violations. Such notice shall:
 - (a) Be in writing.
 - (b) Include a statement of the violations enumerated.
 - (c) Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 90 days.
- (3) Revocation of license. Upon failure to comply with such violation notice or upon complaint of any citizen of the Town, the license for such court is subject to revocation by the Town Board as provided in § 66.0435(2)(d), Wis. Stats., unless the alleged violation is corrected within the period specified by the Town Board.
- (4) 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 may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the license. Said order shall be in writing, shall be notwithstanding any other provisions of this chapter, 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.
- (5) Duty of license holder.
 - (a) 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:
 - [1] Name of mobile home court, name and address of owner, agent, or operator.
 - [2] A tabulation of mobile home court occupancy listing lot designation, occupants' names, monthly tax and date of departure or arrival.
 - (b) Within five days of the arrival of each new mobile home occupant, the owner shall submit, in duplicate, the Town Assessor Form 130-2 of the Wisconsin Department of Revenue for a mobile home.
- (6) 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 chapter.

C. General provisions.

- (1) Applicability. Every mobile home court built or added to after the effective date of this chapter shall conform to and be governed by the provisions of this chapter. No mobile home court shall be allowed in any zoning district except specified, Mobile Home District. Every mobile home court developed and governed by this chapter shall have an approved license.
- (2) Classification.
 - (a) Mobile home courts. It shall be unlawful to permit a mobile home to be located in a court unless it is placed in a designated stand in a licensed court.

- (3) Parking of mobile homes.
 - (a) Only one mobile home shall be placed on a lot.
 - (b) Each mobile home lot shall abut upon a roadway within an approved court.
- (4) Nonresidential uses. No part of any court shall be used for nonresidential purposes, except such uses as are required for the direct servicing and well-being of court residents and for the management and maintenance of the court as approved by the Town Board.
- (5) Signing.
 - (a) No signs shall be permitted except the following:
 - [1] One nonflashing identification ground-mounted sign or wall sign stating only the name of the court may be permitted, provided the sign does not project into the public way.
 - [2] Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc.
 - (b) Signs and their installation shall comply with all other applicable codes and regulations.

D. Standards.

- (1) Court size.
 - (a) Mobile home courts:
 - [1] Minimum acreage: eight.
 - [2] Maximum density of court: 7 units per gross land acre.
- (2) Minimum number of lots. There shall be a minimum of 25 mobile home lots completed and ready for occupancy before first occupancy is permitted.
- (3) Length of residential occupancy. No lot shall be rented for residential use of a mobile home in any such mobile home court except for periods of 30 days or more.
- (4) Compliance with code standards. No mobile home shall be admitted in any mobile home court unless it can be demonstrated that it meets the requirements of American Standards for Installation in Mobile Homes Electrical, Heating, and Plumbing Systems or MHMA (Mobile Homes Manufacturing Association) Mobile Home Standards for Plumbing, Heating, and Electrical Systems.
- (5) Minimum lot width and setback standards.
 - (a) Setback standards.

	Mobile Home	Accessory Structures
	(feet)	(feet)
Front setback	10	10
Side setback	8	5
Rear setback	8	5
Corner street side yard	8	8
Yard abutting open areas	8	8
From any public street	25	25

- (b) Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary: 50 feet.
- (c) Minimum lot area: 6,000 square feet.

- (6) Parking.
 - (a) At least two off-street hard surfaced parking spaces shall be provided for each mobile home lot. The size of each space must be at least nine feet by 20 feet.
 - (b) 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.
- (7) Screening. There shall be provided a screening buffer strip along the boundary of the mobile home court where it abuts a residence district. Such screening shall be at least five feet in width and five 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.
- (8) 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 10% of the total gross court area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.
- (9) Tenant storage. One storage building accessory to a mobile home will be permitted in a mobile home lot, provided that the storage building does not exceed 400 cubic feet and does not exceed eight feet in height. Such storage building shall be fully enclosed and located on the mobile home lot. All storage buildings in the mobile home court shall be uniform in size.
- (10) 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 on the Department of Safety and Professional Services of Wisconsin.
- (11) Additions and alterations.
 - (a) Permit required. A permit issued by the Building Inspector shall be required before any construction on a mobile home 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.
 - (b) 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.
 - (c) 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.
 - (d) Skirting required. Vented skirting of nonflammable 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.
- (12) Utilities. Utilities shall be installed underground and shall meet county and State of Wisconsin Statutes and Codes.
 - (a) Electrical requirements.
 - [1] Each mobile home lot shall be connected to the court electrical wiring system by underground cable and by approved receptacle, disconnecting service per each mobile home lot shall be 120-140 volts AC, 100 amperes.
 - [2] Adequate lights shall be provided in mobile home courts to illuminate streets, driveways, and walkways for the safe movement of vehicles and pedestrians at night. A minimum of one footcandle shall be provided for safe pedestrian and vehicle movement.

- (b) Sewer service. All mobile home parks shall be served by common sewer. Each mobile home lot shall be equipped with at least a three-inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.
 - (c) Water. Common water shall be provided by separate lateral at each mobile home lot.
 - (d) Fire protection. Fire hydrants shall be located within 500 feet of any mobile home or service building.
- (13) Mobile home stand, patio, and tie downs.
- (a) A mobile home stand shall be a continuous four-inch concrete single slab or an approved alternate to support the mobile home.
 - (b) 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 2,800 pounds.
- (14) Roadways.
- (a) All roadways created by a mobile home court shall be hard surfaced according to standards established by the County Highway Department.
 - (b) The minimum pavement width of roadways shall be 30 feet. The minimum pavement diameter of culs-de-sac shall be 40 feet.
 - (c) 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 groundwater.
 - (d) The names of roadways within the court shall not duplicate the names of streets within Rock County.
 - (e) All road construction and maintenance will be at the developer's expense.
- (15) Lot markers. The limits of each mobile home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.
- (16) Fences and hedges. Fences and hedges may be permitted in a mobile home court, 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.
- (17) Garbage and rubbish storage areas. Garbage and rubbish shall be stored in flytight, watertight, 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.

§ 400-47. Special Purpose District (SP).

- A. Purpose and intent of Special Purpose Districts (SP). The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. The SP District is intended to provide for those uses which create or could present special problems, hazards or other circumstances with regard to the use of land. This district is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; those for which it is desirable to have a limited number of a given land use within the community.
- B. Conditional uses. All such uses shall be conditional uses and subject to the consideration and approval of the Town of Milton Board with regard to such matters as the creation of nuisance

conditions for the public or for users of nearby areas. The Committee will review the applicable facts pertaining to the proposed conditional use as found in Article V of this chapter and will approve the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created. The Committee may require special facilities as a condition of approval, such as, but not limited to, fences, trees, shrubbery, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment:

- (1) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- (2) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building materials.
- (3) Airports open to the public, hangars, or accessory structures.
- (4) Cemeteries when they comply with the provisions of § 157.06, Wis. Stats.
- (5) Race tracks, sewerage treatment facilities.
- (6) Accessory structures required by the principle use.
- (7) Junkyards and automobile salvage yards.

C. Requirements for conditional uses:

- (1) Minimum lot area: five acres.
- (2) Minimum front yard setback: 50 feet.
- (3) Minimum side yard setback: 20 feet.
- (4) Minimum rear yard setback: 25 feet.
- (5) Maximum slope ratio: 3:1.
- (6) Off-street parking: one space per five seats, or one space per five anticipated users at maximum usage of facility.
- (7) Abandonment procedures - mining operation:
 - (a) Slope: 3:1.
 - (b) Cover: five inches topsoil, fast growing grass, or other suitable vegetation.
 - (c) Erosion control as needed.
- (8) All front yard setbacks are to also refer to § **400-81** of this chapter for setbacks on federal, state, and county roads.

§ 400-48. Light Industrial District (M-1).

A. Purpose and intent of Light Industrial District (M-1).

- (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 industry. This district is to facilitate the establishment of light

industrial areas which are consistent with the community as in relation to regional and national competitions.

- (2) The following soil types have severe engineering limitations because of compressibility, high water table, shrink-swell potential, low shear strength, excessive slope, low bearing capacity, are subject to liquefaction and piping, frost heave, or are high erosive potential and, therefore, no industrial development shall take place thereon:

Ad	EdE	LoD	Pa	SaD
Aw	EoA	Ma	Ro	Se
AzA	GoD	Mb	RpC2	SoC2
Br	GpC2	Mc	RpD2	SoD
CaD2	GrD2	Md	RrE	SoF
CaE	Ho	Me	RrF	TrA
Co	JuA	Mf	Rs	WhC2
DrD2	KdD	Na	RtD	W1C2
EdC2	KeD2	OoD2	RuE	W1D2
EdD2	KeE	Ot	RuF	WoA

B. Permitted uses. The following uses are permitted in this district:

- (1) Public or private offices or office buildings.
- (2) Truck, bus, or rail terminals.
- (3) Warehousing, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a conditional use permit issued by the Town Board.
- (4) Public utility facilities.
- (5) Police, fire and postal stations.
- (6) Automotive upholstery and body repair shops, laundries and dry cleaning plants, not including personal and individual dropoff and pickup service.
- (7) Commercial bakeries, greenhouses, printing and publishing.
- (8) Distributors and food locker plants.
- (9) Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- (10) Radio, television, and communication transmitting or relay towers and facilities.
- (11) Railroad switching yards.
- (12) Accessory buildings, uses and activities customarily incidental to the permitted uses. Accessory use may include a septic tank and field system, when approved by the County Sanitarian, which shall not exceed 5,000 gallons per day flow, serving an individual building or use. The provisions of Ch. NR 214, Wis. Adm. Code, shall be complied with at all times.

C. Conditional use. A conditional use in this district is to permit the following uses only after a public hearing, recommendation by the Planning and Zoning Committee and approval of the Town Board:

- (1) Living quarters for watchman or caretaker.
- (2) Farm machinery plants and machine shops.

- (3) Manufacture, fabrication, packing, packaging, and assembly of products utilizing as a primary resource furs, glass, metal, paper, leather, plaster, plastics, textiles, and wood.
- (4) Research laboratories and facilities.
- (5) Manufacturing or processing of explosives.
- (6) Terminal facilities for flammable gases or liquids.
- (7) Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases or liquids.
- (8) Manufacture and bottling of nonalcoholic beverages.
- (9) Storage and sale of machinery and equipment.
- (10) Manufacture, fabrication, processing, packing, and packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, jewelry, pharmaceutical, tobacco, toiletries and food, except cabbage, fish, and fish products, meat and meat products, and pea vining.
- (11) Building contractor's storage yard.
- (12) Commercial service facility, sewerage disposal plants, and public utilities.
- (13) Wireless communication facilities in accordance with Article **XIV** of this chapter.^[1]

[1] *Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

D. Requirements for conditional and permitted uses. Within the M-1 District the following standards shall apply:

- (1) Maximum building height: 35 feet.
- (2) Minimum building area: 40,000 square feet.
- (3) Minimum front yard setback: 50 feet (75 feet if parking is permitted in front yard).
- (4) Minimum rear yard setback: 40 feet (50 feet when abutting a residential area).
- (5) Minimum side yard setback: 20 feet (50 feet when abutting a residential area).
- (6) Minimum average lot width: 100 feet.
- (7) Minimum parking provided: one space per two employees.
- (8) 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:

Gross Floor Area (square feet)	Number of Loading Spaces
5,000 to 24,000	1
24,001 to 60,000	2
60,001 to 96,000	3
96,001 to 144,000	4
144,001 to 192,000	5
192,001 to 240,000	6
240,001 to 294,000	7
294,001 to 348,000	8

Gross Floor Area**(square feet)**

For each additional 54,000

Number of Loading Spaces

1 additional space

- (9) Not more than 40% of the lot containing any use permitted in this district may be used for open storage of raw material or any other material.
- (10) All front yard setbacks are to also refer to § 400-81 of this chapter for setbacks on federal, state, and county roads.

§ 400-49. Historic Conservation Overlay District (HC).

- A. Purpose and intent of HC Overlay District. Within districts now existing or hereafter created, it is intended to permit the creation of historic and cultural conservation overlay districts in general areas or for individual structures and premises officially designated as having historic or cultural significance. Regulations within such districts are in addition to the regulations of the underlying zoning district. These regulations are intended to protect against destruction of or encroachment upon such areas, structures or premises; to encourage uses which will lead to their continuance, conservation, and improvement in manner appropriate to preservation of the cultural and historic heritage of the Town; to prevent creation of environmental influences adverse to such purposes; to assure that new structures and uses within such districts will be in keeping with the character to be preserved and enhanced and thereby to protect and promote the general welfare by maintaining and increasing property values, and making the district a more attractive and desirable place in which to live.
- B. Permitted uses: continuation of existing uses when such use is in conformity with permitted uses of underlying zoning district.
- C. Conditional uses:
- (1) A conditional use in this district is to permit the following uses only after review and recommendation by the Historic District Committee, public hearing, recommendation by the Planning and Zoning Committee, and approval of the Town Board:
 - (a) Any use change from an existing use which would be permitted by the underlying district.
 - (b) Any expansion of an existing use which is permitted by the underlying district.
 - (c) Any new construction of a permitted or conditional use pursuant to the underlying zoning district.
 - (d) Any demolition activity.
 - (2) In general, the following items shall be considered in making decisions about conditional use requests within this district:
 - (a) Height. All new structures should be constructed to be a height visually compatible with the buildings and environment with which they are visually related.
 - (b) Scale. The gross volume of any new structure should be visually compatible with the building and environment with which it is visually related.
 - (c) Proportion of front facades. In the street elevation of a building, the proportion between the width and height in the facade should be visually compatible with the buildings and environment with which it is visually related.
 - (d) Proportion of openings. The proportions and relationships between doors and windows in the street facades should be visually compatible with the buildings and environment with which it is visually related.

- (e) The rhythm of solids to voids. The rhythm of solids to voids created by openings in the facade should be visually compatible with the buildings and environment with which it is visually related.
- (f) Rhythm of spacing. The existing rhythm created by existing building masses and spaces between them should be preserved.
- (g) Relationship of materials. The material used in the final facades should be visually compatible with the buildings and environment with which it is visually related.
- (h) Relationship of textures. The texture inherent in the facade should be visually compatible with the buildings and environment with which it is visually related.
- (i) Relationship of roofs. The design of the roof should be visually compatible with the buildings and environment with which it is visually related.
- (j) Landscaping. The landscape plan should be sensitive to the individual building, its occupants and their needs. Further, the landscape treatment should be visually compatible with the buildings and environment with which it is visually related.
- (k) Directional expression of front elevation. All street facades should blend with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.
- (l) Relationship of architectural details. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent characteristics of the area.

D. Requirement for permitted and conditional uses:

- (1) Maximum building height: within 10% of average of adjacent building heights.
- (2) Minimum front yard setback: underlying district or average of adjacent yards.
- (3) Minimum rear yard setback: underlying district or average of adjacent yards.
- (4) Minimum lot width, minimum lot frontage and minimum lot area: underlying district. However, lots or portions of lots existing in HC Districts may be combined, but no existing lot or combination of lots, parcels, or portions thereof, in single ownership at the time of zoning to HC status, shall be reduced in width, depth, or area without the approval of the Planning and Zoning Committee.
- (5) Minimum side yard setback: underlying district or average of adjacent yards.
- (6) Minimum lot area per dwelling unit: as required by the Rock County Sanitary Code. Lot dimensions (proportion of length to width) shall approximate that of existing lots as being used.
- (7) Off-street parking. Off-street parking and loading space shall be as required for the underlying zoning; provided, however, that the following regulations shall apply to the location of such parking facilities:
 - (a) No required off-street parking or loading space shall be located in any front yard.
 - (b) It is the intent of these regulations to permit off-site parking where required on-site parking is impractical or would have adverse effects on the appearance of the property or of the district. It is also intended to encourage provision of such off-site parking in grouped facilities in interior-block parking lots or courts or at other appropriate locations which will be convenient for users, reduce interference with pedestrian and vehicular traffic by minimizing curbcuts and sidewalk crossings, and make available for other purposes those areas of lots which would otherwise be required to provide driveways and parking space.

E. The Historic District Committee shall be notified of all applications for conditional use permits within this district. The Historic District Committee shall review the plans, visit the site for which the

conditional use permit is requested, and shall advise the Planning and Zoning Committee as to whether or not the plans are compatible with the surrounding area.

F. Composition of Historic District Committee.

- (1) The Historic District Committee shall be composed of five members appointed by the Town Board Chairman. One member shall be a member of the Town Board; one member from the Planning and Zoning Committee; one member an architect, architectural historian, planner, landscape architect, or from a related field; one member shall be a resident of the historic district; one member shall be a landowner and resident of the district.
- (2) Members shall be appointed for three-year terms except that the Town Board and Planning and Zoning Committee members' terms shall expire at the same time as their respective terms of office.

Article V. Conditional Use Permits

§ 400-50. General provisions.

The Town Board may authorize the Town Clerk to issue a conditional use permit for conditional uses as specified herein after review and a public hearing by the Planning and Zoning Committee and approval by the Town Board, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or property values within the Town of Milton.

§ 400-51. Required information.

Applications for conditional use permits shall be made to the Town Clerk or designee on forms furnished by the Town Clerk or designee and shall include the following for proper review by the Town:

- A. Names and addresses of the applicant and owner of the site; any architect, professional engineer, or contractor who is or will be involved with the creation of any land division or structure to be used in carrying out the proposed conditional use; and all property owners within 1,000 feet of the parcel in question.
- B. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of any structure to be created for the proposed conditional use; proposed operation or use of any structure or site; number of employees, if any; and the zoning district within which the subject site is located.
- C. If the proposed conditional use will involve a land division or if the use is to be carried out on a parcel that already exists as a part of a platted subdivision or is represented by a certified survey map, a preliminary plat of survey prepared by a registered land surveyor showing all of the information required under § 400-62 for a building permit and, in addition, the mean and historic high water lines and floodplains on or within 40 feet of the subject premises and existing and proposed landscaping.
- D. Additional information as may be required by the Building Inspector, Planning and Zoning Committee, or Town Board.

§ 400-52. Review and approval.

The Planning and Zoning Committee and Town Board shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access,

traffic generation and circulation, drainage, sewerage and water systems, and the proposed plan of operation. In addition:

- A. Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion, dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, parking requirements, or other conditions not specifically listed, may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this chapter. Violation on any of these conditions shall be deemed a violation of this chapter.
- B. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses.
- C. Amendments. Changes subsequent to the initial issuance of a conditional use permit that would result in a need to change the initial conditions shall require an amendment to the conditional use permit. Enlargement of a conditional use shall be considered an amendment. The process for amending a permit shall generally follow the same procedures as those required for granting a conditional use permit as set forth in this article including the payment of a conditional use permit fee as described in § 400-58.
- D. Notification of each conditional use permit granted shall be transmitted to the Rock County Planning and Development Agency.
- E. The procedure for issuance of a building permit for a mobile tower shall be as set forth in § 400-120 of this chapter and, to the extent the conditions for issuance of a building permit under this section are inconsistent with that section or contrary to Wis. Stats. § 66.0404, the provisions of that section and that statute shall apply.
[Added 3-18-2014 by Ord. No. 2014-3]

§ 400-53. Revocation of conditional use permit.

Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the Town Board or should the use or characteristics of the use be changed without prior approval by the Town Board, the conditional use permit may be revoked. The Town Board may initiate revocation of a conditional use permit by giving notice to the holder of the permit as provided in § 400-56 of this chapter and holding a public hearing prior to taking action.

§ 400-54. Standards applicable to all conditional uses.

- A. In considering a conditional use permit application, the Planning and Zoning Committee and Town Board shall review and make affirmative findings and adopt a statement of reasons in support of the affirmative findings on each of the following standards prior to issuing a conditional use permit:
 - (1) That the amount of land is limited to a quantity no more than reasonably necessary to accommodate the proposed use.
 - (2) That the proposed use is compatible with existing or future roads giving access to it.
 - (3) That the proposed use is compatible with existing uses on land in the neighborhood and local area, whether in the same zoning district or in the Town.
 - (4) That the proposed use is in harmony with future development in the neighborhood and local area, whether in the same zoning district or in the Town.
 - (5) That the proposed use is compatible with existing topography, drainage, soils types, and vegetative cover.

- (6) That the proposed use is compatible with the public interest, the purpose and intent of this chapter, and substantial justice to all parties concerned.
- B. Any proposed use that will involve the removal of agricultural soil from production, or will prevent the use of land for growing crops, shall be placed on that portion of a parcel that contains the poorest quality agricultural soils or that portion of the parcel that would be the least productive for agricultural purposes.
 - C. No conditional use permit shall be issued for any use that might result in damage to Town roads, including, but not limited to, the operation of an agribusiness or gravel extraction operation or the use of sewage sludge for fertilizer purposes, unless the Town Board is assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond, an irrevocable letter of credit, or cash deposit assuring that any damage to the road caused by the applicant will be repaired or reconstructed at the applicant's full expense, which will protect the Town against any expense due to the inability or refusal of the applicant to repair any damage to the road.
 - D. 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 completely established within one year of the date it is approved by the Town, the conditional use is not actively utilized for a period of six months, conditions of approval are not being met, or the conditional use is expanded without Town Board approval.
 - E. The owner of a parcel of land upon which a conditional use permit has been issued may voluntarily surrender said permit with the consent of the permit user and the approval of the Town Board, whereupon the permit shall terminate and no longer run with the parcel.

§ 400-55. Standards applicable to all conditional uses within the A-1 District.

In considering a conditional use permit application in the A-1 District, the Planning and Zoning Committee and Town Board shall review and make affirmative findings and adopt a statement of reasons in support of the affirmative findings on each of the standards in § 400-54A, as well as review and make affirmative findings and adopt a statement of reasons in support of the affirmative findings on each of the following standards prior to issuing a conditional use permit:

- A. That the proposed use does not have the potential for conflict with agricultural uses.
- B. That there are no alternative locations available.
- C. That the proposed use is in a location that will reduce to a minimum the amount of productive agricultural land converted.
- D. That there are adequate public services available or that the affected local units of government would be able to provide the services without an unreasonable burden.
- E. That the proposed use will not have a negative impact on water or air quality, soil erosion, and rare or irreplaceable natural resources.

§ 400-56. Notice and public hearing.

- A. The Town Planning and Zoning Committee shall hold a public hearing upon each application for a conditional use permit.
- B. Notice of public hearings shall be mailed by the Town Clerk to all parties-in-interest at least 10 days before the hearing. "Parties-in-interest" shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the

owners of all lands included in the petition and all lands lying within 1,000 feet of lands included in the petition. This notification shall specify the date, time, place, and matters to be considered at said hearing.

- C. Notice of any public hearing which the Town Planning and Zoning Committee is required to hold under the terms of this article shall be published as Class 1 notice under Ch. 985, Wis. Stats., listing the date, time, place, and proposed conditional uses.

§ 400-57. Recommendations.

The Planning and Zoning Committee shall review all applications for conditional use permits within the limits of the Town following the public hearing and shall recommend to the Town Board that the application be granted as requested, modified with conditions, or denied. The Committee's review of the application shall consist of a review of the relevant sections of this chapter, including the standards set forth in §§ 400-54 and 400-55 and Article VII of this chapter; a review of the relevant sections of the Town Land Use and Transportation Plan text and map; and consideration of the comments and suggestions made by the people speaking at the public hearing. The recommendation shall be made at a properly noticed meeting subsequent to the meeting at which the application is first submitted.

§ 400-58. Conditional use permit fee.

The applicant shall pay a fee as set by the Town Board by separate resolution from time to time as deemed appropriate. The Town Board may retain an attorney, planner, engineer, architect or other professional consultants to advise the Town Board and/or Planning and Zoning Committee on any or all aspects of the conditional use request. The cost of hiring these professionals shall be borne by the applicant.

§ 400-59. Town Board action.

The Town Board shall vote to approve or deny the conditional use permit with any conditions attached after careful consideration of the Town Planning and Zoning Committee recommendation; a review of the relevant sections of this chapter, including the standards set forth in §§ 400-54 and 400-55 and Article VII of this chapter; a review of the relevant sections of the Town Land Use and Transportation Plan text and map; and consideration of the comments and suggestions made by the people speaking at the public hearing.

Article VI. Building Permits

§ 400-60. Cases where building permit is required.

A building permit is required in the following cases:

- A. Where any building or other structure is located, erected, moved, reconstructed, extended, enlarged, or structurally altered so as to change its use or increase its floor area.
- B. Where 50% or more of the fair market value of a structure is destroyed and it is being repaired or altered.
- C. All accessory buildings if anchored to a concrete slab or poles buried in the ground.

§ 400-61. Cases where building permit is not required.

A building permit is not required in the following cases:

- A. For any accessory building that is 100 square feet or less and is on skids and moveable, provided such building conforms to all the setback, yard and open space requirements of this chapter.
- B. For any improvements or alterations to an existing building where the materials and labor will be \$2,500 or less and where there is not a structural change or encroachment upon any yard or open space.
- C. For any maintenance repairs that do not involve structural changes.

§ 400-62. 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:

- A. When a new building or addition to an existing building is being proposed an accurate map is required of the land parcel, including proper dimensions showing:
 - (1) The lot line distances and setback line distances of the land parcel involved.
 - (2) The current zoning applied to the land parcel, building plans, and estimated building costs.
 - (3) The location of the center line and the road right-of-way lines of any abutting streets or highways.
 - (4) The location on the lot of any existing buildings, proposed additions to existing buildings, and all proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the center line or road right-of-way lines of any abutting streets or highways to the nearest portion of such building.
 - (5) The floodway, flood fringe, and the normal high water line of any stream or lake on which the property adjoins or includes.
- B. Where the use involves an on-site sewer system, the map shall include the location of the water well and pipe system and sewage system, which shall conform to the requirements set forth in the Wisconsin Administrative Code. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots.
- C. The procedure for issuance of a building permit for a mobile tower shall be as set forth in § **400-120** of this chapter and, to the extent the conditions for issuance of a building permit under this section are inconsistent with that section or contrary to Wis. Stats. § 66.0404, the provisions of that section and that statute shall apply.
[Added 3-18-2014 by Ord. No. 2014-3]

§ 400-63. 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:

- A. Building permit (new residential structures): appropriate fee as set by the Town Board.
 - (1) Permits are valid for 24 months and may be renewed for an additional 12 months.
 - (2) Permit renewals will be assessed a fee equal to the original permit fee.
 - (3) Additional renewals may be granted by the Town Board at the request of the Building Inspector.
- B. Accessory building (or remodeling) permit: appropriate fee as set by the Town Board.

- (1) Permits are valid for 12 months and may be renewed for an additional six months.
- (2) Permit renewals will be assessed a fee equal to the original permit fee.
- (3) Additional renewals may be granted by the Town Board at the request of the Building Inspector.

§ 400-64. Building restrictions.

- A. Minimum living area on main floor of a single-family ranch dwelling in all districts: 900 square feet.
- B. Minimum living area for a multifamily single-family dwelling in all districts: 1,200 square feet.
- C. Minimum living area on main floor of a two-family ranch dwelling per family: 800 square feet.
- D. Minimum living area for a two-family multilevel dwelling excluding basements, per family: 1,100 square feet.
- E. Basements will not count as square footage in one level ranch and two-story homes.
- F. Any dwelling constructed without a full height basement, the main floor living area shall be increased by: 200 square feet.

§ 400-65. Building permit penalty fee.

Failure to obtain a building permit before starting construction will result in a penalty.

- A. Building permit penalty fee: appropriate fee as set by the Town Board by separate resolution from time to time as deemed appropriate.

Article VII. Standards for Evaluating Conditional Uses, Changing Zoning Districts and Granting Variances

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

§ 400-66. Site design and physical characteristics.

- A. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- B. Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- C. Where public sewers are not available, the percolation characteristic of the soil.
- D. Adequacy of the proposed internal circulation system, including safety consideration.
- E. Access to sites from the internal circulation system.
- F. The costs of providing various public services.
- G. Appearance: how the area will look.

§ 400-67. Site location relative to the public road network.

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

§ 400-68. Land use.

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

§ 400-69. Traffic generation.

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

§ 400-70. Community effects.

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

§ 400-71. Other relevant factors.

- A. See Performance Standards of Article **XII** of this chapter.
- B. Additional impacts.

Article VIII. Board of Adjustment

§ 400-72. Establishment.

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

§ 400-73. Membership.

The Board of Adjustment shall consist of five members appointed by the Town Board and confirmed by the Town Board.

- A. Terms shall be for staggered three-year periods.
- B. Chairman shall be designated by the Board of Adjustment.
- C. 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.
- D. No member shall be a Town Board member, Planning and Zoning Committee member, or the Building Inspector.
- E. Secretary shall be the Town Clerk.
- F. Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.
- G. Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within 10 days of receiving notice of their appointment.
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- I. Compensation shall be as determined by the Town Board.

§ 400-74. Organization.

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

- A. Meetings shall be held at the call of the Chairman and shall be open to the public.
- B. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, 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.
- C. The concurring vote of three members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility use.

§ 400-75. Powers.

The Board of Adjustment shall have the following powers:

- A. Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Zoning Ordinance, but not including power to hear an appeal from a decision of the Town Board in granting or denying a conditional use permit.
[Amended 5-13-2013]
- B. Variances: to hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this chapter shall be observed and the public safety, welfare, and justice secured. Use variances and self-imposed hardships shall not be granted.

- C. Interpretations: to hear and decide applications 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.
- D. Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issue of a permit.
- E. Assistance. The Board may request assistance from other Town and county officials, departments, commissions, and boards.
- F. Oaths. The Chairman shall administer oaths and may compel the attendance of witnesses.

§ 400-76. Appeals and applications.

[Amended 5-13-2013]

Appeals from the decision of any administrative official under this chapter may be made to the Board of Adjustment by any person aggrieved or by any officer, department, committee, board, or bureau of the Town, provided that no appeal may be made to the Board of Adjustment from a decision of the Town Board in granting or denying a conditional use permit. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Building Inspector and/or Town Board. 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:

- A. Name and address of the appellant or applicant and all abutting and opposite property owners of record, and owners within 200 feet in developed areas and 1,000 feet in all other areas as delineated on the Town Plan.
- B. Plat of survey prepared by a registered land surveyor showing all of the information required under § 400-62 for a building permit.
- C. Additional information required by the Town Planning and Zoning Committee, Board of Adjustment, or Building Inspector.
- D. Fee receipt from the Town Treasurer in the appropriate amount as set by the Town Board.

§ 400-77. Hearings.

The Board of Adjustment shall hold a public hearing within 30 days of receiving written application for the hearing, give public notice thereof at least 10 days prior to the hearing by publication of a Class 1 notice under Ch. 985, Wis. Stats., and shall give due notice to the parties in interest, the Building Inspector, and the Town Board. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney.

§ 400-78. Findings.

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

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

interest.

- C. Conclusion of law: that the findings of the Board of Adjustment are based on a legal foundation and consistent with appropriate codes, ordinances, and state statutes.

§ 400-79. Decision.

The Board of Adjustment shall decide all appeals and applications within 30 days of the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector and Town Board.

- A. Conditions may be placed upon any building permit ordered or authorized by the Board.
- B. Variances granted or building permits directed by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.
- C. If any application for a variance is denied, a new application may not be accepted unless the request is substantially different from the original request.

§ 400-80. Review by court of record.

Any person or persons aggrieved by any decision of the Board of Adjustment 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 60 days after the filing of the decision in the office of the Town Clerk.

Article IX. Highway Setback Lines and Roadside Regulations

§ 400-81. Classification and setbacks.

For the purpose of determining the distance buildings and other structures, excluding signs, are set back, the roads and highways of the Town are hereby divided into the following classifications according to the Wisconsin Department of Transportation 1980 Functional Classification System or the locally adopted Transportation Plan.

- A. Arterial highways.
 - (1) The setback line for arterial highways shall be 115 feet from the center line of the highway or 75 feet from the right-of-way line, whichever is greater.
 - (2) Frontage roads to arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
 - (3) Minimum road right-of-way shall be 100 feet.
- B. Collector roads. The setback of collector roads shall be 115 feet from the center line or 75 feet from the right-of-way line, whichever is greater. Minimum roadway width shall be 80 feet.
- C. Local roads. All local roads shall have a minimum setback of 85 feet from the center line or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 70 feet.
- D. Lesser setback. Lesser setbacks may be permitted by the Town Board in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

- E. Special width road rights-of-way. Road rights-of-way which are indicated as a special width road in adopted transportation plans shall be used to establish minimum setback requirements and the division of land.

§ 400-82. Vision clearance at intersections.

- A. 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 center lines and a line connecting points on said center lines at a specified distance from their point of intersection, in the manner illustrated in the Clear Vision Triangle Diagram^[1] and Designed Basic Illustration of **Clear Vision Triangles**.

[1] *Editor's Note: The Clear Vision Triangle Diagram is located at the end of this chapter.*

- B. The use of the term "triangle" in this section shall not be construed to preclude reasonable modification of a triangular-shaped area, including modifications occasioned by the existence of curving streets or roads. The term "center line" in this section shall be interpreted as follows:

- (1) Where there is an undivided pavement within a right-of-way, the center line shall be the center line of that pavement, irrespective of whether or not that coincides with the center line of the right-of-way.
- (2) Where there is divided pavement within a right-of-way, the center line shall be the center line of the median strip between the pavements, except as specified in Subsection **B(3)** below.
- (3) Where there is a divided pavement within a right-of-way, and the distance between the center line of the pavements, measured along the center line of the intersecting street or road, is 60 feet or greater, the center lines of the pavements shall be used separately, in the manner illustrated and shown in the Illustration of Designation of Center Line for **Clear Vision Triangles**,^[2] to designate the clear vision triangles.

[2] *Editor's Note: The Illustration of Designation of Center Line for **Clear Vision Triangles** is located at the end of this chapter.*

- C. The distance specified from the point of intersection of the center lines to the aforesaid points on the center lines shall be as specified in the table as follows:

Classification	Triangle Side Distance (feet)
Arterials	300
Collectors	200
Local	150

- D. Within the clear vision triangle, no object shall be allowed above a height of 2 1/2 feet above the average elevation of the streets at the aforesaid points on their respective center lines if it substantially obstructs the view across the triangle.
- E. 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.

§ 400-83. Objects within setback lines and vision triangles.

Objects permitted within setback lines and vision triangles include:

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

§ 400-84. Access control.

The Town Board may require that common access roads be provided for access from the subdivision to the existing public road network. Access points shall not be within 470 feet of each other (measured from center to center of each access point).

§ 400-85. Road repair.

Anyone responsible for disturbing, disrupting, or tunneling under a road must maintain that road until all settling and/or compaction has taken place and the road has returned to its original condition or to the approval of the Town Board.

§ 400-86. Driveways.

All driveway permits must be approved by the Highway Department and Town Board.

Article X. Nonconforming Uses, Structures and Lots

§ 400-87. Existing nonconforming uses.

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

- A. Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. Total lifetime structural repairs or alterations shall not exceed 50% of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this chapter.
- C. Substitution of new equipment may be permitted by the Town Board if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- D. Licenses. This chapter is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this chapter.

§ 400-88. Abolishment or replacement.

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

§ 400-89. Existing nonconforming structures.

The lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter; however, it may be extended, enlarged, reconstructed, moved, or structurally altered, provided it does not further infringe on setback requirements of this chapter except to comply with the provisions of this chapter.

§ 400-90. 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 substitution use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Town Board.

§ 400-91. Substandard lots.

[Amended 12-14-2015 by Ord. No. 2015-5]

In any residential district or in Agricultural District A-2 or A-3, a single-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 the effective date of this chapter. In Agricultural District A-1, a farm residence that is a single-family dwelling may be erected on any legal lot or parcel of record.

- A. All the district requirements shall be complied with insofar as practical but shall not be less than the following:
 - (1) Lots:
 - (a) Width minimum: 50 feet.
 - (b) Area minimum: 7,500 square feet (except in shoreland areas).
 - (2) Yards:
 - (a) Street minimum: 35 feet; the second street yard on corner lots shall be not less than 10 feet.
 - (b) Rear minimum: 20 feet.
 - (c) Side minimum: 10% of the frontage, but not less than five feet.
- B. Compliance with the standards of the Rock County Sanitary Code and Rock County Health Ordinance shall be a condition for the granting of a building permit.

§ 400-92. Existing business uses.

Business uses in buildings existing on the effective date of this chapter which are not in a business zoning district may be continued, reconstructed or structurally enlarged, provided that:

- A. The Town Board grants a special exception for the same use;
- B. The same foundation area is used or the maximum lot coverage ratio of all building to lot size does not exceed five (lot) to one (building); and

- C. One ten-foot-by-twenty-foot off-street parking area is provided for each 200 square feet of business area.

Article XI. Changes and Amendments

§ 400-93. Authority.

- A. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto when the amendment is consistent with an adopted land use plan.
- B. Such change or amendment shall require the review and recommendation of the Planning and Zoning Committee.

§ 400-94. 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.

§ 400-95. Petitions.

Applications for an amendment to the text of this chapter or to district boundaries on the Official Zoning Map shall be filed with the Town Clerk. The application shall be submitted on forms provided by the Town Clerk and shall include:

- A. The landowner's name.
- B. The current zoning district assigned.
- C. The proposed land use for the land parcel(s) on the Town Land Use and Transportation Plan Map.
- D. The proposed zoning district being requested.
- E. The reasons for the proposed change.
- F. Whether or not the proposed zoning request is consistent with the Town Land Use and Transportation Plan and the County Farmland Preservation Plan.
- G. Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 1,000 feet of the area proposed to be rezoned.
- H. Owner's names and addresses of all properties lying within 1,000 feet of the area proposed to be rezoned.
- I. Additional information required by the Planning and Zoning Committee or Town Board.
- J. Fee for a petition to rezone a parcel of land to any other district shall be an appropriate fee as set by the Town Board by separate resolution, from time to time, as deemed appropriate. The Town Board may retain an attorney, planner, engineer, architect or other professional consultants to advise the Town Board and/or Planning and Zoning Committee on any or all aspects of the rezoning petition. The cost of hiring these professionals shall be borne by the applicant.

§ 400-96. Standards for zoning changes.

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

- A. Whether the proposed change is consistent with the Town Land Use and Transportation Plan and the County Farmland Preservation Plan. Amendments to this chapter affecting the A-1 Exclusive Agricultural District, not consistent with the Town Land Use and Transportation Plan and County Farmland Preservation Plan, can effect the certification of this chapter for farmland owner property tax credits in the Town.
- B. Whether the proposed change is consistent with the purpose and intent section of the new zoning district.
- C. Wisconsin case law relating to the proposed change.
- D. Whether adequate public facilities are available or can be made available to accommodate the proposed use within a reasonable time.
- E. Whether public facilities needed to accommodate the proposed use will place an unreasonable burden on the ability of local units of government and school districts to provide the service.
- F. Whether the land proposed for rezoning is:
 - (1) Suitable for development;
 - (2) A threat to the health and safety of the future people that will be living or using the land;
 - (3) Has the potential to result in undue water and/or air pollution; and
 - (4) On erosive soil or will have an adverse effect on rare or irreplaceable natural resources.
- G. The protection of property values and the property tax base.
- H. Amount of daily and peak-hour traffic that will be generated, related to site size, and existing automobile traffic on the existing road network.
- I. Amount of daily and peak-hour traffic that will be generated relative to existing and anticipated traffic from other land uses affecting the existing and planned road network.
- J. Expected composition of site-generated traffic by vehicle types.
- K. Safety and convenience to future users.
- L. Access to commercial areas.
- M. Relation to aesthetic, scenic, and recreation values.

§ 400-97. Notice and public hearing.

- A. The Town Planning and Zoning Committee shall hold a public hearing upon each recommendation for a zoning change or amendment.
- B. Notice of public hearings shall be mailed by the Town Clerk to all parties-in-interest at least 10 days before the hearing. "Parties-in-interest" shall be defined as the applicant, the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the petition, and the owners of all lands included in the petition and all lands lying within 1,000 feet of lands included in the petition. This notification shall specify the date, time, place, and matters to be considered at said hearing.
- C. Notice of any public hearing which the Town Planning and Zoning Committee is required to hold under the terms of this section of this chapter shall be published as Class 2 notice under Ch. 985, Wis. Stats., listing the date, time, place, and changes or amendments proposed.

§ 400-98. Recommendations.

The Planning and Zoning Committee shall review all proposed changes and amendments within the limits of the Town following the public hearing and shall recommend to the Town Board that the petition be granted as requested, modified, or denied. The Committee's review of the proposed changes and amendments shall consist of a review of the relevant sections of this chapter, including the standards set forth in Article VII of this chapter and § 400-96; a review of the relevant sections of the Town Land Use and Transportation Plan text and map; and consideration of the comments and suggestions made by the people speaking at the public hearing. The recommendation shall be made at a properly noticed meeting subsequent to the meeting at which the petition is first submitted and shall be, in writing, to the Town Board.

§ 400-99. Town Board action.

The Town Board shall vote to approve or deny the proposed change or amendment after careful consideration of the Town Planning and Zoning Committee recommendation; a review of the relevant sections of this chapter, including the standards set forth in Article VII of this chapter and § 400-96; a review of the relevant sections of the Town Land Use and Transportation Plan text and map; and consideration of the comments and suggestions made by the people speaking at the public hearing.

§ 400-100. Protest.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the land area included in such proposed change, or by the owners of 20% or more of the area of the land immediately adjacent and extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by a three-fourths vote of the Town Board.

Article XII. Performance Standards

§ 400-101. Compliance.

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

§ 400-102. 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.

§ 400-103. 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 aboveground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

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

§ 400-104. 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.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 400-105. Liquid or solid wastes.

- A. 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.
- B. This section does not apply in agricultural districts.

§ 400-106. Noise.

- A. No activity shall produce a sound level outside the district boundary that exceeds the following sound level measured by a sound level meter and associated octave band filter:

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	79
75 to 150	74
150 to 300	66
300 to 600	59
600 to 1,200	53
1,200 to 2,400	47
2,400 to 4,800	41
Above 4,800	39

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

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above to 4,800	32

- C. 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.
- D. This section does not apply in agricultural districts.

§ 400-107. Odors.

- A. 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 Chapter 13, Air Pollution Abatement Manual 1960, prepared by the Manufacturing Chemists' Association Inc., Washington, D.C. Agriculture odors associated with normal agricultural activities are exempted from this section.
- B. This section does not apply in agricultural districts.

§ 400-108. 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.

§ 400-109. Vibration.

No activity in any district shall emit vibrations which are discernible without instruments outside its premises.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

§ 400-110. 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 runoff, 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 Ch. NR 102, Wis. Adm. Code, for all navigable waters.

Article XIII. Signs

§ 400-111. Permit required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a sign permit, except those signs permitted under § 400-112, and without being in conformity with the provisions of this chapter, § 84.30, Wis. Stats., and Ch. Trans 201, Wis. Adm. Code. The sign shall also meet all the structural requirements of local and state building codes.

§ 400-112. Signs permitted without sign permit.

Signs permitted in all districts without a sign permit: nonlighted on-premises signs not to exceed 16 square feet on each of two sides.

§ 400-113. Signs permitted with sign permit.

Signs permitted in all districts with a sign permit:

- A. Nonlighted on-premises signs that exceed 16 square feet on each of two sides.
- B. Fees for sign permits shall be as set from time to time by resolution of the Town Board.^[1]
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 400-114. Signs which require a building permit.

- A. Any sign that exceeds 54 square feet will require a building permit.
- B. Fees for sign building permits shall be as set from time to time by resolution of the Town Board.^[1]
[1] Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 400-115. Off-premises signs.

All off-premises signs shall require a conditional use permit from the Town Board. An additional fee for a sign permit is not required.

§ 400-116. Lighting of signs.

Illuminated signs shall require a conditional use permit from the Town Board. An additional fee for a sign permit is not required.

§ 400-117. Existing signs.

Signs lawfully existing at the time of the adoption or amendment of this chapter may be continued although the use, sign, or location does not conform with the provisions of this chapter.

§ 400-118. Maintenance of signs.

All signs must be maintained by owner.

§ 400-119. Location of signs.

The location of any sign may be set by the Town Board on the recommendation of the Planning and Zoning Committee.

Article XIV. Mobile Tower Siting

§ 400-120. Purpose.

[Amended 3-18-2014 by Ord. No. 2014-3]

The purpose of this article is to regulate by conditional use permit and building permit:

- A. The siting and construction of any new mobile service support structure and facilities;
- B. With regard to a Class 1 co-location, the substantial modification of an existing support structure and mobile service facilities; and
- C. With regard to a Class 2 co-location, co-location on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

§ 400-121. Definitions.

[Amended 3-18-2014 by Ord. No. 2014-3]

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

ANTENNA

Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

APPLICATION

An application for:

- A. A conditional use permit under this article to engage in the siting or construction of a new mobile service support structure or a Class 1 co-location; or
- B. A building permit under this article to engage in a Class 2 co-location.

CLASS 1 CO-LOCATION

The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.

CLASS 2 CO-LOCATION

The placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

CO-LOCATION

Class 1 or Class 2 co-location, or both.

COMMITTEE

The Town Planning and Zoning Committee created under this chapter.

DISTRIBUTED ANTENNA SYSTEM

A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.

EQUIPMENT COMPOUND

An area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.

EXISTING STRUCTURE

A support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Town Clerk.

FAA

The Federal Aviation Administration.

FCC

The Federal Communications Commission.

MOBILE SERVICE

A radio communication service carried on between mobile stations or receivers and land stations, and by mobile stations communicating among themselves, as defined in federal law.

MOBILE SERVICE FACILITY

The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

MOBILE SERVICE PROVIDER

A person who provides mobile service.

MOBILE SERVICE SUPPORT STRUCTURE

A freestanding structure that is designed to support a mobile service facility.

POLITICAL SUBDIVISION

A city, village, town, or county.

PUBLIC UTILITY

Has the meaning provided under Wis. Stats. § 196.01 or any amendment thereto.

SEARCH RING

A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors, including topography and the demographics of the service area.

SUBSTANTIAL MODIFICATION

The modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

- A. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- B. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- C. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for co-location.

- D. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

SUPPORT STRUCTURE

An existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

UTILITY POLE

A structure owned or operated by an alternative telecommunications utility, as defined in Chapter 196 of the Wisconsin Statutes and any amendment thereto; public utility, as defined in Chapter 196 of the Wisconsin Statutes and any amendment thereto; telecommunications utility, as defined in Chapter 196 of the Wisconsin Statutes and any amendment thereto; political subdivision; or cooperative association organized under Chapter 185 of the Wisconsin Statutes and any amendment thereto; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in Chapter 182 of the Wisconsin Statutes and any amendment thereto; for video service, as defined in Chapter 66 of the Wisconsin Statutes and any amendment thereto; for electricity; or to provide light.

§ 400-122. Application process for siting and construction of new mobile service support structure and facilities.

[Amended 3-18-2014 by Ord. No. 2014-3]

- A. A conditional use permit is required for the siting and construction of any new mobile service support structure and facilities in the Town.
- B. A written permit application must be completed by any applicant and submitted to the Town Clerk. The application must contain all information required for a conditional use permit under this chapter (see § 400-51), plus the following information:
- (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the proposed or affected support structure.
 - (3) The location of the proposed mobile service facility.
 - (4) A construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - (5) An explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
 - (6) A scaled site plan clearly indicating the location, type and height of the proposed structure and equipment compound, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, structure and equipment compound setbacks from property lines, and other information deemed necessary by the Committee to assess compliance with this article.
 - (7) The distance between the structure and the nearest residential unit and residentially zoned properties.
 - (8) The distance from the nearest other mobile service support structure.
 - (9) A landscape plan showing specific plant materials.

- (10) The method of fencing, including location, materials and finished color and, if applicable, vegetative screening.
- C. A permit application will be provided by the Town Clerk upon request to any applicant.
- D. If an applicant submits to the Town Clerk an application for a permit for the siting and construction of any new mobile service support structure and facilities, which application contains all of the information required under this section, the Clerk shall consider the application complete. If the Clerk does not believe that the application is complete, the Clerk shall notify the applicant, in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- E. Within 90 days of the Town Clerk's receipt of a complete application, the Committee shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town Board may agree, in writing, to an extension of the ninety-day period:
- (1) The Committee shall review the application to determine whether it complies with all applicable aspects of this chapter, subject to the limitations in this article.
 - (2) The Committee shall make a final decision whether to approve or disapprove the application.
 - (3) The Clerk shall notify the applicant, in writing, of the Committee's final decision.
 - (4) If the decision of the Committee is to disapprove the application, it shall include with the written notification substantial evidence which supports the decision.
- F. The Committee may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under Subsection **B(5)** above.
- G. A mobile service support structure shall be located not closer than a distance equal to 100% of the height of the structure from any adjoining lot line, provided that, if an applicant provides the Committee with an engineering certification showing that the structure is designed to collapse within a smaller area than a distance equal to 100% of the height of the structure from any adjoining lot line, then the setback shall be reduced to the smaller area unless the Committee provides the applicant with substantial evidence that the engineering certification is flawed.
- H. The fee for the permit is \$3,000.

§ 400-123. Application process for substantial modification of an existing support structure and mobile service facilities as part of Class 1 co-location.

[Amended 3-18-2014 by Ord. No. 2014-3]

- A. A conditional use permit is required for substantial modification of an existing support structure and mobile service facilities as part of a Class 1 co-location in the Town.
- B. A written permit application must be completed by any applicant and submitted to the Town Clerk. The application must contain all information required for a conditional use permit under this chapter (see § **400-51**), plus the following information:
- (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the affected support structure.
 - (3) The location of the affected mobile service facility.

- (4) A construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - (5) A scaled site plan clearly indicating the location, type and height of the existing structure and equipment compound, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, structure and equipment compound setbacks from property lines, and other information deemed necessary by the Committee to assess compliance with this article.
 - (6) The distance between the existing structure and the nearest residential unit and residentially zoned properties.
- C. A permit application will be provided by the Town Clerk upon request to any applicant.
- D. If an applicant submits to the Town Clerk an application for a permit for a Class 1 co-location, which application contains all of the information required under this section, the Clerk shall consider the application complete. If the Clerk does not believe that the application is complete, the Clerk shall notify the applicant, in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- E. Within 90 days of the Town Clerk's receipt of a complete application, the Committee shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town Board may agree, in writing, to an extension of the ninety-day period:
- (1) The Committee shall review the application to determine whether it complies with all applicable aspects of this chapter, subject to the limitations in this article.
 - (2) The Committee shall make a final decision whether to approve or disapprove the application.
 - (3) The Clerk shall notify the applicant, in writing, of the Committee's final decision.
 - (4) If the decision of the Committee is to disapprove the application, it shall include with the written notification substantial evidence which supports the decision.
- F. A mobile service support structure to be modified hereunder shall be located not closer than a distance equal to 100% of the height of the structure from any adjoining lot line, provided that, if an applicant provides the Committee with an engineering certification showing that the structure is designed to collapse within a smaller area than a distance equal to 100% of the height of the structure from any adjoining lot line, then the setback shall be reduced to the smaller area unless the Committee provides the applicant with substantial evidence that the engineering certification is flawed.
- G. The fee for the permit is \$3,000.

§ 400-124. Application process for Class 2 co-location.

[Amended 3-18-2014 by Ord. No. 2014-3]

- A. A building permit is required for a Class 2 co-location in the Town.
- B. A written permit application must be completed by any applicant and submitted to the Building Inspector. The application must contain all information required for a building permit under this chapter, plus the following information:
- (1) The name and business address of, and the contact individual for, the applicant.
 - (2) The location of the affected support structure.
 - (3) The location of the proposed or affected mobile service facility.

- (4) A scaled site plan clearly indicating the location, type and height of the proposed structure and equipment compound, adjacent land uses and structures, adjacent roadways, on-site parking and driveways, structure and equipment compound setbacks from property lines, and other information deemed necessary by the Committee to assess compliance with this section.
 - (5) The distance between the structure and the nearest residential unit and residentially zoned properties.
- C. A permit application will be provided by the Building Inspector upon request to any applicant.
 - D. A Class 2 co-location is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject under this chapter.
 - E. If an applicant submits to the Building Inspector an application for a building permit for a Class 2 co-location, which contains all of the information required under this section, the Building Inspector shall consider the application complete. If the Building Inspector, in consultation with the Committee, does not believe that the application is complete, the Building Inspector shall notify the applicant, in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - F. Within 45 days of receipt of a complete application, the Building Inspector shall complete all of the following, or the applicant may consider the application approved, except that the applicant and the Building Inspector may agree, in writing, to an extension of the forty-five-day period:
 - (1) Review the application to determine whether it complies with all applicable aspects of this chapter, subject to the limitations in this article.
 - (2) Make a final decision whether to approve or disapprove the application.
 - (3) Notify the applicant, in writing, of the Building Inspector's final decision.
 - (4) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - G. The fee for the permit is the same as the fee established by the Town Board for commercial development.

§ 400-125. Limitations.

[Amended 3-18-2014 by Ord. No. 2014-3]

- A. A conditional use permit for the siting and construction of any new mobile service support structure and facilities or for a Class 1 co-location in the Town, and a building permit for a Class 2 co-location, shall be subject to all regulations under this chapter for such permits, provided that no limitation shall be imposed which is contrary to the provisions of Wis. Stats. § 66.0404(4), as amended from time to time, and further provided as follows:
 - (1) No permit shall be issued for any structure or facility unless the applicant reasonably assures that the structure or facility shall be constructed and maintained in compliance with all applicable state or local building codes, with applicable standards for towers that are published by the Electronic Industries Association, and with applicable standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate towers and antennas.
 - (2) Proposed or modified structures and facilities shall be constructed so as to reasonably blend in with the surrounding environment, provided that no application shall be disapproved solely for aesthetic concerns.

- (3) The applicant for a conditional use permit for a proposed or modified structure and facilities may be required by the Committee to provide a surety bond or a cash deposit as reasonably necessary to protect the interests of the Town and its residents and property owners.
- (4) Proposed or modified structures shall blend in with the surrounding environment except as may be required by rules of the FAA or FCC. The equipment compound shall also blend in with the character of the district in which it is located.
- (5) No mobile service support structure may be located within 2,500 feet of an existing mobile service support structure, measured by a straight line between the base of an existing mobile service support structure and the base of a proposed mobile service support structure.
- (6) The height of a mobile service support structure may be limited by the Town Board as reasonably necessary to protect the interests of the Town and its residents and property owners, but not to a height of under 200 feet, and no application may be disapproved solely because of the height.
- (7) No advertising material or signage other than warning or equipment information shall be allowed on any mobile service support structure. This prohibition shall include the attachment to a mobile service support structure of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices.
- (8) A mobile service support structure shall not be artificially illuminated unless required by government authority. Lighting shall be designed to minimize disturbance to the surrounding area. No application may be disapproved solely because the structure requires lighting.
- (9) Traffic that is associated with the mobile service support structure or facility shall not adversely affect abutting streets or neighboring properties.
- (10) Ladder rungs on towers shall not be placed within 20 feet of the ground.
- (11) A mobile service support structure shall be enclosed by security fencing not less than eight 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 Planning and Zoning Committee.
- (12) A buffer of plant materials to effectively screen the equipment compound from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least five feet in width outside the perimeter of the tower compound. In locations where the visual impact of the compound would be minimal, the landscaping requirement may be reduced or waived. Existing mature tree growth and natural land forms shall be preserved to the maximum extent possible. All landscaping requirements detailed here shall be properly maintained in perpetuity.
- (13) The mobile service support structure 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 any complaint of interference is received by the Town, and the interference is verified by a qualified engineer to be caused by the structure, the Town shall notify the owner and operator, in writing, and the owner and operator shall have period of 30 days to investigate the complaint and respond to the Town. In the event it is determined that the structure is the source of the interference, the owner and operator shall take steps to correct the interference.
- (14) All buildings and equipment enclosures shall be kept locked 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.
- (15) Any wireless tower in the A-1 District must meet the requirements of Wis. Stats. § 91.46(4).
[Added 12-14-2015 by Ord. No. 2015-5]

§ 400-126. Maintenance and operational requirements.

- A. General requirements. The wireless communication facility shall be maintained in accordance with all applicable local, state and federal regulations. Access to the wireless communication facility shall be properly maintained for emergency personnel in the form of maintained roadways. 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's 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.
- B. 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.
- C. Hours of operation. Nonemergency maintenance and service visits to the wireless communication facility are limited to regular business hours (7:00 a.m. to 6:00 p.m., Monday through Friday). Emergency repairs necessary to keep the wireless communication service in operation may be performed 24 hours a day, seven days a week.

§ 400-127. Abandoned towers and antennas.

- A. Evidence of abandonment. An antenna or tower shall be deemed abandoned if any of the following shall occur:
[Amended 12-14-2015 by Ord. No. 2015-5]
 - (1) The antenna or tower is not operated for six continuous months.
 - (2) The owner or operator has notified the Town of Milton that it has ceased operations of the antenna or tower.
- B. 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 Clerk within 30 days of such abandonment or discontinuance.
- C. 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 six months after the tower or antenna is abandoned or its use discontinued. If the owner fails to remove 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 as a special charge pursuant to § 66.0703, Wis. Stats.
- D. Site restoration. Whenever a tower is removed from a wireless communication facility, the remainder of the site shall be restored to its preexisting condition, and all buildings, equipment and other devices accessory to the tower shall be removed from the site.

§ 400-128. Legal nonconforming facilities.

Preexisting towers, antenna support structures, antennas or wireless communication facilities which do not conform to the requirements of this chapter shall be permitted to continue subject to the provisions of Article X of this chapter which governs preexisting nonconforming uses, structures and lots.

§ 400-129. Enforcement.

The enforcement provisions as set forth in §§ 400-12 through 400-14 of this chapter apply to the violation of any provision of this article.

Article XV. Terminology

§ 400-130. Usage.

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used on the plural number include the singular; the word "herein" means "in these regulations," the word "regulations" means "these regulations."
- C. 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."
- D. Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent edition of Webster's Collegiate Dictionary.
[Added 12-14-2015 by Ord. No. 2015-5]

§ 400-131. Definitions.

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

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.

ACCESSORY STRUCTURE

A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds), carports, windbreaks, attached porches and garages.

AGRICULTURAL USE

Any use identified as such under the definitions set forth in Chapter 91 of the Wisconsin Statutes and any administrative regulations created thereunder.

[Added 12-14-2015 by Ord. No. 2015-5]

AGRICULTURE-RELATED USE

An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes; also, 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.

[Added 12-14-2015 by Ord. No. 2015-5]

AIRPORT NOT OPEN TO THE PUBLIC

Any airport on privately owned land used solely by the property owner.

AIRPORT OPEN TO THE PUBLIC

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

ALLEY

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

ANIMAL UNIT

A unit of measure used to determine the total number of single animal types or combination of animal types at an animal feeding operation as defined in Chapter NR 243 of the Wisconsin Administrative Code.

[Amended 12-14-2015 by Ord. No. 2015-5]

APPLICANT

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

ARTERIAL STREET

A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways, and parkways.

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 Town Board 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.

COMMERCIAL

The offering or purchase of goods and services with the intention of making a profit.

COMMERCIAL FEEDLOT

An animal confinement facility used or designed for the feeding or holding of 500 animal units for 30 days or more.

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.

COMMON SEWERAGE

A legal sewage system that served 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.

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

An animal confinement facility used or designed for the feeding or holding of 500 animal units for 30 days or more.

DENSITY

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

DEPENDENT MOBILE HOME

A mobile home which does not have complete bathroom facilities.

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, § 59.69, Wis. Stats.) or the incorporated municipality's Master Plan (§ 62.23, Wis. Stats.).

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, MULTIPLE-FAMILY

A building or portion thereof designed for, or occupied by, three or more families or households.

DWELLING, SINGLE-FAMILY

A detached building designed for, or occupied exclusively by, one family or household.

DWELLING, TWO-FAMILY

A detached or semidetached building designed for, or occupied exclusively by, two families or households.

EARTHWORK

The moving of more than two cubic yards of any type of soils.

EASEMENT

Authorization by a property owner for the use by another and for 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 invasion; and from aerial, radiological, biological, 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 overhead gas, electricity, steam, water, sanitary sewerage, stormwater, 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

All land under common ownership that is primarily devoted to agricultural use.
[Added 12-14-2015 by Ord. No. 2015-5]

FARM FAMILY BUSINESS

A business within the definition of a farm family business under regulations adopted by the Wisconsin Department of Agriculture, Trade and Consumer Protection under the authority of Chapter 91 of the Wisconsin Statutes. At the time of adoption of this definition, such regulations are currently part of Chapter ATCP 49 of the Wisconsin Administrative Code.
[Added 4-12-2007 by Ord. No. 68; amended 12-14-2015 by Ord. No. 2015-5]

FARM OWNER OR OPERATOR

A farm owner or operator is a person who earns at least \$6,000/year in farm income.
[Added 12-14-2015 by Ord. No. 2015-5]

FARM RESIDENCE

Any of the following structures located on a farm:
[Added 12-14-2015 by Ord. No. 2015-5]

- A. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - (1) An owner or operator of the farm.
 - (2) A parent or child of an owner or operator of the farm.
 - (3) An individual who earned more than 50% of his or her gross income from the farm.
- B. A migrant labor camp that is certified as such under state law.

FLOODPLAIN

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 accessory building or space for the storage only of not more than three motor vehicles per dwelling unit.

GARAGE, STORAGE

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

HIGH DENSITY

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

HOME OCCUPATION

A gainful occupation when the 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 or substantially increase the traffic flow.

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 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 four 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.

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 chapter and regulations issued hereunder.

LIVESTOCK FACILITY

A feedlot, dairy farm or other operation where livestock other than equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink are or will be fed, confined, maintained or stabled for a total of 45 days or more in any twelve-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility."

[Added 12-14-2015 by Ord. No. 2015-5]

LIVESTOCK STRUCTURE

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

[Added 12-14-2015 by Ord. No. 2015-5]

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.

LODGING HOUSE

A building other than a hotel where lodging only is provided for compensation for not more than 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 DEPTH

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

LOT LINES AND AREA

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

LOT WIDTH

The width of a parcel of land measured at the rear of the specified street yard.

LOW DENSITY

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

MASTER PLAN

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

MEDIUM DENSITY

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

MINOR STRUCTURE

Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and wall and fences under four feet in height.

MOBILE HOME

A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.

MOBILE HOME 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 STAND

That part of an individual lot which has been reserved for the placement of one mobile home unit.

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 service of attached, semiattached, or detached sleeping units for the accommodation of transient guests.

NONCONFORMING STRUCTURE

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

NONCONFORMING USE

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

NONDEPENDENT MOBILE HOME

A mobile home which has complete bathroom facilities.

ORDINANCE

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

OVERLAY DISTRICT

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

OWNER

Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.

PARK MANAGEMENT

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

PARK STREET

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

PERMIT

A written building permit or certification issued by the Planning and Zoning Committee permitting the construction, alteration and/or extension of a building under the provisions of this chapter.

PERMITTED USE

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

PERSON

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

PRINCIPAL BUILDING

The building of primary importance or permitted use on a parcel of land in contrast to those which are accessory or of secondary importance.

RECREATIONAL VEHICLE (RV)

A vehicular-type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, consisting of, but not limited to, a motor home, truck camper, camping trailer, travel trailer and fifth wheel travel trailer.

A. MOTOR HOME

A vehicular unit designed to provide temporary living quarters for recreation, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. Motor homes are of three basic types as described below:

(1) TYPE A

A raw chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters for use as defined above; and

(2) TYPE B

A completed van-type vehicle which has been altered to provide temporary living quarters for use as defined above; and

(3) TYPE C

An incomplete vehicle upon which is permanently attached a body designed to provide temporary quarters for use as defined above.

B. TRUCK CAMPER

A portable unit constructed to provide temporary living quarters for recreation, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pickup truck. In the travel mode, the unit is not more than eight feet in width.

C. CAMPING TRAILER

A vehicular unit mounted on wheels with an overall vehicle width of not more than eight feet in the travel mode, and constructed with collapsible partial side walls which fold for towing by

another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping, or travel use.

D. TRAVEL TRAILER

A vehicular unit, mounted on wheels, with an overall vehicle width of not more than eight feet in the travel mode, which is built to be attached to and drawn by another vehicle and designed to provide temporary living quarters for recreation, camping, and travel.

E. FIFTH WHEEL TRAVEL TRAILER

A vehicular unit, mounted on wheels, with an overall vehicle width in the travel mode of not more than eight feet, primarily designed and constructed to provide temporary living quarters for recreation, camping, travel, and towed by a motor vehicle using a connecting device known as a "fifth wheel."

ROOMING HOUSE

A building other than a hotel where lodging only is provided for compensation for 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 chapter.

SETBACK

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

SIGN

A structure or device 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, using vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this chapter.

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 1/2 or more of its height above grade is a story for purposes of height regulation.

STORY, HALF

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

STREET

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

STREET RIGHT-OF-WAY LINE

The dividing line between a lot, tract or parcel of land and an abutting street.

STRUCTURAL ALTERATION

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

STRUCTURE

Anything constructed or erected having location on the ground.

SUBDIVISION

Any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision. Subdivisions includes the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds, devise, intestacy, lease, map, plat, or other recorded instrument.

SUBDIVISION, MAJOR

All subdivisions not classified as minor subdivisions, including, but not limiting to, subdivision of five or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.

SUBDIVISION, MINOR

Any subdivision containing not more than four lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Master Plan, Development Plan, Official Map, Zoning Ordinance, or these regulations.

TAPER

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

TEMPORARY STRUCTURE

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

TENANT STORAGE AREA

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

TOURIST CAMP OR COURT

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

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 PARK

A parcel of land in which two or more spaces are occupied, or intended for occupancy (not over seven 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.

USE (LAND USE)

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

VARIANCE

Authority granted to the owner to use his property in a manner which is prohibited by this chapter. A departure from the terms of this chapter 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

One which does not involve a use which is prohibited by this chapter. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot-size restrictions, density, density regulations, and yard requirements.

B. USE VARIANCE

One which permits a use of land other than which is prescribed by this chapter. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by this chapter.

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.

WATERLINE

The shortest straight line at the water front end of a stream lot that lies wholly within the lot, provided that not less than 75% of the length of such waterline shall be on, or on the landward side of, the normal high water mark 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 the lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.