



TOWN OF PLYMOUTH

ROCK COUNTY, WISCONSIN

ZONING ORDINANCE

Updated 2/5/2019 & 10/13/2020

Adopted January 13, 2015

I, Susan Douglas, Town Clerk for the Town of Plymouth, do hereby certify that this Zoning Ordinance and the accompanying Zoning Map were adopted by a majority vote of the Town Board of the Town of Plymouth.

Susan Douglas
Town Clerk, Town of Plymouth

January 13th, 2015
Date

Town Board

Larry Harding, Chairperson
Steven Reynolds, Supervisor
Sean Snyder, Supervisor

Planning and Zoning Committee

Brad Inman, Chairperson
Kathy LaBarre
Lee Schroeder
Tracey Snyder
Charles Vogt

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TOWN OF PLYMOUTH
ZONING ORDINANCE

SECTION 1.0 - INTRODUCTION

1.1 Authority.

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

1.2 Purpose.

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

1.3 Intent.

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

1.4 Abrogation and Greater Restrictions.

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

1.5 Interpretation.

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

1.6 Severability.

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

1.7 Repeal.

The Town Board herein repeals without limitation all other ordinances, maps, or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, including without limitation a certain zoning ordinance originally dated September 11, 1979, the Official Zoning (District) Map dated September 4, 1979, and any amendments to said zoning ordinance and zoning map, including without limitation, the amendments dated November 9, 1995.

1.8 Title.

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

1.9 Effective Date.

This Ordinance became effective after a public hearing, adoption by the Town Board, and posting as provided by law. Changes or Amendments to the text of this Ordinance or the "Official Zoning Map" shall be effective after the provisions of Section 10 have been complied with and the Change or Amendment has been posted as provided by law.

SECTION 2.0 - GENERAL PROVISIONS

2.1 Jurisdiction.

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

2.2 Compliance.

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

2.3 Use Restrictions.

The following use restrictions and regulations shall apply:

- (1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in items 2-6 (below) shall be permitted in each district.
- (2) Accessory Uses. Depending on the location, use and size, accessory uses and structures may be permitted in any district but not until their principle structure is present or under construction. Accessory uses include incidental repairs; storage; parking facilities; gardening; servants, owners, itinerant agricultural laborers and watchman's quarters not for rent; private swimming pools; and private emergency shelters. Residential accessory uses shall not involve the conduct of any business, trade, or industry at which individuals NOT residing on the property are employed that is apparent by the exterior appearance of the property or intensifies the amount of activity taking place on the property, unless it meets the requirements of a home occupation as set forth in Section 13.
- (3) Conditional Uses. Conditional uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Planning & Zoning Committee and issuance of a Conditional Use Permit in accordance with Section 5 of this Ordinance.
- (4) Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted by the Planning & Zoning Committee provided that such uses are similar in character to the principal uses permitted in the district.
- (5) Temporary Uses. Temporary uses such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure may be permitted by the Planning & Zoning Committee.
- (6) Performance Standards. Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.

2.4 Soil Restrictions.

Certain soil types in the Town, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, NRCS, have severe or very severe limitations for on-site soil absorption sewage disposal facilities because of one or more of the following reasons: high or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Soil Survey 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 Health Department and/or a Soil Scientist from the NRCS by either the Town or the applicant.

2.5 Penalties.

Any person, firm, or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$5000, together with the costs of prosecution, for each violation. Each day a violation exists or continues shall constitute a separate offense.

2.6 Violations.

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

2.7 Civil Enforcement.

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described above. Without limiting the other remedies provided for herein, the Town Board, the Building Inspector, the Zoning Officer, the Town Planning & Zoning Committee, or any neighboring property owner who would be specifically damaged by any violation of this Ordinance may institute appropriate actions or proceedings to enjoin such violation.

SECTION 3.0 - ADMINISTRATION

3.1 Town Board.

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

3.2 Building Inspector.

- (1) Duties. It shall be the duty of the Building Inspector to administer, supervise and literally enforce the provisions of the Town of Plymouth Ordinance 2013-03, as may be amended, known as the Building Code for All Buildings in the Town of Plymouth, and any commercial or non-dwelling building code that may hereafter be adopted by the Town Board of the Town of Plymouth.
- (2) Building Permit and Building Code. The Building Inspector shall prepare building permit forms; assist any applicant in preparing any building permit application; advise the applicant as to the provisions of the Building Code for All Buildings in the Town of Plymouth; inspect each project for which a permit has been applied for or granted; report violations; and provide information to the Planning and Zoning Committee. The Building Inspector may issue Building Permits which are in strict compliance with the requirements of the Building Code of the Town of Plymouth and this Zoning Ordinance provided, however, that if a Zoning Permit is required, no Building Permit shall be issued by the Building Inspector until the issuance of a Zoning Permit by the Zoning Officer. Whenever there is a question as to the literal requirements of the Building Code in the Town of Plymouth this Ordinance, such question is to be brought by the Building Inspector directly to the Planning & Zoning Committee for its consideration.

3.3 Zoning Officer.

- (1) Position. There is herewith created the office of Zoning Officer, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. Unless otherwise designated by the Town Board, the Zoning Officer shall be the Chairperson of the Planning and Zoning Committee. If the Town Board elects to appoint a person to the position of Zoning Officer who is not the Chairperson of the Planning and Zoning Committee, said person shall hold office until replaced by the Town Board.
- (2) Duties. The Zoning Officer's duties shall be to administer, supervise, and literally enforce the provisions of this Ordinance. His or her compensation shall be determined by the Town Board.

- (3) Violations. The duty of the Zoning Officer shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Zoning Officer may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Officer is refused entry, a special inspection warrant shall be issued for said premises pursuant to Section 66.0119 of the Wisconsin Statutes. The Zoning Officer may set time limits and conditions for the correction of violations.
- (4) Reports. The Zoning Officer shall make monthly report of his or her activities to the Town Board and the Town Planning and Zoning Committee.
- (5) Zoning Permits. The Zoning Officer shall prepare Zoning Permit forms; assist the applicant as to the provisions of this Ordinance; inspect each project for which a permit has been applied for or granted; report violations; and provide this information to the Planning & Zoning Committee. The Zoning Officer may issue Zoning Permits which are in strict compliance with the requirements of this Ordinance. Whenever there is a question as to the literal requirements of this Ordinance, it is to be brought directly to the Planning & Zoning Committee for its consideration.

3.4 Town Planning & Zoning Committee.

- (1) Establishment of Committee.

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

- (2) Members and Organization.

The Town Planning & Zoning Committee shall be formed and organized as follows:

- (A) The Committee shall consist of five members, all of whom shall be appointed by the Chairperson of the Town Board and approved by the Town Board, and all of whom shall be adult residents of the Town of Plymouth.
- (B) If the position of Zoning Officer is not held by the Chairperson of the Planning and Zoning Committee, the Zoning Officer shall be an ex officio member of the Committee and may attend all meetings, but shall not be a voting member.
- (C) The Committee's Chairperson and Secretary shall be appointed by the Town Board Chairperson.
- (D) The terms of the Committee members shall be staggered three-year periods.

- (E) Vacancies on the Committee shall be filled for an unexpired term in the same manner as appointments for a full term.
 - (F) Each member of the Committee shall take an official oath in accordance with Section 19.01 of the Wisconsin Statutes within ten days of receiving notice of appointment.
 - (G) Compensation for Committee members shall be determined by the Town Board.
 - (H) Terms of members of the Committee hereunder shall begin on the first day of May.
 - (I) Any member of the Committee who has any interest in a matter before the Committee shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.
 - (J) All Committee members shall be persons with recognized experience and qualifications.
 - (K) A Committee member shall be removable by the Town Board for cause, upon written charges and after public hearing.
- (3) Matters Referred To The Planning & Zoning Committee.

The Town Board or other public body, having authority thereon shall refer to the Planning & Zoning Committee for its consideration and report before final action is taken by the Town Board or public body the following matters:

- (A) The location and architectural design of any public building.
- (B) The location of any statue or other memorial.
- (C) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, 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.
- (D) The location, extension, authorization, or abandonment of any public utility, whether publicly or privately owned.
- (E) All proposed certified surveys and subdivision plats in the Town.
- (F) The location, character, and extent of acquisition, leasing, or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children.

- (G) The abandonment or repeal of any ordinance adopted pursuant to the Town's zoning authority.

Unless such report is made within 45 days or such longer period as may be stipulated by the Town Board, the Town Board or other public body may take final action without the recommendations of the Planning & Zoning Committee.

(4) Powers.

The Planning & Zoning Committee shall have the following powers:

- (A) To issue Zoning Permits within the provisions of this Ordinance and to delegate this authority to the Zoning Officer.
- (B) To issue Conditional Use Permits within the provisions of this Ordinance.
- (C) To review and recommend to the Town Board the approval, conditional approval, or denial of preliminary land divisions. Conditions of approval may be recommended by the Committee to the Town Board as part of obtaining preliminary approval.
- (D) To review and recommend approval, conditional approval, or denial of any proposed amendment to the Official Zoning Map or the text of this Ordinance.
- (E) To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Committee permits such a substitution, the use may not thereafter be changed without another application for substitution.
- (F) To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district.
- (G) To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Planning & Zoning Committee, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this Ordinance shall be required.
- (H) To review and make recommendations to the Board of Zoning Appeals on all applications for interpretations of this Ordinance.

(5) Meetings.

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

(6) Minutes.

The minutes shall be recorded at every meeting of the Planning and Zoning Committee by the Secretary or a member of the Planning and Zoning Committee and a copy of which shall thereafter be forwarded to the Town Clerk.

(7) Quorum.

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

(8) Organization.

The Committee may also formulate any lawful rules for its operation and procedures.

SECTION 4.0 - ZONING DISTRICTS

4.1 Establishment.

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

Agricultural District One (A-1)
Agricultural District Two (A-2)
Agricultural District Three (A-3)
Rural Residential District (R-R)
Residential District (R-I)
Local Business District (B-1)
Light Industrial District (M-1)
Special Purpose District (SP)
Lowland Conservancy Overlay District (C-1)
Highland Conservation District (C-2)
Manufactured Home Park District (MHP)

4.2 Zoning Map and District Boundaries.

- (1) Boundaries. The boundaries of such districts are hereby established as shown on a map entitled "Official Zoning Map, Town of Plymouth, Wisconsin", dated January 13, 2015, which accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow all of the following: Town and corporate limit lines; U.S. Public Land Survey Lines; lot or property lines; soil mapping unit lines; topographic lines; centerlines of streets, roads, highways, alleys, easements, and railroad right-of-ways 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 is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries
- (2) Overlay Districts. Overlay districts, as presented in this Section, may be created for the purpose of imposing special regulations in given designated areas of the Town to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

4.3 General District Regulations.

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

- (1) Erection of More than One Principal Structure on a Lot. In any district, no more than one structure housing a permitted or conditional use may be erected on a single lot except in the A-1, A-2, and A-3 districts where the requirements of those districts shall be met for each structure. Mobile homes or manufactured homes are permitted only when in a manufactured home park in a Manufactured Home Park District.
- (2) Maximum Zoning Permits. A maximum of two Zoning Permits for new residential construction will be issued in each calendar year for those areas depicted as “Agricultural/Scattered Residential” on the Town’s Smart Growth Land Use Plan Map.
- (3) Exceptions to Height Regulations. The height limitation contained in the requirements for permitted and conditional uses does not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- (4) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be located on lots so as to provide safe and convenient access for servicing, fire protection, and required off-street parking.
- (5) Parking and Storage of Certain Vehicles. Any vehicle, watercraft, or trailer required to be registered and/or licensed by DOT or DNR without current license plates and/or registration shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.
- (6) Setback. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (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 Planning and Zoning Committee and shall not require a special exception or variance. Livestock Facilities must follow setback requirements in the agricultural related zoning districts and WI ADMIN CODE ATCP 51.

- (7) Loading Space. In Business 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.
- (8) Undersized Lots. Where a residential lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record at the time of the passage of this Ordinance, such lot may be occupied by one (1) family.
- (9) 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.
- (10) Criteria for Evaluation of Conflicting Land Use. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of a farm operation. Those charged with reviewing this situation shall consider which land use has existed for the longest period of time and what land use existed at the time the adjacent use was created.
- (11) Underground Utility Lines. Utility lines which will serve individual lots to include electric lines under 12,000 volts, internet, fiber optic, cable T.V., telephone, natural gas, etc. shall be installed underground within the utility easements indicated on the land division map and provisions made to assure that installation of said utilities will take place prior to conveyance of any lots so created.
- (12) Overhead Utility Lines. No overhead power, internet or telephone lines shall be erected within one half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- (13) Community Living Arrangements. Community living arrangements shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed 25 or one percent (1%) of the Town's population, whichever is greater. No community living arrangement may be located within 2,500 feet of any other such facility. Two community living arrangements may be adjacent if authorized by the Planning and Zoning Committee and if both comprise essential components of a single program.
- (14) Habitation of Recreational Vehicle. Habitation of any recreational vehicle, tent, or camper shall not take place on a parcel located in the Town unless a primary residence is available for use of required services such as sewer and water and unless such habitation is temporary in nature and does not exceed 7 days in any calendar year.

- (15) Permanent Foundation. A permanent foundation is required for all residential structures and shall comply with the design standards set forth in Section SPS 321.18 of the WI ADMIN CODE as that section may be amended, re-created, or re-numbered from time to time. In addition to the requirements of that section, the foundation for all residential structures shall be constructed in one of the following manners:
- (A) As a continuous poured wall with footings of no less than 4 feet in depth;
 - (B) As a mortared concrete block wall on poured footings of no less than 4 feet in depth; or
 - (C) As a monolithic slab to which the structure is permanently attached.

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

- (16) Required Compliance of New Land Parcels. No new land parcel shall be created that is not in compliance with the requirements and standards of this Ordinance.
- (17) Garages. Each single-family dwelling and each residential unit of a two-family dwelling may have only one private garage being either an attached garage or an unattached garage, provided:
- (A) Such garage is clearly incidental to the residential use of the property.
 - (B) The square footage of an attached or unattached garage shall not exceed the greater of 864 square feet or 50 percent of the finished livable floor area of the residential unit up to a maximum of 1,500 square feet. Finished livable floor area of the residential unit shall not include a garage, breezeway, attic, or basement.
 - (C) An attached garage shall not exceed the height of the residential structure.
 - (D) An unattached garage shall not exceed 20 feet in height measured from floor to peak of roof. *(Amended by Ordinance No. 2020-03)*
 - (E) No portion of a garage may be used as a separate dwelling unit.

- (F) A garage, whether attached or unattached, shall not be counted as an accessory building. The maximum number of car garage doors allowed on any one side of a structure is three (3) single car garage doors or one (1) double car garage door and one (1) single car garage door. The maximum width of a single car garage door is 12 feet and the maximum width of a double car garage door is 18 feet. The maximum number of car garage doors allowed on other walls is one (1) single car garage door per wall.
- (18) Flag Lots. Flag lots shall be allowed only in special circumstances when various factors render creation of a more proportionate lot, in length and width, unachievable. The “pole” of a flag lot width shall not exceed two hundred fifty (250) feet in length unless additional length is needed to either avoid significant degradation or depletion of ESA, cultural resources, productive agricultural soils and/or woodlands, or disruption of efficient agricultural operations. The “pole” shall be used exclusively for vehicular access with specified improvements including landscaping, fencing, utilities, mailboxes, and signs also permitted on the “pole”. Once improvements as assessed for property tax purposes are made to the flag lot, the provisions of Town of Plymouth Ordinance 2014-01 Regulating Driveways shall be utilized. The “pole” shall maintain a minimum width of one hundred fifty (150) feet for all lots without access to a connection to a public sanitary sewer system and fifty (50) feet for all lots with access to a connection to said system, for the entire length of the “pole”. No “pole” shall be located within two hundred (200) feet from another on the same side of the street unless said “poles” utilize a joint driveway.
- (19) Carport. A carport may be permitted as a permitted use or condition use so long as the same constitutes an accessory building and meets the following requirements:
- (A) The carport shall not be made of canvas or plastic.
 - (B) The roof of the carport must be made of wood or metal.
 - (C) The carport must be fastened and secured to the ground.
 - (D) The carport must meet all of the qualifications and restrictions of any accessory building in the zoning district in which the property is located.

(Added by Ordinance No. 2018-03)

4.4 AGRICULTURAL DISTRICT ONE (A-1)

(1) **Purpose and Intent.**

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 in having this District is to conserve prime agricultural soils, historically farmed soils and prevent the uncontrolled, uneconomical spread of residential development, which results in excessive costs to the community for the provision of essential public services and to be eligible for the State of Wisconsin Farmland Preservation Program.

(2) **Permitted Uses.**

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

(A) **Agricultural Uses.** The following agricultural activities conducted for the purpose of producing an income or livelihood shall be permitted:

1. General farming including dairying, keeping livestock up to 500 animal units as defined in appendix, poultry raising, and other similar agricultural enterprises or uses in accordance with Section 91.01(2) of the Wisconsin State Statutes.
2. Forestry, beekeeping, grazing, hatcheries, nurseries, orchards, and other similar agricultural enterprises or uses in accordance with Section 91.01(2) of the Wisconsin State Statutes.
3. Enrolling land in federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
4. Any other use that DATCP, by rule identifies as an agricultural use.

(B) **Agricultural Accessory Uses on Farms.** The following agricultural accessory uses on a Farm shall be permitted:

1. An activity or business operation that is an integral part of or incidental to an agricultural use as set forth above.
2. Farm Residence, including normal residential appurtenances with an attached or unattached garage.

3. An accessory building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - a. A facility used to keep livestock on the Farm.
 - b. A facility used to store or process inputs primarily for agricultural uses on the Farm.
 - c. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the Farm.
 - d. A wind turbine or solar energy facility that collects wind or solar energy on the Farm, and uses or transforms it to provide energy primarily for use on the Farm so long as said wind turbine or solar energy facility complies with all height restrictions.
 - e. Paddocks.
 - f. Stables and holding pens.

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

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

(3) Conditional Uses.

A conditional use in the A-1 District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

(A) Standards for Issuance. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines all of the following:

1. The use and its location are consistent with the purposes of this District.

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

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

1. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
2. Supportive agri-business activities to include seed, fertilizer and farm chemical sales, commercial feedlots, feed mills, grain elevators and similar agricultural activities.
3. Veterinary services primarily serving livestock, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural related uses that may cause additional traffic, noxious odors, or noise.
4. Cheese factories, creameries, milk condenseries, and pea vineries provided that same are not located or operated within 500 ft. of the nearest residence.
5. A livestock facility with over 500 animal units. Livestock Facilities will follow the guidelines and file all necessary applications materials as defined in WI ADMIN CODE ATCP 51. The Rock County Land Conservation Department will verify that all necessary applications materials meet the intent of the ATCP 51 and will report findings of fact to the Town Board.
6. Farms sludge spreading/disposal/reduction.

7. Center pivot irrigation systems for application of liquid animal waste by products.
8. Riding schools or shooting preserves that require no structures or meet the definition of accessory use under s. 91.01(1) of the Wisconsin State Statutes.
9. Storing, processing or handling raw agricultural commodities obtained directly from Farms.
10. Slaughtering livestock.
11. Marketing livestock to or from Farms.
12. Processing agricultural by-products or wastes received directly from Farms.
13. A manure digester, bio-fuel facility or other facility that produces energy primarily for use off-site.

(C) Accessory Building. An accessory building, structure, or improvement that meets the requirements of s 91.46(2) (a) and (b) of the Wisconsin State Statutes and is used for the following purposes:

1. A facility used to store or process raw agricultural commodities, all of which are produced on the Farm.
2. A waste storage or processing facility used to store or process animal waste produced from livestock kept on the Farm.

(D) Non-Agricultural Business/ Home Occupation. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets **all** of the following requirements:

1. It is conducted on a Farm by an owner or operator of that Farm;
2. It requires no buildings, structures, or improvements other than those existing as a permitted, accessory or conditional use;
3. It employs no more than four (4) full-time employees annually; and
4. It does not impair or limit the current or future agricultural use of the Farm or of other protected farmland.

(E) Governmental, Institutional, Religious, or Nonprofit Community Uses.
The following governmental, institutional, religious, or nonprofit community uses: gas/electric utility, government buildings, libraries, museums, parks/recreation area, playgrounds, police station, post office, public buildings, public utility facilities, recreational centers, schools (graded), and schools (higher education).

(F) Transportation and Communication Uses.

1. The following transportation, communication, utility, or drainage uses so long as said uses are in compliance with subparagraph (b) below: transportation terminals for bus, truck, or rail, transmission lines for telephone, communication towers, internet, fiber-optics, or electric, and water storage facilities.

2. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines all of the following:

a. The use and its location are consistent with the purposes of this District.

b. The use and its location 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 agriculture 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) Requirements for Permitted and Conditional Uses.

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

(A) Minimum Lot Size: 35 acres

(B) Maximum Building Height:
Residential Buildings: 35 ft.
Non- Residential Buildings: No Maximum

- (C) Minimum Front Yard Setback: 50 ft.
- (D) Minimum Front Yard Setback (arterials): 150 ft. from R.O.W.
- (E) Minimum Rear Yard Setback: 50 ft.
- (F) Minimum Side Yard:
 - Principal Buildings: 20 ft. on each side
 - Accessory Buildings: 10 ft. on each side
- (G) Minimum Lot Width at Building Line: 100 ft.
- (H) Height Requirements. Farm structures over 50 feet in height shall be setback from lot lines a distance equal to the height of the structure.
- (I) General Setbacks. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.
- (J) Maximum Accessory Building Size: None
- (K) Contiguous Parcels. Agricultural use shall be calculated using contiguous parcels. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purpose of this Ordinance.
- (L) Performance for New Livestock Facilities. All new livestock facilities, regardless of size must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the Town Board.
- (M) Performance for Expanding Livestock Facilities. All expanding livestock facilities greater than 20% of the existing facility size, must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. This requirement is only applicable to the proposed expansion component. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the Town Board.
- (N) Livestock and Poultry Setbacks. No buildings for the housing of livestock or poultry shall be located within one hundred (100) feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(O) Setbacks Relating to Livestock Facilities

1. 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.
2. 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.
3. Waste Storage Structures. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

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

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

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

4. Water Quality and Related Setbacks.
 - a. Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin State Statutes.
 - b. Flood Plain. A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 87.30 of the Wisconsin State Statutes.
 - c. Wells. All wells located within a livestock facility shall comply with Chapters NR 811 and 812 of the WI ADMIN 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.
 - d. Single-Family Residence. No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

(5) **Rezoning Land in Agricultural Zoning District**

- (A) Rezoning Land Out of Agricultural District. The Town of Plymouth may rezone land out of A-1 Zoning District if it meets **all** of the following in addition to the requirements of Section 10:
1. The rezoned land is better suited for a use not allowed in the A-1 Zoning District.
 2. The rezoning is consistent with any applicable comprehensive plan.
 3. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

4. The rezoning is substantially consistent with the county certified farmland preservation plan.

- (B) DATCP and County Reports. The Town shall by March 1 of each year provide to the 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 year and a map that clearly shows the location of those acres.
- (C) Existing Farm Dwellings and Related Farm Structures. Existing Farm dwellings and related Farm structures that have been constructed prior to November 7th, 1995, may be separated from the Farm plot. The remaining portion of the original parcel shall conform to the standard of the A-1 District and the new parcel with the existing Farm dwelling and related Farm structures shall conform to the standard of the A-2 or A-3 District.

4.5 AGRICULTURAL DISTRICT TWO (A-2)

(1) **Purpose and Intent.**

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Town's Comprehensive Plan. 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 and to be eligible for the State of Wisconsin Farmland Preservation Program. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller Farm units.

(2) **Permitted Uses.**

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

(A) **Agricultural Uses.** The following agricultural activities conducted for the purpose of producing an income or livelihood shall be permitted:

1. General farming including dairying, livestock facilities up to 1 animal unit per 1 acre as defined in appendix, poultry raising, and other similar agricultural enterprises uses in accordance with Section 91.01(2) of the Wisconsin State Statutes.
2. Forestry, beekeeping, grazing, hatcheries, nurseries, orchards, and other similar agricultural enterprises or uses in accordance with Section 91.01(2) of the Wisconsin State Statutes.
3. Enrolling land in federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
4. Any other use that DATCP, by rule identified as an agricultural use.

(B) **Agricultural Accessory Uses on Farms.** The following agricultural accessory uses on a Farm shall be permitted:

1. An activity or business operation that is an integral part of or incidental to an agricultural use.
2. Farm Residence, including normal residential appurtenances, with an attached or unattached garage

3. An accessory building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - a. A facility used to keep livestock on the Farm.
 - b. A facility used to store or process inputs primarily for agricultural uses on the Farm.
 - c. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the Farm.
 - d. A wind turbine or solar energy facility that collects wind or solar energy on the Farm, and uses or transforms it to provide energy primarily for use on the Farm so long as said wind turbine or solar energy facility complies with all height restrictions.
 - e. Paddocks.
 - f. *(Deleted by Ordinance No. 2018-01)*
 - g. Stables and holding pens.

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

- (D) Transportation, Utility, Communication or Other Uses. Transportation, utility, communication, or other uses required under state or federal law that preempts the requirement of a conditional use permit in accordance with Section 91.44 (1)(f) of the Wisconsin State Statutes.

(3) **Conditional Uses.**

A conditional use in the A-2 District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

- (A) Standards for Issuance. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines **all** of the following:

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

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

1. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
2. Supportive agri-business activities to include seed, fertilizer and farm chemical sales, commercial feedlots, feed mills, grain elevators and similar agricultural activities.

3. Veterinary services primarily serving livestock, commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural related uses that may cause additional traffic, noxious odors, or noise.
4. Cheese factories, creameries, milk condenseries, and pea vineries provided that same are not located or operated within 500 ft. of the nearest residence.
5. A livestock facility with over one (1) animal unit as defined in appendix per acre.
6. Farm sludge spreading/disposal/reduction.
7. Stables, riding schools, or shooting preserves that require no structures or meet the definition of accessory use under s. 91.01(1), Stats.
8. Storing, processing or handling raw agricultural commodities obtained directly from Farms.
9. Slaughtering livestock.
10. Marketing livestock to or from Farms.
11. Processing agricultural by-products or wastes received directly from Farms.
12. A manure digester, bio-fuel facility or other facility that produces energy primarily for use off-site.

(C) Accessory Building. An accessory building, structure, or improvement that meets the requirements of s. 91.46(2)(a) and (b) and is used for the following purposes:

1. A facility used to store or process raw agricultural commodities, all of which are produced on the Farm.
2. A waste storage or processing facility used to store or process animal waste produced from livestock kept on the Farm.

(D) Non-Agricultural Business / Home Occupation. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets **all** of the following requirements:

1. It is conducted on a Farm by an owner or operator of that Farm;
2. It requires no buildings, structures, or improvements other than those existing as a permitted, accessory or conditional use;
3. It employs no more than four (4) full-time employees annually; and
4. It does not impair or limit the current or future agricultural use of the Farm or of other protected farmland.

(E) Governmental, Institutional, Religious, or Nonprofit Community Uses. The following governmental, institutional, religious, or nonprofit community uses: gas/electric utility, government buildings, libraries, museums, parks/recreation area, playgrounds, police station, post office, public buildings, public utility facilities, recreational centers, schools (graded), and schools (higher education).

(F) Transportation and Communication Uses.

1. The following transportation, communication, utility, or drainage uses so long as said uses are in compliance with subparagraph (b) below: transportation terminals for bus, truck, or rail, transmission lines for telephone, communication towers, internet, fiber-optics, or electric, and water storage facilities.
2. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines all of the following:
 - a. The use and its location are consistent with the purposes of this District.
 - b. The use and its location 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 agriculture 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) Requirements for Permitted and Conditional Uses.

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

- (A) Minimum Lot Size: 10 acres
- (B) Maximum Lot Size: 35 acres
- (C) Maximum Building Height:
 - Residential Buildings: 35 ft.
 - Non-Residential Buildings: No Maximum
- (D) Minimum Front Yard Setback: 50 ft.
- (E) Minimum Front Yard Setback (arterials): 150 ft. from R.O.W.
- (F) Minimum Rear Yard Setback: 50 ft.
- (G) Minimum Side Yard:
 - Principal Buildings: 20 ft. on each side
 - Accessory Buildings: 10 ft. on each side
- (H) Minimum Lot Width at Building Line: 100 ft.
- (I) Height Requirements. Farm structures over 50' in height shall be setback from lot lines a distance equal to the height of the structure.
- (J) General Setbacks. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.
- (K) *(Deleted by Ordinance No. 2018-02)*
- (L) Agricultural Use. Agricultural use shall be calculated using contiguous parcels. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purpose of this ordinance.

- (M) New Livestock Facilities. All new livestock facilities, regardless of size must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the Town Board.
- (N) Expanding Livestock Facilities. All expanding livestock facilities greater than 20% of the existing facility size, must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. This requirement is only applicable to the proposed expansion component. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the Town Board.
- (O) Setbacks Relating to Livestock Facilities
1. 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.
 2. 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.

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

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

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

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

4. Water Quality and Related Setbacks.

- a. Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
- b. Flood Plain. A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 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 WI ADMIN 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.

- d. Single-Family Residence. No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

(5) **Rezoning Land in Agricultural Zoning District**

- (A) Rezoning Land out of Agricultural Zoning District. The Town of Plymouth may rezone land out of A-2 Zoning District if it meets **all** of the following in addition to the requirements of Section 10:
 1. The rezoned land is better suited for a use not allowed in the A-2 Zoning District.
 2. The rezoning is consistent with any applicable comprehensive plan.
 3. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 4. The rezoning is substantially consistent with the county certified farmland preservation plan.
- (B) DATCP and County Reports. The Town shall by March 1 of each year provide to the DATCP and the County a report of the number of acres that the political subdivision has rezoned out of a Agricultural Zoning District during the previous year and a map that clearly shows the location of those acres.
- (C) Existing Farm Dwellings and Related Farm Structures. Existing Farm dwellings and related Farm structures that have been constructed prior to November 7th 1995 may be separated from the Farm plot. The remaining portion of the original parcel shall conform to the standard of the A-2 District and the new parcel with the existing Farm dwelling and related Farm structures shall conform to the standard of the A-3 District.

4.6 AGRICULTURAL DISTRICT THREE (A-3)

(1) **Purpose and Intent.**

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Town's Comprehensive Plan. This District is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for combined rural residential/agricultural use and to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes and to be eligible for the State of Wisconsin Farmland Preservation Program. The intent of the A-3 District is to provide for agricultural activities and uses that are compatible with agriculture that are generally best suited for smaller Farm units. The A-3 District is intended to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography. The A-3 District is to consist of soils which do not have on-site sewer limitations.

(2) **Permitted Uses.**

The following uses are permitted in the A-3 Zoning District:

(A) **Agricultural Uses.** The following agricultural activities conducted for the purpose of producing an income or livelihood shall be permitted:

1. General farming including dairying, livestock facilities up to 1 animal unit per 1 acre as defined in appendix, poultry raising, nurseries, and other similar agricultural enterprises in accordance with Section 91.01(2) of the Wisconsin State Statutes.
2. Forestry, beekeeping, crop, grazing, hatcheries, nurseries, orchards, and other similar agricultural enterprises or uses in accordance with Section 91.01(2) of the Wisconsin State Statutes.
3. Enrolling land in federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
4. Any other use that DATCP, by rule identified as an agricultural use.

(B) **Agricultural Accessory Uses on Farms.** The following agricultural accessory uses on a farm shall be permitted:

1. An activity or business operation that is an integral part of or incidental to an agricultural use.

2. Farm Residence, including normal residential appurtenances, with an attached or unattached garage.
3. An accessory building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This may include, for example:
 - a. A facility used to keep livestock on the Farm.
 - b. A facility used to store or process inputs primarily for agricultural uses on the Farm.
 - c. A facility used to keep or service vehicles or equipment primarily employed for agricultural uses on the Farm.
 - d. A wind turbine or solar energy facility that collects wind or solar energy on the Farm, and uses or transforms it to provide energy primarily for use on the Farm so long as said wind turbine or solar energy facility complies with all height restrictions.
 - e. Paddocks.
 - f. Stables and holding pens.
 - g. Any building permitted hereunder, including buildings clearly incidental to the residential use of the property, must meet the following standards:
 - i. The cumulative area of **all** accessory buildings shall not exceed the following:
 1. 4,000 square feet on parcels of 3 - 5 acres in size;
 2. 5,000 square feet on parcels of 5 - 7 acres in size; and
 3. 6,000 square feet on parcels of 7 - 10 acres in size.

(Amended by Ordinance No. 2018-01)

ii. *Deleted by Ordinance No. 2018-10*

iii. The maximum height of an accessory building of 1,000 square feet or less in size shall be 20 feet measured from floor to peak. No maximum height shall apply to accessory buildings of more than 1,000 square feet in size. (*Amended by Ordinance No. 2020-03*)

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

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

(3) Conditional Uses.

A conditional use in the A-3 District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

(A) Standards for Issuance. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines all of the following:

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

- (B) Agricultural-Related Uses. Any Farm-related commercial or industrial facilities or uses, whether or not said use is located on a Farm, that are directly related to the Farm operation, including the following:
1. A livestock facility over 1 animal unit as defined in appendix per each acre.
 2. Marketing livestock to or from Farms.
- (C) Home Occupation. Any home business, activity or enterprise allowed in this District must meet the requirements of Section 13 of this Ordinance in addition to **all** of the following:
1. Be conducted by the owner or operator of the Farm.
 2. Require no buildings structures or improvements other than one that is integral part or incidental to an agricultural use or is a Farm residence.
 3. Not employ more than 4 full time people annually.
 4. Not impair or limit the current or future agriculture use of the farm.
- (D) Governmental, Institutional, Religious, or Nonprofit Community Uses. The following governmental, institutional, religious, or nonprofit community uses: gas/electric utility, government buildings, libraries, museums, parks/recreation area, playgrounds, police station, post office, public buildings, public utility facilities, recreational centers, schools (graded), and schools (higher education).
- (E) Accessory Building. An accessory building, structure, or improvement that meets the requirements of s. 91.46(2)(a) and (b) of Wisconsin State Statutes and is used for the following purposes:
1. A facility used to store or process raw agricultural commodities, all of which are produced on the Farm.
 2. A waste storage or processing facility used to store or process animal waste produced from livestock kept on the Farm.

(F) Transportation and Communication Uses.

1. The following transportation, communication, utility, or drainage uses: so long as said uses are in compliance with subparagraph (b) below: transportation terminals for bus, truck, or rail, transmission lines for telephone, communication towers, internet, fiber-optics, or electric, and water storage facilities.
2. A Conditional Use Permit herein may only be granted after the Planning and Zoning Committee determines all of the following:
 - a. The use and its location are consistent with the purposes of this District.
 - b. The use and its location 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 agriculture 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) **Requirements for Permitted and Conditional Uses.**

Within the A-3 District the following standards shall apply.

- | | | |
|-----|--|--------------------|
| (A) | <u>Minimum Lot Size:</u> | 3 acres |
| (B) | <u>Maximum Lot Size:</u> | 10 acres |
| (C) | <u>Maximum Building Height:</u> | |
| | Residential Structures: | 35 ft. |
| | All Other Structures: | See Below |
| (D) | <u>Minimum Front Yard Setback:</u> | 50 ft. |
| (E) | <u>Minimum Front Yard Setback (arterials):</u> | 150 ft. from R.O.W |

- (F) Minimum Rear Yard Setback: 50 ft.
- (G) Minimum Side Yard:
Principal Buildings: 20 ft. on each side
Accessory Buildings: 10 ft. on each side
- (H) Minimum Lot Width at Building Line: 100 ft.
- (I) Height Requirements. Farm structures over 50' in height shall be setback from lot lines a distance equal to the height of the structure.
- (J) General Setbacks. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.
- (K) Maximum Cumulative Area of All Accessory Buildings.
Parcels of 3- 5 acres in size 4000 sq. ft.
Parcels of 5-7 acres in size 5000 sq. ft.
Parcels of 7-10 acres in size 6000 sq. ft.
- (L) Agricultural Use. Agricultural use shall be calculated using contiguous parcels. Parcels that are only separated by a lake, stream, or transportation or utility right-of-way are contiguous for the purpose of this ordinance.
- (M) New Livestock Facilities. All new livestock facilities, regardless of size must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the board.
- (N) Expanding Livestock Facilities. All expanding livestock facilities greater than 20% of the existing facility size, must as a minimum meet the Agricultural performance standards and prohibitions, prior to populating the site with animals, as identified in WI ADMIN CODE NR 151. This requirement is only applicable to the proposed expansion component. The Rock County Land Conservation Department will verify that all performance standards are met and will report findings of fact to the Town Board.

(O) Setbacks Relating to Livestock Facilities

1. 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.
2. 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.
3. Waste Storage Structures. A new waste storage structure may not be located within 350 feet of a property line, or within 350 feet of the nearest point of any public road right-of-way.

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

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

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

4. Water Quality and Related Setbacks.
 - a. Navigable Waters and Wetlands. A livestock facility shall comply with setback and related requirements in any applicable shoreland or wetland zoning ordinances enacted within the scope of authority granted under Sections 59.692, 61.351, or 62.231 of the Wisconsin Statutes.
 - b. Flood Plain. A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under Section 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 WI ADMIN 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.
 - d. Single-Family Residence. No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

(5) **Rezoning Land in Agricultural Zoning District**

- (A) Rezoning Out of Agricultural Zoning District. The Town of Plymouth may rezone land out of A-3 Zoning District if it meets **all** of the following in addition to the requirements of Section 10:
1. The rezoned land is better suited for a use not allowed in the A-3 Zoning District.
 2. The rezoning is consistent with any applicable comprehensive plan.
 3. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

4. The rezoning is substantially consistent with the county certified farmland preservation plan.
- (B) DATCP and County Reports. The Town shall by March 1 of each year provide to the 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 year and a map that clearly shows the location of those acres.
 - (C) Existing Farm Dwelling and Related Farm Structures. Existing Farm dwelling and related Farm structures that have been constructed prior to November 7th 1995 may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-3 District and the new parcel with the existing Farm dwelling and related Farm structures shall conform to the standard of the Zoning District for the new parcel's lot size.

4.7 RURAL RESIDENTIAL DISTRICT (R-R)

(1) Purpose and Intent.

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Town's Comprehensive Plan. The R-R District is to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards or 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 onsite disposal of sewage effluent, will substantially support a residential structure, and will not infringe on prime agricultural soils.

(2) Permitted Uses.

The following uses are permitted in the R-R Zoning District:

- (A) One single-family dwelling and one private attached or unattached garage.
- (B) Governmental buildings, except sewage disposal plants, garbage incinerators, warehouses, garages, shops, and storage yards.
- (C) Public parks, playgrounds, and community center buildings and grounds.
- (D) Graded schools, churches, and their affiliated uses.
- (E) Gardening including truck gardens, nurseries, and greenhouses.
- (F) Keeping of small animals to include up to 10 rabbits, 3 dogs, or 3 cats which must be confined to the owner's premises
- (G) Water-storage facilities and their accessory structures.
- (H) Accessory buildings, including buildings clearly incidental to the residential use of the property, provided that no accessory building may be used as a separate dwelling unit and provided that **all** of the following requirements are met:
 - 1. *(Deleted by Ordinance No. 2018-01)*
 - 2. The cumulative area of an accessory building or buildings shall not exceed 2,000 square feet. *(Amended by Ordinance No. 2018-01)*
 - 3. The maximum height of any accessory building under 1000 square feet shall be 20 feet measured from floor to peak. The maximum height of any accessory building over 1000 square feet shall be 24 feet measured from floor to peak. *(Amended by Ordinance No. 2020-03)*

4. The appearance of an accessory building must closely match that of the principle structure on the property.
- (I) The above uses are permitted provided that no such use generates traffic or noise that would create a public or private nuisance.
- (J) Community living arrangement which has a capacity for 8 or fewer persons being served by the program, provided that it is located at least 2,500 feet from any other such facility.

(3) Conditional Uses.

A conditional use in the R-R District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

- (A) Professional Offices or Home Occupation. Professional offices or home occupation, when such office or occupation is conducted solely by one or more members of the resident household, entirely within the residence, incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building and complies with all of the requirements set forth in Section 13 of this Ordinance.
- (B) Public Buildings. Public buildings such as colleges and universities, private music schools, dance schools, business schools, and vocational schools, but not to include sewage disposal plants, garbage incinerators, warehouses, garages, shops, or storage areas.
- (C) Institutions. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums, libraries, museums, other community buildings, private clubs, and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (D) Transmission. Telephone, internet, and electric transmission lines, buildings, or structures.
- (E) Community Living Arrangement, 9-15 Persons. Community living arrangement having a capacity for 9-15 persons being served by the program, provided that it is located at least 2,500 feet from any other facility, and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- (F) Community Living Arrangement, 16 or More Persons. Community living arrangement having a capacity for 16 or more persons, provided that it is located at least 2,500 feet from any other such facility, and that it is

adequately designed and landscaped to be in keeping with the neighborhood and to prevent the appearance of an institution.

(G) Family Dwelling. One two-family dwelling and one private attached or unattached garage per living unit, provided that the square footage of each garage shall not exceed the lesser of the following:

1. The greater of 864 square feet or 40% of the livable floor area of the living unit; or
2. The lesser of 1,200 square feet or 100% of the livable floor area of the living unit. Livable floor area of the living unit shall not include garage, breezeway, unfinished attic, or unfinished basement.

(4) Requirements for Permitted and Conditional Uses.

- | | | |
|-----|---|---|
| (A) | <u>Maximum Lot Size:</u> | 3 acres |
| (B) | <u>Minimum Lot Size:</u> | 1 acre |
| (C) | <u>Maximum Building Height:</u> | 35 ft. |
| (D) | <u>Minimum Lot Area Per Two Family Dwelling:</u> | 1 acre |
| (E) | <u>Minimum Front Yard Setback:</u> | 50 ft. |
| (F) | <u>Minimum Front Yard Setback (arterials):</u> | 100 ft. from R.O.W. |
| (G) | <u>Minimum Rear Yard Setback:</u> | 25 ft. |
| (H) | <u>Minimum Side Yard Setback:</u> | 15 ft. |
| (I) | <u>Accessory Buildings Side Setback:</u> | 5 ft. |
| (J) | <u>Minimum Lot Width at Building Line:</u> | 100 ft. |
| (K) | <u>Minimum Lot Frontage on Public Road:</u> | 70 ft. |
| (L) | <u>Off-Street Parking, Residential:</u> | 2 spaces per family |
| (M) | <u>Off-Street Parking, Public Gathering:</u> | 1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building. |
| (N) | <u>Maximum Lot Coverage Ratio of All Buildings:</u> | not to exceed 12.5% of total lot. |

- (O) Two Family Dwelling Ratio: Not more than one (1) two family dwelling per four (4) single family dwellings, or not more than one (1) two family dwelling per four (4) acres of land under a single ownership within the district.

- (P) Front Yard Setbacks. All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Federal, State and County roads.

4.8 RESIDENTIAL DISTRICT (R-1)

(1) **Purpose and Intent.**

The purpose of the R-1 District is to provide a means of obtaining the residential goals and objectives of the Town's Comprehensive Plan. 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 dwellings at low densities.

(2) **Permitted Uses.**

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

- (A) One single-family dwelling and one private attached or unattached garage for each residential lot.
- (B) Churches and all affiliated uses, grade schools and libraries.
- (C) Municipal buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops, and storage yards.
- (D) Public parks, playgrounds, recreational and community center buildings and grounds.
- (E) Uses customarily incident to any of the above uses; provided that no such use generates traffic, odor, or noise that would create a public or private nuisance.
- (F) Gardening, including truck gardens, nurseries, greenhouses
- (G) Keeping of small animals to include up to 10 rabbits, 3 dogs, or 3 cats which must be confined to the owner's premises.
- (H) Accessory buildings, including buildings clearly incidental to the residential use of the property, provided that no accessory building may be used as a separate dwelling unit and provided that **all** of the following requirements are met:
 - 1. There shall be no more than two (2) accessory buildings.
 - 1. The cumulative area of an accessory building or buildings shall not exceed 864 square feet.
 - 2. The maximum height of an accessory building shall be 14 feet measured from floor to peak.

3. The appearance of an accessory building must closely match that of the principle structure on the property.
- (I) Community living arrangement which has a capacity for 8 or fewer persons being served by the program provided that it is located at least 2,500 feet from any other such facility.

(3) Conditional Uses.

A conditional use in the R-1 District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

- (A) Professional Offices or Home Occupation. Professional offices or home occupation, when such office or occupation is conducted solely by one or more members of the resident household, entirely within the residence, incidental to the residential use of the premises, does not involve any external alteration that would effect a substantial change in the residential character of the building and complies with all of the requirements set forth in Section 13 of this Ordinance.
- (B) Public Buildings. Public buildings such as colleges and universities, private music schools, dance schools, business schools, and vocational schools, but not to include sewage disposal plants, garbage incinerators, warehouses, garages, shops, or storage areas.
- (C) Institutions. Institutions of a charitable or philanthropic nature, libraries, museums, other community buildings, private clubs, and fraternities, except those whose principal activity is a service customarily carried on as a business.
- (D) Transmission. Telephone, internet, and electric transmission lines, buildings, or structures.
- (E) Medical. Nursing homes, hospitals, sanitariums and clinics with two or more doctors when located on a collector street.
- (F) Community Living for 9 or More Persons. Community living arrangement having a capacity for 9 or more persons being served by the program, provided that it is located at least 2,500 feet from any other facility, and that the design of the structure and landscaping is compatible with the surrounding neighborhood.

- (G) Family Dwelling. One two-family dwelling and one private attached or unattached garage per living unit, provided that the square footage of the garage shall not exceed the lesser of the following:
 1. The greater of 864 square feet or 40% of the livable floor area of the living unit; or
 2. The lesser of 1,200 square feet or 100% of the livable floor area of the living unit. Livable floor area of the living unit shall not include garage, breezeway, unfinished attic, or unfinished basement.

(4) Requirements for Permitted and Conditional Uses.

- (A) Minimum Lot Size: 10,000 sq. ft.
- (B) Maximum Lot Size: 1 acre
- (C) Maximum Building Height: 35 ft.
- (D) Minimum Front Yard Setback: 25 ft.
- (E) Minimum Rear Yard Setback: 25 ft.
- (F) Minimum Side Yard Setback: 8 ft. (20 ft. both sides)
- (G) Accessory Buildings Side Setback: 3 ft.
- (H) Minimum Lot Width at Building Front Setback: 70 ft.
- (I) Minimum Lot Frontage on Public Road: 70 ft.
- (J) Minimum Lot Area Per Two Family Dwelling: 12,000 sq. ft.
- (K) Minimum Floor Area for Single Family: 1,300 sq. ft.
above grade
- (L) Minimum Floor Area for Two Family: 1,000 sq. ft.
above grade
- (M) Off-Street Parking, Residential: 2 spaces per family
- (N) Off-Street Parking, Public Gathering: 1 space per 5 seats if applicable or 1 space per 200 sq. ft. of building.
- (O) Maximum Lot Coverage Ratio of All Buildings: not to exceed 12.5% of total lot.

- (P) Two Family Dwelling Ratio: Not more than one (1) two family dwelling per four (4) single family dwellings, or not more than one (1) two family dwelling per four (4) acres of land under a single ownership within the district.

- (Q) Front Yard Setbacks: All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Federal, State and County roads.

4.9 LOCAL BUSINESS DISTRICT (B-1)

(1) Purpose and Intent.

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

(2) Permitted Uses.

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

- (A) Stores and Shops. Stores and shops in which items are sold directly to the public, to include grocery, hardware, clothing, and apparel stores, pharmacies and beverage stores, restaurants, bakeries, magazine and tobacco stores, coffee shops, gift shops, parking areas, and similar retail establishments normally found in neighborhood shopping centers.
- (B) Professional Offices. Professional offices for physicians, dentists, attorneys, real estate agents, insurance sales, banks and similar professional services in which services are offered to the general public on the premises.
- (C) Personal Services. Personal services to include barbershops, beauty salons, tailor shops, and coin-operated laundromats.
- (D) Governmental and Public Facilities. Governmental and public facilities such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.

(3) Conditional Uses.

A conditional use in the B-1 District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

- (A) Family Residence. One (1) single-family residence, but only in conjunction with and accessory to another permitted use, for residential quarters for the owner, proprietor, commercial tenant, or employee located in the same building as the business.
- (B) Other Facilities. Lodges and fraternal buildings, nursing homes, retirement homes, and nursery and day care centers.

- (C) Public Utility. All public utility facilities, including sewage treatment facilities.
- (D) Animal Facilities. Animal hospitals, animal clinics, kennels and exercise yards.

(4) Requirements for Permitted and Conditional Uses.

- (A) Maximum Building Height: 35 ft.
- (B) Minimum Frontage on Public Road: 50 ft.
- (C) Maximum Floor Area: 3,000 sq. ft.
- (D) Minimum Lot Area (Sewered): 7,500 sq. ft.
- (E) Minimum Front Yard Setback (Sewered): 30 ft.
- (F) Minimum Rear Yard Setback (Sewered): 12 ft.
- (G) Minimum Side Yard Setback (Sewered): 10 ft.
- (H) Width at Building Line (Sewered): 100 ft.
- (I) Minimum Lot Area (Unsewered): 40,000 sq. ft.
- (J) Minimum Front Yard Setback (Unsewered): 50 ft.
- (K) Minimum Rear Yard Setback (Unsewered): 25 ft.
- (L) Minimum Side Yard Setback (Unsewered): 15 ft.
- (M) Width at Building Line (Unsewered): 100 ft.
- (N) Accessory Buildings Side Setback: 5 ft.
- (O) Parking Requirements: 1 300 sq. ft. parking space for every 300 sq. ft. of building floor area.
- (P) Front Yard Setbacks: All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Federal, State and County roads.

4.10 LIGHT INDUSTRIAL DISTRICT (M-1)

(1) **Purpose and Intent.**

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Town's Comprehensive Plan, which considers the economic production and distribution of goods manufactured in the community as in relation to regional and national competitors. The intent in having this District is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry.

(2) **Permitted Uses.**

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

- (A) Public or private offices or office buildings with sewage discharge limited to domestic effluent.
- (B) Truck, bus, or rail terminals and railroad switching yards.
- (C) Warehousing, including mini-warehouses, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a Conditional Use Permit.
- (D) Public utility facilities except sewage treatment plants, garbage incinerators and sanitary landfills.
- (E) Police and fire stations and post offices.
- (F) Automotive upholstery and body repair shops, laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
- (G) Commercial bakeries, greenhouses, dry printing and publishing.
- (H) Distributors of food products and food locker plants.
- (I) 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.
- (J) Radio, television, and telecommunication transmitting or relay towers and facilities and telecommunication towers and antennas.

- (K) Accessory Buildings. 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 Planning & Zoning Committee which shall not exceed 5,000 gallons per day flow, serving an individual building or use. The provisions of WI ADMIN CODE NR214 shall be complied with at all times.
- (L) Agricultural uses.
- (M) Welding, sheet metal, and blacksmith shops.
- (N) Fabrication and assembly of construction components from non-toxic materials or substances.

(3) Conditional Uses.

A conditional use in the M-1 District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance.

- (1) Assembly of goods.
- (2) Tank facilities for petroleum, gas and chemical products for wholesale or retail sales.
- (3) Terminal facilities for flammable gases or liquids.
- (4) Sale of live animals.
- (5) Contractor storage yards and sale of machinery and equipment.
- (6) Packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, pharmaceuticals, jewelry, tobacco, and toiletries.
- (7) Animal hospitals, animal clinics or veterinary services provided all kennels are within completely enclosed buildings.

(4) Requirements for Permitted and Conditional Uses.

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

- (A) Minimum Lot Area: 2 acres
- (B) Maximum Building Height: 35 ft.

- (C) Minimum Front Yard or Corner Lot Setback: 50 ft. (75 feet if parking is permitted in front yards)
- (D) Minimum Rear Yard Setback: 50 ft.
- (E) Minimum Side Yard Setback: 20 feet (50 feet when abutting a residential area)
- (F) Minimum Average Lot Width: 100 ft.
- (G) Minimum Accessory Side Yard Setback: 8 ft.
- (H) Parking and Loading Requirements:

- 1. All light industrial establishments shall provide one 200 square foot parking space per two employees.
- 2. 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 ten feet by forty feet and having a height, clear of all obstructions, of fourteen feet, according to the following schedule:

Gross Floor Area	Number of Loading Spaces
5,000 sq. ft. to 24,000 sq. ft.	1
25,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

- 3. The Planning & Zoning Committee may permit the required loading spaces to remain undeveloped until it decides that they are needed.
- 4. Not more than forty percent (40%) of the lot containing any use permitted in this District may be used for open storage of raw material, or any other material. Such storage shall be effectively screened from non-industrial uses or districts by a solid wall or fence, or a planted hedge or shrubbery.

- (I) Screening: All storage, except of licensed motor vehicles in operable condition, shall be within completely enclosed buildings or effectively screened from non-industrial uses or districts using one of the following:
1. By a solid wall or fence not less than six feet nor more than eight feet in height; or
 2. By a densely planted hedge or shrubbery at least six feet in height which effectively causes a visual barrier; or
 3. By a permanent evergreen planting, the individual trees to be of such a number and kind and so arranged that they will effectively cause visual barrier at least six feet in height.
- (J) Front Yard Setbacks: All front yard setbacks are also subject to Section 8.1 of this Ordinance for setbacks on arterial, collector and local roads.
- (K) Floor Drains: To help prevent ground water contamination, no building shall have floor drains.

4.11 SPECIAL PURPOSE DISTRICT (SP)

(1) **Purpose and Intent.**

The purpose of SP District is to provide a means of obtaining the goals and objectives of the Town's Comprehensive Plan. This 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; and those for which it is desirable to have a limited number of a given land use within the community.

(2) **Permitted Uses.**

The following uses are permitted in the SP Zoning District:

None.

(3) **Conditional Uses.**

A conditional use in the SP District is to permit the following uses only after public hearing and approval of the Planning & Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance. The Committee may require special facilities as a condition of approval such as, but not limited to, fences, trees, shrubberies, barriers, and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

- (A) Refuse disposal site, dumping grounds, sanitary landfill operations, or similar uses with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- (B) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other paving or road surfacing or building materials.
- (C) Airports open to the public, hangers, or accessory structures.
- (D) Cemeteries when they comply with the provisions of Section 157.06 of the Statutes.
- (E) Race tracks and sewerage treatment facilities.

- (F) Accessory structures required by the principal use as part of the original application.
- (G) Junkyards and automobile salvage yards.
- (H) Sand and gravel operations provided that the Town Board has approved restoration plans. Such restoration plans shall be developed with the aid of the appropriate agent(s) from Rock County. Such restoration plans shall include grading and slope requirements, topsoil preservation, ground cover planning, erosion control, fencing, removal of structure, equipment and stockpiles, and any other measures which are deemed necessary to protect the public health, safety, comfort, convenience, or general welfare. If on-site mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned, and, prior to any further excavation or processing, a new permit shall be required.

(4) Requirements for Permitted and Conditional Uses.

Within the SP District the following standards shall apply:

- (A) Minimum Lot Area: 5 acres
- (B) Minimum Front Yard Setback: 50 feet
- (C) Minimum Side Yard Setback: 20 feet
- (D) Minimum Rear Yard Setback: 25 feet
- (E) Off Street Parking: 1 space per 5 seats, or 1 space per 5 anticipated uses at maximum usage of facility.
- (F) Sand and Gravel Operations:
 - 1. Minimum Lot Area: 5 acres
 - 2. Setback from existing street or highway: 100 feet
 - 3. Setback from right-of-way public utility: 30 feet
 - 4. Setback from boundary of zoning district: 100 feet
 - 5. Fencing and screening: All access to any mining operation within one-half mile radius of any residential district shall be barred by chain link or similar fencing no less than six (6) feet high.
 - 6. Dumping: No dumping shall be allowed anywhere on the site.

7. Restoration Plan: Restoration Plans shall conform to the Rock County Non Metallic Mining Ordinance.

(G) Front Yard Setbacks: All front yard setbacks are to also refer to Section 8.1 of this Ordinance For setbacks on Federal, State and County roads.

4.12 LOWLAND CONSERVANCY OVERLAY DISTRICT ONE (C-1)

(1) **Purpose and Intent.**

The purpose of the C-1 District is to provide a means of obtaining the goals and objectives of the Town's Comprehensive Plan. This District is designed to protect the public health, safety and general welfare of the citizens of the community and 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. All permitted and conditional uses identified in the C-1 District shall be allowed only if similar permitted or conditional uses are allowed in the underlying zoning district.

(2) **Permitted Uses.**

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

- (A) Agricultural uses to include crop and pasture land when conducted in accordance with Rock County's Land Conservation Standards or State Standards, not including the erection of buildings or structures.
- (B) Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (C) Forestry and the management of forests.
- (D) Wildlife preserves.
- (E) The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- (F) Hunting, fishing, trapping, piers, and docks.
- (G) Public and private parks, picnic areas, and similar uses.
- (H) Hiking trails and bridle paths.
- (I) Preservation of areas of scenic, historic, or scientific value.
- (J) Watershed conservation areas.

- (K) Uses similar and customarily incident to any of the above uses.
- (L) Antennas as defined in section 14.2 of this Ordinance.

(3) Conditional Uses.

A conditional use in the C-1 District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance 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, any approved uses shall be in accordance with the NRCS standards.

- (A) Dams, reservoirs, ponds, water storage and primary facilities.
- (B) Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- (C) Utilities such as, but not restricted to telephone, internet, power, or other transmission lines.
- (D) Relocation of any watercourse.
- (E) Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to Section 59.971 of the Wisconsin State Statutes, "Zoning of Shorelands on Navigable Waters".
- (F) Removal of the top soil, which consists of the earth's surface, containing rock and mineral particles mixed with organic matter, in addition to the removal of peat.
- (G) Sewage disposal plants.
- (H) Agricultural accessory buildings when conforming to NRCS standards and guidelines.
- (I) Camping grounds open to the public with no buildings or structures.

The following Conditional Uses are not permitted in any A-1, A-2 or A-31 Zoning Districts.

- (A) Camping grounds open to the public with buildings or structures.
- (B) Golf courses both public and private.
- (C) Hunting and fishing clubs.
- (D) Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.

(4) Requirements for Permitted and Conditional Uses.

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

- (A) Minimum Lot Area No minimum Lot Area except in A-1 District where minimum is 35 acres
- (B) Maximum Building Height: 35 ft.
- (C) Minimum Front Yard Setback: 50 ft.
- (D) Minimum Rear Yard Setback: 75 ft.
- (E) Minimum Lot Frontage on Public Road: 50 ft.
- (F) Minimum Lot Width at Building Line: 100 ft.
- (G) Minimum Side Yard Setback: 15 ft.
- (H) Parking: Off-street Parking, Public Gathering (1) space per 5 seats if applicable or (1) space per 200 sq. ft. of building.
- (I) Front Yard Setbacks: All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Federal, State and County roads.

4.13 HIGHLAND CONSERVATION DISTRICT TWO (C-2)

(1) **Purpose and Intent.**

The purpose of the C-2 District is to provide a means of obtaining the natural resources and the recreation goals and objectives of the Town's Comprehensive Plan. This District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, sub-marginal farmland 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, ground and surface water, potential recreation sites, wildlife habitats, and other natural resource characteristics that contribute to the environmental quality.

(2) **Permitted Uses.**

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

- (A) Forest and woodland crop management.
- (B) Farming and related agricultural uses when conducted in accordance with NRCS standards.
- (C) Installation of soil and water conservation structures.
- (D) Parks and recreational areas, arboretums, and botanical gardens.
- (E) Forest preservation, wildlife reservations, and conservation projects.
- (F) Other recreational activities that do not require a structure or earth movement.
- (G) Antennas as defined in section 14 of this Ordinance.

(3) Conditional Uses.

A conditional use in C-2 District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee. The Committee shall review the applicable facts pertaining to the proposed conditional use according to the standards established in Section 5 of this Ordinance 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.

- (A) Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located at least 200 feet from the boundaries of the property involved.
- (B) Stables, riding clubs, and fairgrounds.
- (C) Private and public golf courses and country clubs.
- (D) Earth movements involving site disturbing in excess of one half-acre not related to farming activity.
- (E) Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- (F) One single family dwelling.
- (G) Ski hills, ski trails, hunting and fishing clubs.
- (H) Recreation camps.
- (I) Public or private campgrounds.
- (J) Animal hospitals, shelters and kennels.
- (K) Telephone, internet and electrical transmission lines, building or structures and similar public utility facilities.
- (L) Radio, television, and communication transmitters or relay towers and facilities.

(4) **Requirements for Permitted and Conditional Uses.**

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

- (A) Minimum Lot Area: 10 acres
- (B) Maximum Building Height: 35 ft.
- (C) Minimum Front Yard Setback: 75 ft.
- (D) Minimum Rear Yard Setback: 25 ft,
- (E) Minimum Lot Width at Building front setback line: 100 ft.
- (F) Minimum Lot Frontage on Public Road: 50 ft.
- (G) Minimum side Yard Setback: 15 ft.
- (H) Off-Street Parking, Public Gathering: 1 space per 5 seats if applicable, 1 space per 200 sq. ft. of building, or 1 space per 5 anticipated users at maximum usage of facility.
- (I) Front Yard Setbacks: All front yard setbacks are to also refer to Section 8.1 of this Ordinance for setbacks on Federal, State and County roads.

4.14 MANUFACTURED HOME PARK DISTRICT (MHP)

(1) **Procedures and Applications.**

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Town's Comprehensive Plan. The intent of the MHP District is to provide for the location of mobile home and manufactured home parks, and establish regulations governing their construction and use for the health and well-being of the residents of the community.

(2) **Requirements for Permit.**

(A) **Approvals Required.** No person shall construct, expand or operate a manufactured home park within the Town unless he or she has been zoned into the MHP District and holds a valid license issued annually by the Town Clerk. Any person owning or controlling a manufactured home park in existence on the effective date of this Ordinance may apply for and receive an annual license for his or her existing park by complying with (d) thereof.

(B) **Initial License.** The Town Clerk shall issue an initial license only after the following actions have taken place:

1. The land has been zoned Manufactured Home Park District by the Town Board.
2. The applicant completes an application form and submits it to the Town Clerk together with the required license fee.
3. The Town Board approves the license.

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

(D) **Initial License Application:**

1. **Application.** Application for an initial license shall be made to the Town Clerk on an initial license application form approved by the Town Board. Fees as provided in (2)(B) above are required prior to taking action on each of the approval steps listed herein.
2. **Preliminary Plan.** The applicant shall apply for preliminary plan approval to the Planning and Zoning Committee. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least one inch equals 200 feet showing two foot contours, the

area, location and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Planning & Zoning Committee shall be in concept only, which will enable the applicant to prepare the final plan.

3. Final Plan. Upon approval by the Planning & Zoning Committee of the preliminary plan, the applicant shall submit to the Planning & Zoning Committee the review fee and six (6) copies of the general development plan which shall include:
 - a. Three (3) prints of a certified survey map or subdivision plat of the property showing existing features of the property.
 - b. A complete plan of the park drawn to a scale of not less than 100 feet per inch.
 - c. The number, location and dimensions of all mobile home or manufactured home lots.
 - d. The location of width or 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.

(E) Building Plans. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park, including a detailed sketch of a typical mobile home or manufactured home lot. Upon submission of the final plan to the Planning & Zoning Committee, the Committee shall set a public hearing on the final plan and after hearing any interested party, any staff reports, recommendation or information, the Committee shall make a recommendation and report to the Town Board concerning such plan after determining the following:

1. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park.
2. The adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

3. 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.

(F) Approval by Town Board. After receiving the final plan and the recommendation and report from the Planning & Zoning Committee, the Town Board may approve the initial license after a public hearing. Such license shall not be issued until the requirements of this Section have been fulfilled. The Town Clerk is then authorized to issue an initial license upon payment of the required fee.

(G) Procedure After License Granted. Upon approval of the initial license, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (per ss Chapter 236) 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 & Zoning Committee and Town Board and containing a statement that the land is to be developed pursuant to the approved license. Upon the submission of proof of such recording to the Town Clerk, said Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the license recorded plans. Construction pursuant to such license must commence within one (1) year of the date of the license issuance or the license shall become null and void.

(H) Annual License Application.

1. The applicant shall apply to the Town each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee as provided in (2)(B) above.

2. A transfer of license application shall be applied for and may be approved by the Town Board in the same manner as an application for a renewal license. The fee for such transfer license is provided in (2)(B) above.

(3) Administration.

(A) Building Inspection. It shall be the responsibility of the Building Inspector to enforce the provisions of this Ordinance by authorizing and directing inspections to be made of all manufactured home parks.

- (B) Violations. Whenever the Building Inspector determines violations of pertinent regulations exist, he or she shall notify the licensee or permit tee of such alleged violation.
Such notice shall:
1. Be in writing.
 2. Include a statement of the violations enumerated.
 3. Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed 30 days.
- (C) Revocation of License. Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park is subject to revocation by the Town Board as provided in Section 66.0435 of the Wisconsin State Statutes unless the alleged violation is corrected within the period specified by the Town Board.
- (D) Emergency Order. Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public: health, safety and/or welfare, he or she 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 not withstanding any other provision of this Ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the manufactured home park license.
- (E) Duty of License Holder.
1. It shall be the duty of the license holder to file with the Town Treasurer a monthly report containing the following information on a form sheet:
 - a. A tabulation of the number of mobile homes or manufactured homes, whether each is occupied or unoccupied, and the monthly tax payable to the Town Treasurer.
 - b. A tabulation of manufactured home park occupancy listing lot designation, occupants' names, monthly tax and date of departure or arrival.
 - c. Whether each lot is vacant, or occupied by a mobile home or manufactured home, and the effective dates.

2. Within five days of the arrival of each new mobile home or manufactured home occupant, the owner shall submit in duplicate to the Assessor Form 130-2 of the Wisconsin Department of Revenue Mobile Home/Manufactured Home.
3. If the license holder does not submit the monthly report to the Town Treasurer, the previous bill will be applied.

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

(4) General Provisions.

- (A) Every manufactured home park and every built or added to after the effective date of this Ordinance shall conform to and be governed by the provisions of this Ordinance. No area shall be rezoned to Manufactured Home Park District unless it is planned and designated as residential use on the Town's Comprehensive Plan Land Use Plan Map. Every manufactured home park developed and governed by this Ordinance shall first have rezoned into an MHP District prior to being licensed.
- (B) Travel Trailer Camps shall not be permitted. Classification of development in the MHP District shall only be "Manufactured Home Parks".
- (C) It shall be unlawful to permit a mobile home or manufactured home to be located in a park unless it is placed in a designated stand in a licensed park.
- (D) Parking of mobile homes or manufactured homes.
 1. Only one mobile home or manufactured home shall be placed on a lot.
 2. Each mobile home or manufactured home lot shall abut upon a roadway within an approved park.
- (E) No part of any park shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park residents and for the management and maintenance of the park as approved by the Town Board.

- (F) No sign shall be permitted except the following:
1. One non-flashing identification ground mounted sign or a wall sign stating only the name of the park may be permitted provided the sign does not obstruct the public way.
 2. Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc.
 3. Signs and their installation shall comply with all other applicable codes and regulations.

(5) **Standards.**

<u>Park Size</u>	<u>Acreage</u>	<u>Max. Density of Park</u>
Manufactured Home Parks	8	5.0 units per gross land acre

- (A) Minimum Number of Lots. There shall be a minimum of 25 twenty-five mobile home or manufactured home lots completed and ready for occupancy before first occupancy is permitted.
- (B) Length of Residential Occupancy. No lot shall be rented for residential use of a mobile home or manufactured home in any such manufactured home park except for periods of thirty (30) days or more.
- (C) Compliance with Code Standards. No mobile home or manufactured home shall be admitted in any manufactured home park unless it can be demonstrated that it meets the requirements of U.S. Department of Housing and Urban Developments Manufactured Home Construction Standards.
- (D) Minimum Lot Width and Setback Standards.

(1) Setback Standards for Manufactured Home Park

	<u>Mobile/Manufactured Home</u>	<u>Accessory Structures</u>
Front setback	10 ft.	10 ft.
Side setback	8 ft.	5 ft.
Rear setback	8 ft.	5 ft.
Corner street side yard	8 ft.	8 ft.

Yard abutting Open areas	8 ft.	8 ft.
From any public street	25 ft.	25 ft.
(2) Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary	50 ft.	30 ft.
(3) Minimum lot area	8,000 sq. ft.	

- (E) Parking. At least two (2) off-street asphalt parking spaces shall be provided for each mobile home or manufactured home lot. The size of each space must be at least 9 ft. by 20 ft. Street parking on both sides of the street shall be permitted if the roadway width is at least 36 feet wide.
- (F) Screening. There shall be provided a screening buffer strip along the boundary of the manufactured home park where it abuts a residential district. Such screening shall be at least five (5) feet in width and five (5) feet in height. Such strip shall be densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.
- (G) Recreation Requirements. Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the park is designed to serve. Not less than ten percent (10 %) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the park center.
- (H) Tenant Storage. One storage-building accessory to a mobile home or manufactured home will be permitted on a mobile home or manufactured home lot provided that the storage building does not exceed 400 cubic feet and does not exceed eight (8) feet in height. Such storage building shall be fully enclosed and located on the mobile home or manufactured home lot. All storage buildings in the manufactured home park shall be uniform in size.
- (I) Fuel Supply. All fuel shall be distributed to individual lots by an underground distribution system from a common underground storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of Wisconsin.

(J) Additions and Alterations.

1. Permit Required. A permit issued by the Building Inspector shall be required before any construction on a mobile home or manufactured home lot or any structural alteration to the exterior of a mobile home or manufactured home. No permit is required for addition of steps, awnings, skirting, windows, doors, or tenant storage structures as defined below.
2. No addition or expansion to a mobile home or manufactured home shall be allowed.
3. Skirting Required. Vented skirting of non-flammable material for mobile homes or manufactured 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.

(K) Utilities. Utilities shall be installed underground and shall meet County and State of Wisconsin Statutes and codes.

1. Electrical Requirements.

- a. Each mobile home or manufactured home lot shall be connected to the park electrical wiring system by underground cable and by approved receptacle. Disconnecting means, and over current protective equipment, the minimum service per each mobile home or manufactured home lot shall be 120-240 volts, AC, 100 amperes.
 - b. Adequate lights shall be provided in the manufactured home park to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one-foot candle shall be provided for safe pedestrian and vehicle movement.
2. Sewer Service. A Manufactured Home Park shall be served by common sewer. Each mobile home or manufactured home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage.
3. Water. Common water shall be provided by separate lateral at each mobile home or manufactured home lot.

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

(L) Mobile Home or Manufactured Home Stand, Patio, and Tie Downs.

1. A mobile home or manufactured home stand shall be continuous 4" concrete single slab or an approved alternate to support the mobile home or manufactured home.
2. The mobile home or manufactured 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 or manufactured home. Anchors and tie-downs shall be placed at least at each corner of the mobile home or manufactured home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds.

(M) Roadways.

1. All roadways created by a manufactured home park shall be blacktop or asphalt according to Rock County road specifications.
2. The minimum pavement width of roadways shall be 30 feet. The minimum pavement diameter of cul-de-sacs shall be 40 ft.
3. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated, and to satisfactory control of surface water and ground water.
4. The names of roadways within the park shall not duplicate the names of streets within Rock County.

(N) Lot Markers. The limits of each mobile home or manufactured home lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means.

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

- (P) Garbage and Rubbish Storage Areas. Garbage and rubbish shall be stored in fly tight; water tight, approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.
- (Q) Community Centers. Each manufactured home park shall have a community center which shall be easily accessible to all park residents for their exclusive use. Such centers shall include kitchen facilities; restroom facilities for men and women; meeting room space of at least 1,000 square feet; a basement which shall be built to provide adequate protection to all park residents in the event of severe weather.
- (R) Parking. Parking of boats, trailer, travel trailers, campers, snowmobiles or other recreation vehicles shall be restricted to an area (or areas) provided by the management specifically for that purpose within an enclosed (fenced in), locked area. At least one parking space of 200 sq. ft. shall be provided for each three mobile home or manufactured home lots.
- (S) Performance Bond. The Town Board may require that a bond be executed by the manufactured home park developer to insure that all required improvements will be made.

SECTION 5.0 - CONDITIONAL USE PERMITS

5.1 General Provisions.

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

5.2 Required Information.

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

5.3 Procedure.

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

- (A) A Conditional Use Permit application shall be filed with the Town Clerk. Such application shall contain the exact legal description of the premises for which the Conditional Use Permit is requested, a list of the reasons justifying the application, and shall specify the proposed use and have attached the following:
1. Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area for which the Conditional Use Permit is requested, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 1,000 feet of the area for which the Conditional Use Permit is requested.
 2. Owners' Names and Addresses of all properties lying within 1,000 feet of the area for which the Conditional Use Permit is requested.
 3. Additional Information required by the Planning & Zoning Committee.

4. Fee Receipt from the Town Treasurer for the Conditional Use Permit Fee.
- (B) The Town Clerk shall notify all property owners within 1,000 feet of the parcel in question and give a Class 2 Legal Notice listing the time and place of the public hearing, the conditional use being proposed, and the location of the proposed conditional use.
 - (C) A public hearing is held by the Planning & Zoning Committee (hereafter, “the Committee”).
 - (D) The application and information obtained at the public hearing is reviewed by the Committee at a public meeting as to potential problems that may affect the community, adjoining parcels, occupants of adjoining parcels, and/or the physical environment.
 - (E) Upon consideration of these factors and the “Standards” in Sections 5.4 and 5.5, the Committee may approve, approve with conditions, or deny the Conditional Use Permit Application. In addition, prior to approval of any Conditional Use Permit Application in connection with any land located in the A-1, A-2, and A-3 Districts, the Committee may only approve such application upon finding that the conditional use is consistent with agricultural use as is necessary in light of the alternative locations available for such use.
 - (F) Upon approval, the Chairperson of the Planning & Zoning Committee is to forward a copy of the approved Conditional Use Permit Application and any conditions of approval to the Town Clerk and to the County Planning and Development Agency. The County will enumerate the conditional use on the Official Zoning Map and enter it into the Town's Conditional Use Database. Upon receipt of any approved Conditional Use Permit application in connection with any land located in the A-1, A-2, or A-3 Districts, the Town Clerk shall notify the Department of Agriculture, Trade, and Consumer Protection of the issuance of such Conditional Use Permit.
 - (G) The Committee shall provide its decision in written form listing the facts, findings and conclusions. If an application is denied, the Committee shall also explain the applicant's appeal rights.
 - (H) The applicant or the applicant's authorized legal representative shall attend the public hearing as well as all other meetings of the Planning & Zoning Committee in connection with the applicant's requested Conditional Use Permit. Failure of the applicant or the applicant's authorized legal representative to attend such public hearing or other meetings shall be grounds for denial of applicant's request.

- (2) Approved Active Conditional Use Permits shall be reviewed annually by the Committee.
- (3) Conditional Use Permits are assigned to a parcel of land or a particular location on the parcel, not the person who owns the land. Conditional Use Permits are revocable by majority vote of the Committee if the conditional use is not actively used for a period of one (1) year, conditions of approval are not being met, there are violations of this Ordinance, or the conditional use is expanded without Committee approval. In the event the Conditional Use Permit is not actively utilized for a period of two (2) years after the date of issuance, it shall be automatically revoked at the end of said two (2) year period.
- (4) The owner of a parcel of land upon which a Conditional Use Permit has been issued may voluntarily surrender said permit, whereupon the permit shall terminate and no longer run with the parcel.

5.4 Standards Applicable to Conditional Uses.

In considering a Conditional Use Permit application, the Planning & Zoning Committee shall consider the following factors:

- (1) Whether the establishment, maintenance, or operation of the conditional use will be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- (2) Whether the conditional use will be injurious to the use and enjoyment of other property in the immediate vicinity for purposes already permitted.
- (3) Whether the conditional use will substantially diminish or impair values within the vicinity of the subject property.
- (4) Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the surrounding vicinity.
- (5) Whether adequate utilities, access roads, drainage or other necessary facilities will be available to serve the proposed use at the time of its occupancy or use.
- (6) Whether adequate measures will be taken to minimize traffic congestion.
- (7) Whether the conditional use will comply with all applicable regulations of this Ordinance.
- (8) Whether the conditional use is appropriate given its proposed location, nature and size.

- (9) Whether the conditional use is appropriate given the parcel's existing topography, drainage, soils types, and vegetative cover.
- (10) Whether the amount of land is limited to that which is reasonably necessary to accommodate the proposed use.

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

5.5 Standards Applicable to Conditional Uses within the A-1, A-2, and A-3 Districts.

In considering a Conditional Use Permit application in the A-1, A-2, and A-3 Districts, the Planning and Zoning Committee shall, in addition to the factors considered in Section 5.4, also consider the following factors:

- (1) The potential for conflict with agricultural use.
- (2) The need of the proposed use for a location in an agricultural area.
- (3) The availability of alternative locations.
- (4) Compatibility with existing or permitted uses on adjacent lands.
- (5) The productivity of the lands involved.
- (6) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- (7) The need for public services created by the proposed use.
- (8) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (9) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

5.6 Conditions Attached to Conditional Use Permit.

- (1) Upon consideration of the factors listed in Sections 5.4 and 5.5, the Planning & Zoning Committee may attach such conditions, in addition to those otherwise specifically listed, that it deems, based upon substantial evidence, to reasonably relate to the purpose of this Ordinance and, to the extent practicable, measurable. As used herein "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that

reasonable persons would accept in support of a conclusion. Violation of any of these conditions shall be deemed a violation of this Ordinance.

- (2) Conditional Use Permits are revocable by majority vote of the Planning & Zoning Committee if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without the Planning & Zoning Committee's approval. In the event the Conditional Use Permit is not actively utilized for a period of two (2) years after the date of issuance, the Conditional Use Permit shall automatically be revoked upon the expiration of said two (2) year period.
- (3) The Town may impose conditional relating to a Permit's duration, transfer, and/or renewal.

(Amended by Ordinance No. 2018-01)

5.7 Notice and Public Hearing.

Before issuing a Conditional Use Permit, the Planning & Zoning Committee shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Committee shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin State Statutes. Written notice shall be given to all abutting and opposite property owners of record, and owners within one thousand (1,000) feet.

5.8 Conditional Use Permit Fee.

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

5.9 Conditional Use Permit Procedure for Livestock Facilities.

(1) Approval Required.

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

(2) Permits for Existing Livestock Facilities.

(A) A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

1. The applicable size threshold for a Conditional Use Permit established in the zoning district where the facility is located.

2. The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006 or on the effective date of the permit requirement, whichever date is later.
- (B) A permit is not required for a livestock facility that existed before May 1, 2006 or before the effective date of the permit requirement in this Ordinance (except as provided in subparagraph (A)).

(3) Permit Required. A permit is not required for a livestock facility that was previously issued a Conditional Use Permit or other local approval (except as provided in subparagraph (2)). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

(4) Application Procedure.

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

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

(5) Application Fee.

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

(6) Application Review Procedure.

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

(B) Within 14 days after the Planning & Zoning Committee notifies an applicant that the application is complete, the Committee shall notify adjacent landowners of the application. The Committee shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.

- (C) The Committee shall grant or deny an application within 90 days after the notice of a complete application is provided as required by subparagraph (B) above. The Committee may extend this time limit for good cause, including any of the following:
 - 1. The Committee needs additional information to act on the application.
 - 2. The applicant materially modifies the application or agrees to an extension.
- (D) The Committee shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the Committee will act on the application.

(7) Public Hearing.

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

(8) Standards.

The standards for issuing a permit are as follows:

- (A) The State Livestock Facility Standards adopted under ATCP 51, WI ADMIN CODE. These standards are incorporated by reference, without reproducing them in full.
- (B) Setbacks authorized by this Ordinance.

(9) Criteria for Issuance of a Permit.

- (A) A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Ordinance.
- (B) A permit may be denied if any of the following apply:
 - 1. The application, on its face, fails to meet the standards for approval.
 - 2. The Committee finds, based on other clear and convincing information in the record that the proposed livestock facility does not comply with applicable standards in this Ordinance.

3. Other grounds authorized by Section 93.90, Wis. Stats. that warrant disapproving the proposed livestock facility.

(C) No conditions may be imposed on the permit other than the standards provided in this Ordinance.

(10) Record of Decision.

(A) The Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.

(B) In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

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

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

(A) Give the Department of Agriculture, Trade and Consumer Protection written notice of the decision.

(B) File with the Department of Agriculture, Trade and Consumer Protection a copy of the final application, granted or denied, if the Committee has granted or denied an application under this Ordinance (the copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications).

(C) If the Committee has withdrawn a local approval under this Ordinance, file with the Department of Agriculture, Trade and Consumer Protection a copy of the final notice or order withdrawing the local approval.

(12) Expiration of Permit.

A permit remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under the permit, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the Committee may treat a permit as lapsed and withdraw the permit if the permit holder fails to do all of the following within 2 years after issuance of the permit:

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

(13) Permit Modifications.

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

(14) Compliance Monitoring.

The Committee shall monitor compliance with this Ordinance as follows:

- (A) Upon notice to the livestock facility owner request the right of the Zoning Officer to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
- (B) If the livestock facility owner refuses the Zoning Officer the right to view the permitted facility, the Zoning Officer may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.122 of Wis. Statutes.
- (C) If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Officer shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in such written notice.

- (D) If non-compliance of the permit conditions as described in the written notice given by the Zoning Officer continue past the stated reasonable time to comply, the Zoning Officer may take further action as provided in this Ordinance, including but not limited to the seeking of a forfeiture or injunctive relief.
- (E) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Committee shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

(15) Terms of the Permit.

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

(16) Transferability.

- (A) A permit and the privileges granted by the permit run with the land, and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the Register of Deeds, at the applicant's expense, the duplicate copy of the approved application.
- (B) Upon change of ownership of the livestock facility, the new owner of the facility shall file information with the Town Clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

SECTION 6.0 - ZONING PERMITS

6.1 Permits Required to Comply With Zoning Ordinance.

A Zoning Permit shall be obtained from the Zoning Officer as part of the requirements of this Ordinance. Where the use involves the construction or structural improvement of any buildings or structures, a Building Permit shall also be obtained from the Building Inspector for the Town.

6.2 Zoning Permit Requirements.

- (1) Cases where a Zoning Permit is required.
 - (A) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area, including without limitation, garages, decks and patios.
 - (B) Where any land use is substantially altered.
- (2) Cases where Zoning Permit is not required.
 - (A) For internal improvements or alterations to an existing building which are entirely within the building and involve no change in land use, unless the internal improvement or alteration would create or increase the size of an attached garage. A building permit may be required from the Building Inspector.
 - (B) For any maintenance repairs that do not involve a change to the structure.
- (3) The Zoning Permit issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

6.3 Application for Zoning Permit.

An application for a Zoning Permit shall be made to the Zoning Officer, with a copy to the Town Clerk, upon forms provided by the Zoning Officer and shall include, for the purpose of proper enforcement of these regulations, an accurate, properly-dimensioned map (plot plan) of the property showing:

- (1) The boundaries of the property involved.
- (2) The location of the centerlines or right-of-way lines of any abutting roads, streets, or highways.

- (3) The location on the lot of any existing buildings, proposed new buildings, or proposed additions to existing buildings, including the measured distances between such buildings, and from the lot lines, and from the centerlines or road right-of-way lines of any abutting roads, streets, or highways to the nearest portion of each new building or addition.
- (4) The floodway, flood-fringe, or high-water line of any stream or lake on or adjoining the property.
- (5) The dimensions and the maximum height of all proposed buildings or additions.
- (6) If the proposed construction involves a garage, the area of the garage and the area of the residence's finished living space.
- (7) The location of any roof overhangs exceeding 36 inches.
- (8) For sites involving an on-site sewage disposal system, the Map shall include the location of the water system and sewage systems and their distances from the proposed construction.

6.4 Zoning Permit Fee.

- (1) The applicant, upon filing of an application, shall pay a nonrefundable fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.
- (2) In addition to the Zoning Permit Fee, the applicant shall also pay any Town building permit fees and any state inspection fees which are necessary in order to obtain any required building permit.
- (3) In the event an application for a Zoning Permit is made after the action requiring such a permit has already been taken, the fee shall be doubled.
- (4) In the event an applicant requires that the issuance of a Zoning Permit be expedited, the fee shall be doubled. An application shall be deemed to be expedited if not handled by the Zoning Officer in the order in which it was received, or if it is otherwise necessary for the Zoning Officer to give attention to the permit application in a manner other than the normal course of handling such application.

6.5 Expiration of Zoning Permit.

In the event a Zoning Permit is issued allowing construction of a structure or the repair or alteration of a structure, the construction of any such structure or the repair or alteration shall be substantially completed within twelve (12) months after the date of the Zoning Permit and, if such construction, repair or alteration is not so completed, the Zoning Permit shall be deemed to have expired. In the event a Zoning Permit is issued for alteration of a land use under this Section, the alteration of use shall be completed within twelve (12) months after the date of issuance of the Zoning Permit and, if such alteration has not been completed within such time, the Zoning Permit shall be deemed to have expired. In the event of expiration, the applicant may apply for a new Zoning Permit, but must comply with any requirements resulting from changes in this Ordinance which may have occurred after issuance of the original Zoning Permit.

SECTION 7.0 - BOARD OF ZONING APPEALS

7.1 Establishment.

There is hereby established a Board of Zoning Appeals (hereinafter in this Section, the "Board") for the Town for the purposes set forth in this Section.

7.2 Membership and Organization.

The Board shall be formed and organized as follows:

- (1) The Board shall consist of five (5) members appointed by the Town Chairperson and confirmed by the Town Board.
- (2) The terms of the members shall be for staggered three-year periods.
- (3) The Town Board Chairperson shall appoint the Chairperson of the Board.
- (4) Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself or herself from any meeting or hearing at which said matter is under consideration.
- (5) An alternate member may be appointed by the Town Board Chairperson for a term of three (3) years and shall act only when a regular member is absent or is unable to vote because of a conflict of interest.
- (6) No member may simultaneously be a member of the Town Board or the Planning & Zoning Committee, and the Zoning Officer shall not be a member of the Board, although he or she shall attend all meetings of the Board for the purpose of providing technical assistance when requested by the Board.
- (7) The Secretary of the Board shall be appointed by the Board's Chairperson.
- (8) Each member of the Board shall take an official oath in accordance with Section 19.01 of the Wisconsin Statutes within 10 days of receiving notice of appointment.
- (9) Vacancies on the Board shall be filled for the unexpired term in the same manner as appointments for a full term.
- (10) Compensation for Board members shall be as determined by the Town Board.

7.3 Administration.

The Board shall administer itself in accordance with the following:

- (1) The Board shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.
- (2) Meetings shall be held at the call of the Chairperson of the Board and shall be open to the public.
- (3) 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, and recording the absence or abstention of any member, and further recording the reasons for any determination by the Board and findings of fact related to such determination. The Secretary shall keep all records of the Board, which shall be immediately filed with the Town Clerk upon creation of such records.
- (4) The Board may request assistance from other Town and County officials, departments, agencies, and boards in rendering any decision under this Section.

7.4 Powers.

The Board shall have the following powers:

- (1) To hear and decide appeals relating to any alleged error in any order, requirement, decision, or determination made by the Planning & Zoning Committee or its delegates or the Zoning Officer in the enforcement of regulations or ordinances under their jurisdiction, including, but not limited to, decisions granting or denying the issuance of a permit. The Board may reverse, affirm in whole or in part, or modify the conditions established by the Planning & Zoning Committee for issuance of a permit, and may direct the issuance of a permit.
- (2) Variances. To hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Use variances will not be granted, nor shall a variance be granted where the property owner created the unnecessary hardship. (*Amended by Ordinance No. 2018-01*)
- (3) To hear and decide applications for interpretation of this Ordinance, provided that no decision on an interpretation shall be made until after the matter has been reviewed by the Planning & Zoning Committee and the Board has received the recommendations of the Planning & Zoning Committee.

7.5 Appeals.

Appeals from the decision of the Planning & Zoning Committee or its delegates, the Zoning Officer, Building Inspector, or any other officer of the Town concerning the enforcement of this Ordinance or the issuance or denial of a Zoning Permit or Building Permit may be made by any person aggrieved by such decision or by an officer, department, committee, board, or bureau of the Town. Any such appeal shall be filed with the Town Clerk within 60 days after the date of written notice of the decision or order from which an appeal is sought. Such appeal shall include the following:

- (1) Name and address of the appellant and, if such appeal relates to a specific parcel of land, all owners of land located within 1,000 feet of the subject parcel.
- (2) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
- (3) The appellant, upon the filing of an appeal, shall pay a nonrefundable fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.

7.6 Applications for Interpretation.

Applications for interpretation of any portion of this Ordinance may be made by the owner or lessee of any structure, land, or water affected by this Ordinance. Such application shall be filed with the Town Clerk and shall include the following:

- (1) Name and address of the applicant and, if such application relates to a specific parcel, all owners of property located within 1,000 feet of the subject property.
- (2) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
- (3) The appellant, upon filing of an appeal, shall pay a nonrefundable fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.

7.7 Variances.

- (1) An application for a variance from the provisions of this Ordinance may be made by the owner or lessee of any structure, land, or water affected by this Ordinance. Such application shall be filed with the Town Clerk and shall include the following:

- (A) Name and address of the applicant and, if such application relates to a specific parcel, all owners of property located within 1,000 feet of the subject property.
 - (B) Such additional information as may be required by the Board or the Zoning Officer, which may include a plat of survey.
 - (C) The applicant, upon filing of an application, shall pay a nonrefundable fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.
- (2) Variances may only be granted subject to the following restrictions:
- (A) Variances shall not be granted routinely, and shall be granted only when the applicant clearly shows the existence of an unnecessary hardship and the presence of a unique property limitation, and further shows that the granting of the variance will not be contrary to the public interest.
 - (B) No use variance shall be granted.
 - (C) An unnecessary hardship may be shown only where, in the absence of a variance, the applicant can make no feasible use of the subject property, or if strict conformity is unnecessarily burdensome.
 - (D) No variance shall be granted if the physical character of the property allows the applicant to build or develop in a manner which complies with this Ordinance.
 - (E) Any unnecessary hardship must be peculiar to the zoning parcel in question and different from that of other parcels, and not one that affects all parcels similarly. Such hardships must arise because of some unique property limitation, or because the hardship was created before the passage of this Ordinance.
 - (F) Loss of profit or pecuniary hardship is not in and of itself grounds for a variance.
 - (G) Self-imposed hardship is not grounds for a variance. Reductions resulting from the sale of portions of a property that reduce the remainder below buildable size or cut off existing access to a public highway, deed restrictions imposed by previous owners, and improvements made in violation of this Ordinance are generally considered to be self-imposed hardships.

- (H) An unnecessary hardship cannot be one which would have existed in the absence of a zoning ordinance, although a legitimate unnecessary hardship may result from the interaction of the provisions of this Ordinance with other actions or regulations adopted by public authorities.
- (I) A unique property limitation for purposes of this Ordinance shall involve a situation in which unique physical characteristics of the property, and not the desires of or conditions personal to the applicant, prevent the applicant from developing in accordance with this Ordinance. Unique property limitations may include wetlands, soil types, parcel shapes, or steep slopes.
- (J) In order to protect the public interest, the Board shall not grant a variance which would undermine the purpose of this Ordinance. The Board shall consult the “purpose” and “intent” sections of this Ordinance in determining whether a variance is appropriate, and shall consider the interests of the public at large, not only the interests of the nearby property owners.
- (K) Lack of opposition does not in itself mean that a proposed variance will not harm the public interest.
- (L) In granting a variance, the Board may impose special conditions to ensure that the public welfare is not damaged, provided that such conditions must relate reasonably to the purpose and intent established in this Ordinance.
- (M) A variance should include only the minimum relief necessary to allow reasonable use of the subject property.
- (N) Violations by or variances granted to a neighboring owner do not justify the granting of a variance.
- (O) Any variance granted shall attach to the property as a permanent right, and any subsequent owner of the subject property may make use of that variance, provided that all conditions attached to the variance are met.
- (P) In order to grant a variance, the Board must determine that there are exceptional, extraordinary, or unusual circumstances or conditions applying to the subject lot, parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and that the granting of the variance would not be so general or recurrent in nature as to suggest that this Ordinance should be modified.
- (Q) No variance shall be granted unless the Board determines that the granting will not create a substantial detriment to an adjacent property.

- (3) The Board is not authorized to grant a variance from the State requirements related to livestock facility siting. The Board may reduce the general setbacks as provided in Section 93.90 of the Wisconsin Statutes and in ATCP Chapter 51 of the WI ADMIN CODE.

7.8 Hearing.

The Board shall hold a public hearing within 30 days of receiving an appeal or application, shall give public notice thereof at least 10 days prior to the hearing by a Class 2 Notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to all parties in interest, the Zoning Officer, and the Planning & Zoning Committee. If the appeal or application relates to a specific parcel, “parties in interest” shall include all owners of property located within 1,000 feet of the subject property. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney. Following or preceding the public hearing the Board may, in its discretion, hold additional hearings, allowing the participation of only the applicant and such other parties as may hold a direct interest in the subject matter of the appeal or application. The Chairperson of the Board shall administer oaths to all persons providing factual testimony to the Board and may compel the attendance of witnesses.

7.9 Required Attendance.

The appellant or applicant or the appellant’s or applicant’s authorized legal representative shall attend the public hearing as well as all other meetings of the Board in connection with the appellant’s or applicant’s appeal or application. Failure of the appellant or applicant or the appellant’s or applicant’s authorized legal representative to attend such public hearing or other meetings shall be grounds for denial of the appellant’s or applicant’s appeal or application.

7.10 Decision.

The Board shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of its decision to the appellant or applicant, the Zoning Officer, the Planning & Zoning Committee, and the Town Clerk. Such decision shall be accompanied by findings of fact and conclusions of law and may include any conditions placed upon the issuance of any permit. Any Variance, Zoning Permit, or Building Permit granted by the Board shall expire six months following the issuance of the decision unless substantial work has commenced consistent with such variance, Zoning Permit, or Building Permit prior to such expiration.

SECTION 8.0 - HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

8.1 Classification and Setbacks.

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

(1) Arterial Highways.

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

(2) Collector Roads.

The setback for collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 70 feet.

(3) Local Roads.

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

(4) Lesser Setbacks.

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

(5) Special Width Road Right-of-Ways.

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

8.2 Vision Clearance at Intersections.

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

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

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

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

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

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

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

8.3 Object Permitted Within Setback Lines and Vision Triangles.

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

8.4 Access Control.

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

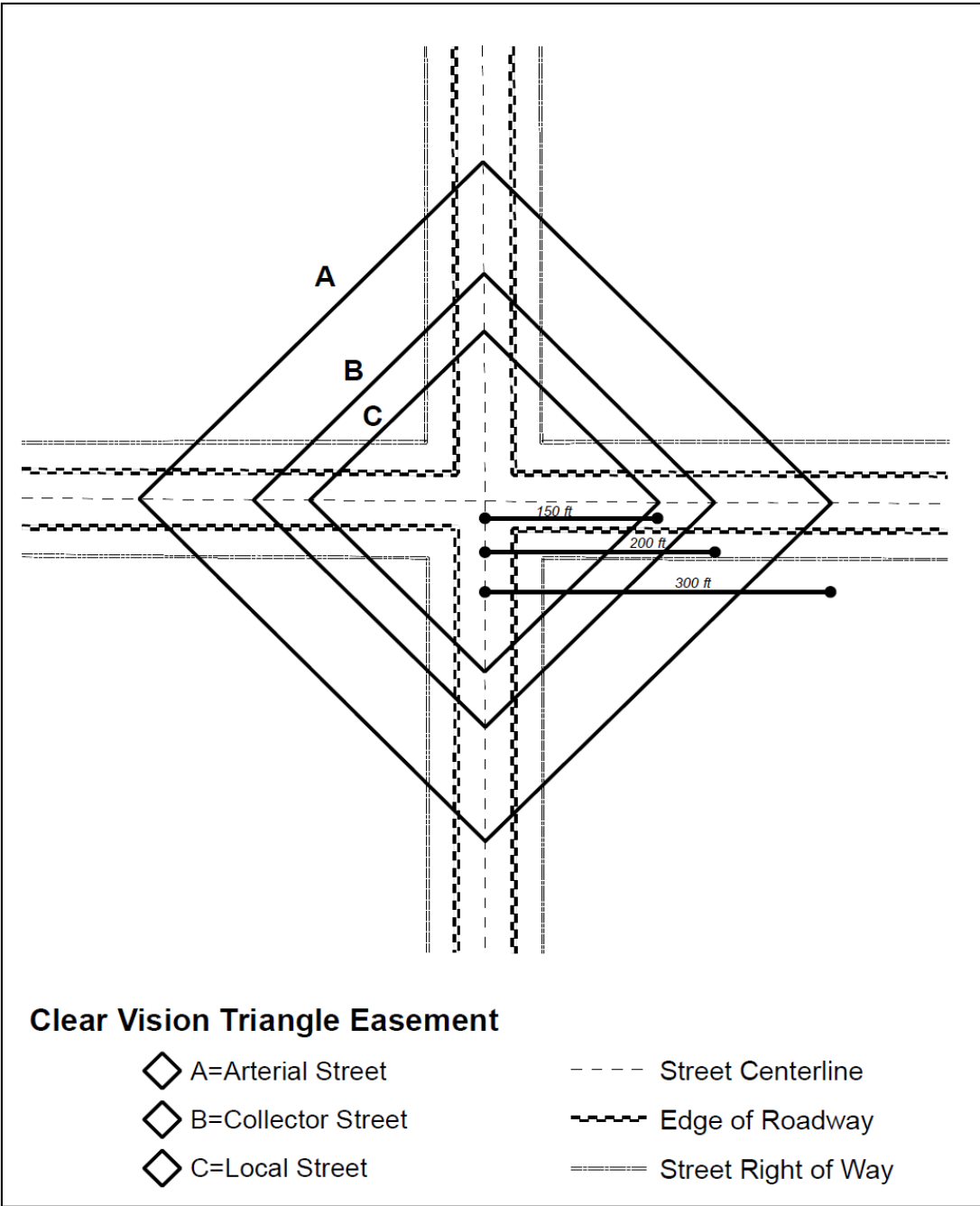
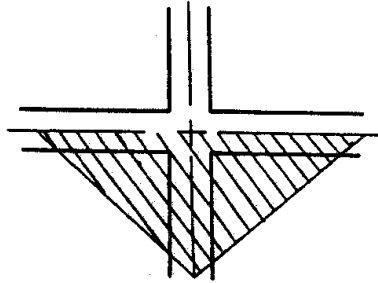
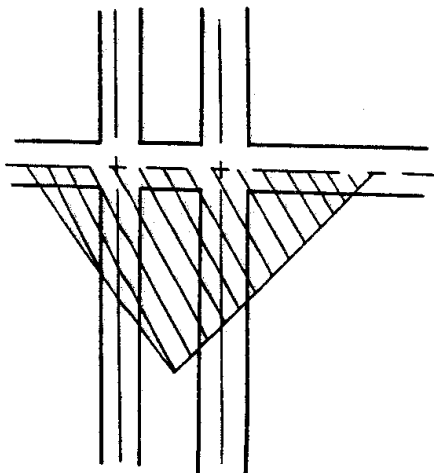


ILLUSTRATION OF
DESIGNATION OF CENTERLINE
FOR CLEAR VISION TRIANGLES

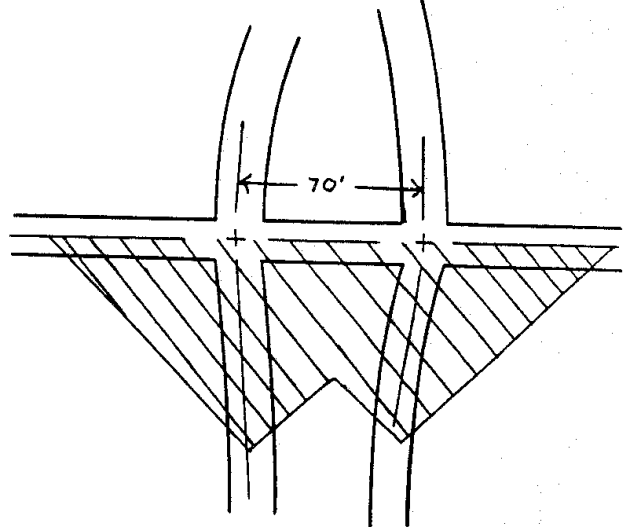
a. Undivided Pavement



b. Divided Pavement
Not Widely Separated



c. Divided Pavement
Widely Separated



SECTION 9.0 - NONCONFORMING USES, STRUCTURES, AND LOTS

9.1 Existing Nonconforming Uses.

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

- (1) Only that portion of the structure, land, or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.
- (2) Total lifetime structural repairs or alterations to a structure dedicated to a nonconforming use shall not exceed fifty percent (50%) of the equalized assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance.
- (3) If such nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a nonconforming use or structure dedicated to such nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than fifty percent (50%) of its equalized assessed value at the time such event occurred, it shall not be restored except so as to comply with the use provisions of this Ordinance.
- (4) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (5) This Ordinance is not intended to negate licenses or permits (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Ordinance.

9.2 Existing Nonconforming Structures.

- (1) Any lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size and/or location does not conform to the lot width, area, yard, height, parking, loading, and access provisions of this Ordinance.
- (2) Existing nonconforming structures shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or so as to comply with the provisions of this Ordinance.

- (3) When a nonconforming structure is damaged by fire, explosion, flood, violent wind, vandalism, ice, snow, mold, infestation, the public enemy or other calamity, it may be reconstructed if such change does not result in an increase to the nonconforming nature of the structure.

9.3 Substandard Lots.

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

- (1) All the district requirements shall be complied with insofar as practical but shall not be less than the following.
 - Lot Width: 50 ft. (minimum)
 - Lot Area: 7,500 sq. ft. (minimum)
 - Yards
 - Street: Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.
 - Rear: Minimum 20 ft.
 - Side: Minimum 10 percent (10%) of the frontage, but not less than 5 ft.
- (2) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a Zoning Permit and a Building Permit.
- (3) If two or more substandard lots are abutting or have continuous frontage and are of the same ownership as of effective date of this Ordinance the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.
- (4) The location and size of the proposed residential parcel, and for a new residence, the location of the residence on the residential parcel, will not do any of the following:
 - (A) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is reasonable alternative location or size for residential parcel or residence
 - (B) Significantly impair or limit the current or future agricultural use or other protected farmlands.

9.4 Changes and Substitutions.

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

SECTION 10.0 - CHANGES AND AMENDMENTS

10.1 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Ordinance, or amendments thereto. Such change or amendment shall require the review and recommendation of the Planning & Zoning Committee prior to approval by the Town Board. Any change or amendment approved by the Town Board that is not consistent with the Town's Comprehensive Plan shall be construed to have amended the Comprehensive Plan so as to comply with this Ordinance, as amended.

10.2 Initiation.

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

10.3 Petitions.

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

- (1) Plot Plan drawn to a scale of 1 inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within one thousand (1,000) feet of the area proposed to be rezoned.
- (2) Owners' names and addresses of all properties lying within one thousand (1,000) feet of the area proposed to be rezoned.
- (3) Additional information required by the Planning & Zoning Committee or the Town Board.
- (4) The petitioner, upon filing of a petition, shall pay a nonrefundable fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.

10.4 Factors for Rezoning out of A-1, A-2 or A-3.

Prior to rezoning a property out of an A-1, A-2 or A-3 Zoning District, the Town Board must find **all** of the following after a public hearing:

- (1) The land is better suited for a use not allowed in an A-1, A-2 or A-3 Zoning District.
- (2) The change to the requested zoning district is consistent with the Town's Comprehensive Plan.
- (3) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (4) The rezoning shall not adversely affect the sustainability of the agricultural economy.
- (5) The rezone is substantially consistent with the county certified farmland preservation plan.

10.5 Factors for Rezoning out of Zoning Districts Other than A-1, A-2 or A-3.

Prior to rezoning a property out of any Zoning District, other than A-1, A-2 or A-3, the Town Board must find **all** of the following after a public hearing:

- (1) The change to the requested zoning district provides for the citizens of the Town adequate light, pure air and safety from fire and other dangers.
- (2) The change to the requested zoning district preserves the value of land and buildings.
- (3) The change to the requested zoning district is consistent with the Town's Comprehensive Plan.
- (4) The change to the requested zoning district lessens or avoids congestion of traffic on the public roads.
- (5) The change to the requested zoning district protects the character and the stability of the agricultural, natural, residential, business, and industrial areas within the Town.
- (6) The change to the requested zoning district promotes the orderly and beneficial development of such areas.

10.6 Recommendations.

Following a public hearing as set forth below, the Planning & Zoning Committee shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation including facts, findings, and conclusions shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. If the Town Board does not receive a written recommendation from the Planning & Zoning Committee within 45 days of submitting the proposed changes or amendments to the Committee, the Town Board may hold hearings and act upon the petition without first receiving the recommendation.

10.7 Hearings.

The Town Clerk shall notify all property owners within one thousand (1,000) feet of the land in question and give a Class 2 legal notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed. The Planning & Zoning Committee shall hold a public hearing upon each petition prior to making its recommendation to the Town Board. The Planning and Zoning Committee shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

10.8 Required Attendance.

The petitioner or the petitioner's authorized legal representative shall attend the public hearing as well as all other meetings of the Planning & Zoning Committee and the Town Board in connection with the petitioner's proposed change to the district boundaries or the petitioner's proposed amendments, changes, or supplements to the regulations established by this Ordinance. Failure of the petitioner or the petitioner's authorized legal representative to attend such public hearing or other meetings shall be grounds for denial of petitioner's request.

10.9 Town Board's Action.

After careful consideration of the recommendations of the Planning & Zoning Committee, the Town Board shall vote on the passage of the proposed change or amendment. Upon the passage of any proposed change or amendment which results in the rezoning of any land into or out of the A-1, A-2 or A-3 Districts, the Town Clerk shall notify the Department of Agriculture, Trade and Consumer Protection of such change or amendment.

10.10 Protests to Proposed Change.

A proposed amendment, supplement, or change to this Ordinance must be adopted by not less than a two-thirds (2/3) vote of the members of the Town Board voting on the proposed amendment, supplement, or change if a protest against the proposed amendment, supplement, or change is presented to the Town Board prior to or at the public hearing required herein, and:

- (1) The protest is duly signed and acknowledged by the owners of twenty percent (20%) or more of the area proposed to be altered; or
- (2) The protest is duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending 100 feet from the area proposed to be altered; or
- (3) The protest is duly signed and acknowledged by the owners of twenty percent (20%) or more of the land directly opposite to the area proposed to be altered extending 100 feet from the street frontage of such opposite land.

10.11 Future Comprehensive Ordinance Revisions.

The Town of Plymouth acknowledges that any future comprehensive revisions of this Ordinance may require certification by the State of Wisconsin Land and Water Conservation Board before landowners in the A-1, A-2 or A-3 Districts may qualify for tax credits under the revised ordinance.

10.12 Rezoning Report out of Agricultural Zoning District.

The Town shall by March 1 of each year provide to the 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 year and a map that clearly shows the location of those acres.

If a Town fails to comply, DATCP may withdraw the certification granted under s. 91.06, 2007 or under s. 91.36 Wisconsin State Statutes.

SECTION 11.0 - PERFORMANCE STANDARDS

11.1 Compliance.

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

11.2 Air Pollution.

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 8333.

11.3 Fire and Explosive Hazards.

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

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

11.4 Glare and Heat.

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

11.5 Liquid or Solid Wastes.

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

11.6 Noise.

No activity shall produce a sound level outside the M-I 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 1200	53
1200 to 2400	47
2400 to 4800	41
above 4800	39

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

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 1200	46
1200 to 2400	40
2400 to 4800	34
above 4800	32

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

11.7 Odors.

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. The guide for determining odor measurement and control shall be NR 429.03, WI ADMIN CODE. Agriculture odors associated with normal agricultural activities are exempted from this Section.

11.8 Radioactivity and Electrical Disturbances.

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

11.9 Vibration.

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

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

11.10 Water Quality Protection.

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

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

SECTION 12.0 - SIGNS

12.1 Permit Required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a Zoning Permit, except those signs permitted under Section 12.2, and without being in conformity with the provisions of this Ordinance and Section 84.30 of the Wisconsin State Statutes. The sign shall also meet all the structural and requirements of local and state building codes. Normal maintenance and routine repair of signs, including changes to sign copy or messages shall be allowed without a Zoning Permit.

12.2 Signs Permitted In All Districts Without A Zoning Permit.

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

- (1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.
- (2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural related organizations, not to exceed thirty-two (32) square feet provided they are set back so as to not obstruct the view.
- (3) Real Estate Signs not to exceed sixteen (16) square feet in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises, and not closer than fifty (50) feet between signs.
- (5) Bulletin Boards of public, charitable, or religious institutions not to exceed thirty-two (32) square feet in display area located on the premises.
- (6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
- (7) Official Signs, such as traffic control, parking restrictions, information, and notices.

- (8) Political Signs for political candidates which shall not be larger than thirty-two (32) square feet provided that they are put up no earlier than 30 days before the election and removed within 5 days after the election.
- (9) Temporary Signs or banners when authorized by the Planning & Zoning Committee.

12.3 Signs Permitted in all Business and Industrial Districts.

The following signs are permitted in the business and industrial districts with a Zoning Permit and are subject to the following regulations:

- (1) Wall Signs placed against the exterior wall of a building shall not extend more than twelve (12) inches from the wall, and shall not extend above the roofline. The maximum area of all wall signs shall not extend beyond an area equal to three (3) square feet for each lineal front foot of the building.
- (2) Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more than six (6) feet in any required yard; shall not be less than (10) feet from all lot lines; shall not extend above the roof line; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or an alley.
- (3) On-Premise Ground Signs shall be limited to one sign for each individual business on a premises and advertise the business name, services offered or products sold; shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides of any one premises; shall have a maximum height of thirty (30) feet; and shall be at least fifty (50) feet from the boundary of any residential district.
- (4) Two (2) Wall Signs, Projecting Signs, and/or On-Premise Ground Signs shall be permitted for each business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.
- (5) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty five (25) percent of the glass area of the pane upon which the sign is displayed.

- (6) Off-Premise Ground Signs shall require a Conditional Use Permit from the Planning & Zoning Committee. Such signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or county trunk highway or any town road measured horizontally along a line perpendicular to the center of the highway; shall not be located within one thousand (1,000) feet of any other off-premise ground sign located on the same side of the road; shall not exceed thirty (30) feet in display area on any one side nor six hundred (600) square feet in display area on all sides; shall conform to all yard and setback requirements of the district in which it is located; and shall not be located within five hundred (500) feet of a residential district.

12.4 Signs Allowed by Conditional Use Permit in Agricultural and Residential Districts.

- (1) Subject to the limitations set forth in this Section, upon issuance of a Conditional Use Permit by the Planning and Zoning Committee, on-premise ground or wall signs may be placed in an agricultural or residential district for the purpose of advertising any of the following lawful or legal nonconforming uses in those districts:
 - (A) Churches
 - (B) Public Schools
 - (C) Group Day Care Centers
 - (D) Montessori Schools
 - (E) Colleges
 - (F) Universities
 - (G) Business and Vocational Schools
 - (H) Charitable and Philanthropic Institutions
 - (I) Hospitals
 - (J) Clinics
 - (K) Sanitariums
 - (L) Libraries
 - (M) Museums and other community buildings
 - (N) Private Clubs
 - (O) Fraternities
 - (P) Any non-commercial use which is substantially similar in character to the uses listed above.
- (2) Any sign permitted with a Conditional Use Permit hereunder shall not require a separate Zoning Permit under this Section, but the Planning and Zoning Committee may, in its discretion, require the applicant to comply with any requirements that would be imposed upon an applicant for a Zoning Permit under this Section.
- (3) Any application for a Conditional Use Permit for a sign hereunder shall include a drawing showing the size, design, and proposed location of the sign.

- (4) Any Conditional Use Permit for a sign hereunder shall require compliance with the following minimum standards:
- (A) Lighting: Lighting of signs shall be permitted at the discretion of the Planning and Zoning Committee only if such lighting will not cause unnecessary annoyance to neighbors. Light fixtures, if permitted, in addition to complying with other lighting restrictions set forth in this Section, shall be fully shielded to eliminate all horizontal or upward projection of glare. Under no circumstances shall flashing lights or animated messages be permitted.
 - (B) Content: The content of any such sign shall be limited to the name of the institution or organization conducting operations on-site or the professional name and profession of a professional individual conducting business on-site, the address, contact information, hours of operation, and notices of non-commercial events or activities occurring on-site.
 - (C) Professional Office in a Residence: A sign advertising a professional office in an agricultural district is subject to all of the restrictions set forth above except to the extent a more restrictive provision appears in this subsection. A sign for a professional office in a residence in the Rural Residential district shall be permitted only as a wall or door plaque or attached to a mailbox, shall not exceed 2 square feet in size, and shall advertise only the name and profession of the individual.
 - (D) Traffic: The sign shall comply with all standards set forth in Section 12.5.
 - (E) Number of Signs: No more than one sign is permitted for each individual premises unless a particularized need for additional signs is shown and the Planning and Zoning Committee is satisfied that additional signs will not create unnecessary clutter.
 - (F) Size: No sign shall exceed 32 square feet per side, or a total of 64 square feet for a two-sided sign, unless a particularized need for a larger sign is shown and the Planning and Zoning Committee is satisfied that a larger sign will not unduly detract from the aesthetic atmosphere of the neighborhood.
 - (G) Height: No ground sign shall exceed 72 inches in height, measured from ground level to the highest point on the sign, unless a particularized need for a higher sign is shown and the Planning and Zoning Committee is satisfied that a higher sign will not unduly detract from the aesthetic atmosphere of the neighborhood.

(H) Setback:

1. No sign shall be located closer than 10 feet from the right-of-way of any federal, state, county, or town highway unless a particularized need for a sign with a lesser setback is shown and the Planning and Zoning Committee is satisfied that a sign will neither unduly detract from the aesthetic atmosphere of the neighborhood nor cause a traffic hazard. The setback shall be measured horizontally along a line perpendicular to the center of the highway. The Committee may require a sign with a setback of less than 10 feet to be reduced in size from the size that would otherwise be permitted.
2. No sign, other than a small sign of less than 2 square feet located on a mailbox, shall be located closer to an adjacent lot than the distance permitted for accessory buildings under the side yard setback provisions of this Ordinance.

(I) Aesthetic Considerations: The Planning & Zoning Committee shall give due consideration to the overall appearance of any sign in determining whether to grant a Conditional Use Permit under this subsection, and may choose to deny a permit if the shape, size, coloring, or general design of the sign is of a type that may unnecessarily detract from the appearance of the neighborhood.

(J) General Neighborhood Considerations: The Planning & Zoning Committee may, in its discretion, deny a Conditional Use Permit for a sign under this subsection if it finds that the character of the neighborhood in which the sign is proposed to be erected is such that a sign will detract from the character and appearance of the neighborhood.

(K) Decorative Lettering: Decorative architectural lettering attached to the wall of a building which states only the name and/or address of the institution or organization shall be permitted in any case and shall not be deemed a sign under the terms of this Section.

- (L) Substantial Change of Use: In the event a sign is allowed by Conditional Use Permit under this subsection and there is a substantial change in the nature of the activity or use constituting the purpose for which the sign was created, the Conditional Use Permit shall become invalid unless and until the Planning & Zoning Committee approves the use of the sign for the new activity or use. Such approval shall be dependent upon the reasonable satisfaction of the Committee that the original Conditional Use Permit would have been issued if the new use or activity had been the original use or activity. If an activity or use for which the Planning & Zoning Committee has approved use of the sign is terminated, and no application for a different activity or use is made within 90 days, the sign shall be removed upon order of the Town Board.

12.5 Traffic.

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

12.6 Existing Signs.

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of Section 9 shall apply.

12.7 Bonds.

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

12.8 Moveable or Temporary Signs.

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

12.9 Lighting of Signs.

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

12.10 Roof-mounted Signs.

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

12.11 Areas of Special Control.

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

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

SECTION 13.0 - HOME OCCUPATIONS

13.1 Purpose.

The purpose of this Section is to guarantee that all residential areas are free from excessive noise, excessive traffic, nuisance, fire hazards, and other possible effects of commercial, office, and other non-residential uses. This Section also recognizes the need to allow residents of the community an opportunity to use their homes in a limited manner as a place to operate a business which is unobtrusive to the neighborhood.

13.2 Criteria and Development Standards for Home Occupations.

In order to ensure that the operations of home occupations do not adversely impact residential areas, criteria and development standards for home occupations have been developed. Home occupations are permitted in any dwelling unit under the following conditions:

- (1) The use is incidental to the principal residential use, the area used to conduct the home occupation does not exceed 25% of the gross floor area of such residence, and the home occupation is conducted within the principal building. Gross floor area includes the basement and any attached garage.
- (2) All business inventory and equipment is kept in the principal building.
- (3) The exterior of the home or yard does not display or indicate any evidence of the home occupation.
- (4) The use produces no noise, odor, vibration, or electrical interference.
- (5) The occupants transact no business on the premises which would generate additional traffic or parking problems for the neighborhood.
- (6) Only members of the immediate family residing in the dwelling unit shall be employed on the premises.
- (7) Provided that **all** conditions of this Section are satisfied, permitted home occupations include, but are not necessarily limited to, the following:
 - (A) Artists and sculptors;
 - (B) Authors and composers;
 - (C) Direct sale product distribution (Amway, Avon, Tupperware);
 - (D) Dressmaking, sewing, and tailoring;

- (E) Home crafts for sale off-site;
 - (F) Individual tutoring;
 - (G) Office facility of a salesman, sales representative, or manufacturer's representative, provided that no transactions are made in person on the premises;
 - (H) Preserving and home-cooking for sales off-site;
 - (I) Telephone answering and solicitation.
- (8) The following uses shall be prohibited as home occupations:
- (A) Ambulance services;
 - (B) Beauty salons and barbershops;
 - (C) Carpentry and cabinet-making;
 - (D) Lawn and landscaping services;
 - (E) Limousine or taxi services;
 - (F) Medical or dental offices;
 - (G) Photographic studios;
 - (H) Retail sales;
 - (I) Tow truck services;
 - (J) Tree services;
 - (K) Vehicle and motor repair;
 - (L) Vehicle parts sales, upholstery, or detailing.

13.3 Unspecified Uses.

Any use not listed in subsection 13.2(7) or (8) shall require an interpretation from the Planning & Zoning Committee upon consultation with the Zoning Officer. The Planning & Zoning Committee shall evaluate requests for home occupations and determine if they are similar in nature to listed permitted home occupations and are consistent with the purpose of the home occupation provisions. The determination shall be in writing. Anyone aggrieved by a decision of the Planning & Zoning Committee may appeal to the Board of Zoning Appeals.

13.4 Home Occupation Permit.

An application for a Home Occupation Permit shall be filed with the Zoning Officer, with a copy to the Town Clerk, on a form approved by the Town Board. No home occupation may be established without first obtaining a Home Occupation Permit and verifying compliance with the conditions specified in this Section.

13.5 Home Occupation Permit Fee.

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

SECTION 14.0 - ANTENNAS AND COMMUNICATIONS TOWERS

14.1 Purpose.

The purpose of this Section is to regulate by Conditional Use Permit (1) the siting and construction of any new Mobile Service Support Structure and Mobile Service Facility; (2) the substantial modification of an Existing Structure, Support Structure, or Mobile Service Facility in the case of a Class 1 Collocation; and (3) the collocation of an Existing Structure which does not require the Substantial Modification of an Existing Structure or Mobile Service Facility in the case of a Class 2 Collocation.

14.2 Definitions.

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

- (1) Antenna: Communication equipment that transmits and receives electromagnetic radio signals and is used in the provision of Mobile Services.
- (2) Class 1 Collocation: The placement of a new Mobile Service Facility on an existing Support Structure such that the owner of the facility does not need to construct a free standing Support Structure for the facility but does need to engage in Substantial Modification.
- (3) Class 2 Collocation: The placement of a new Mobile Service Facility on an existing Support Structure such that the owner of the facility does not need to construct a free standing Support Structure for the facility or engage in Substantial Modification.
- (4) Collocation: A Class1 Collocation, Class 2 Collocation, or both.
- (5) Distributed Antenna System: A network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides Mobile Service within a geographic area or structure.
- (6) Equipment Compound: An area surrounding or adjacent to the base of an Existing Structure within which is located Mobile Service Facilities.
- (7) Existing Structure: A Support Structure that exists at the time a request for permission to place Mobile Service Facility on a Support Structure is filed with the Town.
- (8) FAA: Federal Aviation Administration.

- (9) Fall Zone: The area over which a Mobile Service Support Structure is designed to collapse.
- (10) FCC: Federal Communications Commission.
- (11) Mobile Service: The meaning given in 47 USC 153(33).
- (12) Mobile Service Facility: The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide Mobile Service to a discrete geographic area, but does not include the underlying Support Structure.
- (13) Mobile Service Provider: A person who provides Mobile Service.
- (14) Mobile Service Support Structure: A freestanding structure that is designed to support a Mobile Service Facility.
- (15) Search Ring: A shape drawn on a map to indicate the general area within which a Mobile Service Support Structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.
- (16) Substantial Modification: The modification of a Mobile Service Support Structure, including the mounting of an Antenna on such a structure, that does any of the following:
 - (A) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet;
 - (B) For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more;
 - (C) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the Support Structure by 20 feet or more, unless a larger area is necessary for collocation; or
 - (D) Increases the square footage of an existing Equipment Compound to a total area of more than 2,500 square feet.
- (17) Support Structure: An existing or new structure that supports or can support a Mobile Service Facility, including a Mobile Service Support Structure, Utility Pole, water tower, building, or other structure.

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

14.3 Siting, Construction and Modification.

- (1) Applicability. A Conditional Use Permit shall be required for **all** of the following:
- (A) The siting and construction of a new Mobile Service Support Structure or a new Mobile Service Facility; and
 - (B) The Substantial Modification of an Existing Structure, Support Structure, or Mobile Service Facility in the case of a Class 1 Collocation.
- (2) Application Process.
- (A) An application for a Conditional Use Permit required herein shall be in writing, filed the Town Clerk, and shall contain all of the following information:
 - 1. The name and business address of, and the contact individual for, the applicant.
 - 2. The location of the proposed or affected Support Structure.
 - 3. The location of the proposed Mobile Service Facility.
 - 4. If the application is to substantially modify an Existing Structure, a construction plan which describes the proposed modifications to the Existing Structure and the equipment and network components, including Antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - 5. If the application is to construct a new Mobile Service Support Structure, a construction plan which describes the proposed Mobile Service Support Structure and the equipment and network components, including Antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new Mobile Service Support Structure.

6. If an application is to construct a new Mobile Service Support Structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose Collocation, including a sworn statement from an individual who has responsibility over the placement of the Mobile Service Support Structure attesting that Collocation within the applicant's Search Ring would not result in the same Mobile Service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the Mobile Service Provider.
- (B) If an applicant submits an application for a Conditional Use Permit to engage in an activity described herein, the Planning and Zoning Committee shall consider the application complete. If the Planning and Zoning Committee does not believe that the application is complete, the Town Planning and Zoning Committee shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
 - (C) Within 90 days of its receipt of a complete application, the Planning and Zoning Committee shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning and Zoning Committee may agree in writing to an extension of the 90 day period:
 1. Review the application to determine whether it complies with all applicable aspects of the Town's Building Code, Ordinance No. 2013-03 and this Ordinance.
 2. Make a final decision whether to approve or disapprove the application.
 3. Notify the applicant, in writing, of its final decision.
 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
 - (D) The Planning and Zoning Committee may deny an application if an applicant refuses to evaluate the feasibility of Collocation within the applicant's Search Ring and provide the sworn statement described under paragraph (A)6.

- (E) If an applicant provides the Planning and Zoning Committee with an engineering certification showing that a Mobile Service Support Structure, or an Existing Structure, is designed to collapse within a smaller area than the required setback in the applicable Zoning District or the Fall Zone, this Ordinance does not apply to such a structure unless the Planning and Zoning Committee provides the applicant with substantial evidence that the engineering certification is flawed.
- (3) Permit Fees. A Conditional Use Permit fee required hereunder shall be in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.
- (4) General Requirements.

In addition to compliance with all applicable regulations of this Ordinance, the following standards shall apply for the construction of a new Mobile Service Support Structure, Support Structure or Mobile Service Facility and, in the case of a Class 1 Collocation, for the Substantial Modification of an Existing Structure or Mobile Service Facility:

- (A) Building Codes and Safety Standards: To insure the structural integrity of Mobile Service Support Structure and the Mobile Service Facility, the owner of said structure or facility shall ensure that it is constructed and maintained in compliance with standards contained in applicable state or local building codes and the applicable standards that are published by the Electronic Industries Association.
- (B) State or Federal Requirements: A Mobile Service Facility and Mobile Service Support Structure shall meet or exceed applicable standards and regulations of the FAA, FCC, and any other agency of the state or federal government with the authority to regulate Mobile Service Facilities.
- (C) Accommodation: A proposed Mobile Service Facility or Mobile Service Support Structure shall be structurally and electrically designed to accommodate one or more antennas.
- (D) Setbacks: A Mobile Service Facility, Mobile Service Support Structure, or other Support Structure shall comply with all setback requirements in the designated Zoning District.
- (E) Signs: No advertising material or signage other than warning or equipment information shall be allowed on any Mobile Service Facility, Mobile Service Support Structure, or other Support Structure. This prohibition shall include the attachment to an Antenna of any flag, decorative sign, streamers, or similar devices, but not including weather devices.

- (F) Fencing: A Mobile Service Support Structure shall be enclosed by security fencing not less than 6 feet in height and secured so that it is not accessible by the general public. Fence design, materials and colors shall reflect the character of the surrounding area.
- (G) Landscaping: A buffer of plant material to effectively screen the Mobile Service Support Structure from public view and from adjacent properties shall be provided. The minimum buffer shall consist of a landscaped strip at least 5 feet in width outside the perimeter of the Mobile Service Support Structure. In locations where the visual impact of the Mobile Service Support Structure would be minimal, the landscaping requirement may be reduced or waved. Existing mature tree growth and natural landforms shall be preserved to the maximum extent possible. In some cases, such as Mobile Service Support Structures sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.
- (H) Interference: The Mobile Service Support Structure shall be shielded, filtered and grounded in a manner consistent with FCC and 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 Mobile Service Support Structure, the Town shall notify the owner and operator in writing and the owner and operator shall have a period of 30 days to investigate the complaint and respond to the Town. In the event it is determined that the Mobile Service Support Structure is the source of the interference, the owner and operator shall take steps to correct the interference.

14.4 Collocations on Existing Structures.

- (1) Applicability. A Zoning Permit shall be required for a Class 2 Collocation.
- (2) Application Process. An application for a Zoning Permit required herein shall be in writing, filed with the Zoning Officer, and shall contain all of the following information:
 - (A) The name and business address of, and the contact individual for, the applicant.
 - (B) The location of the proposed or affected Support Structure.
 - (C) The location of the proposed Mobile Service Facility.

- (D) If an applicant submits to the Zoning Officer an application for a Zoning Permit to engage in an activity described in this Section, which contains all of the information required herein, the Zoning Officer shall consider the application complete. If any of the required information is not in the application, the Zoning Officer shall notify the applicant in writing, within 5 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 45 days of its receipt of a complete application, the Zoning Officer shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Zoning Officer may agree in writing to an extension of the 45 day period:
 - 1. Make a final decision whether to approve or deny the application.
 - 2. Notify the applicant, in writing, of his or her final decision.
 - 3. If the application is approved, issue the applicant the Zoning Permit.
 - 4. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

- (3) Building Code Compliance: A Class 2 Collocation is subject to the same requirements for the issuance of a building permit under the Town's Building Code, Ordinance No. 2013-03, as any other type of commercial or land use development.

14.5 Removal of Abandoned Mobile Service Support Structures.

- (1) Abandonment: A Mobile Service Support Structure that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such Mobile Service Support Structure shall remove the same within 90 days of receipt of notice from the Town notifying the owner of such abandonment. If there are two or more users of a single Mobile Service Support Structure, then this provision shall not become effective until all users cease using the tower.
- (2) Removal by Town: Failure to remove an abandoned Mobile Service Support Structure within such 90-day period shall be grounds for the Town to remove the Mobile Service Support Structure at the owner's expense. The Town may place a lien upon the property on which the Mobile Service Support Structure is located for the costs of removal.

SECTION 15.0 - PLANNED UNIT DEVELOPMENTS

15.1 Planned Unit Development (PUD).

PUDs consist of an area with a minimum contiguous acreage of 5 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 one or more public, quasi-public, agricultural and/or conservation areas. The basic principle of the PUD is that property rights usually include 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 among property owners. Any planned unit development that takes place in a certified agricultural district must be in the form of a cluster and conform to the standards in 91.46 (1)(e) Wisconsin State Statutes.

15.2 Purpose and Intent.

A PUD may be approved hereunder in any zoning district upon full compliance with this Section and the granting of a Conditional Use Permit. A PUD is designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of this Zoning Ordinance and the general plan for community development. To this intent, it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and to encourage and facilitate preservation of open land.

15.3 Lot Area, Lot Width, Height, Floor Area Ratio, Yard and Usable Open Space Requirements.

- (1) For a PUD, the requirements of the respective zoning district may be relaxed at the discretion of the Planning and Zoning Committee. In no case, shall the maximum number of units per square foot in relation to the total development be more than 1 unit per 40,000 sq. ft.
- (2) A minimum of five (5) acres of land shall be developed as a unit.

15.4 Off-Street Parking.

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

15.5 Criteria for Approval.

As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the precise development plan for such district with specific consideration as to whether or not it is consistent with the spirit and intent of this Ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- (1) Character and Intensity of Land: In a PUD, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
 - (A) Is 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 PUD application shall provide evidence satisfactory to the Planning & 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-ways, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering considerations 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 & Zoning Committee.

- (4) Preservation and Maintenance of Open Space: In a PUD, 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 & Zoning Committee.
- (B) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management and organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.
- (C) Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.
- (5) Implementation Schedule: The proponents of a PUD shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Planning & Zoning Committee including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effects upon the community as a result of termination at that point.

15.6 Procedure.

Except for approval of the final plan, the procedure for obtaining a PUD shall be as required for any other conditional use under this Ordinance, except that in addition thereto, the conditional use may only be considered in conjunction with the General Development Plan, which the applicant shall file with the County Planner and the Planning & Zoning Committee and shall include the following information:

- (1) A statement describing the general character of the intended development.
- (2) An accurate map of the project area including its relationship to surrounding properties and existing topography and key features using two (2) foot contour intervals.

- (3) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in this section.
 - (A) The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character.
 - (B) The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
 - (C) A utility feasibility study.
- (4) 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.
- (5) General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

15.7 Referral and Hearing.

- (1) Within sixty (60) days after completion of the filing of the petition for approval of the general development plan, the Planning & Zoning Committee shall schedule the required public hearing.
- (2) Approval of the conditional use and related general development plan 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.

15.8 Final Plan.

A specific and detailed final plan for implementation of all or a part of a proposed PUD must be submitted within one (1) year after receiving approval for the general development plan from the Planning & Zoning Committee. If a final plan has not been submitted within said time, which the Planning & 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 final plan shall be submitted to the Planning & Zoning Committee and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

- (1) An accurate map of the area (at a scale of 1"=100 ft.) covered by the plan including the relationship to the total general development plan.
- (2) The pattern of public and private roads, driveways, walkways and parking facilities.
- (3) Detailed lot layout and subdivision plat where required.
- (4) The arrangement of building groups, other than single-family residences, and their architectural character.
- (5) Sanitary sewer and water mains.
- (6) Grading plan and storm drainage system.
- (7) The location and treatment of open space areas and recreational or other special amenities.
- (8) The location and description of any areas to be dedicated to the public.
- (9) General landscape treatment.
- (10) Proof of financing capability.
- (11) Analysis of economic impact upon the community.
- (12) A development schedule indicating the following:
 - (A) Approximate date when construction of the project can be expected to begin.
 - (B) Stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
 - (C) Anticipated rate of development.

- (D) The approximate date when the development of each of the stages will be completed.
 - (E) Area and location of common open space that will be provided at each stage.
- (13) Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and any of its common services, common open areas or other facilities.
 - (14) Any other plans, documents or schedules requested by the community.

15.9 Approval of the Final Plan.

- (1) Following a review of the specific implementation plan, the Planning & Zoning Committee shall recommend to the Town Board that it be approved as submitted, approved with modification or disapproved.
- (2) Upon receipt of the Planning & Zoning Committee's recommendation, the Town Board may approve the final plan and authorize the development to proceed accordingly, or disapprove the final plan and send it back to the Planning & Zoning Committee for further negotiation with the developer.
- (3) In the event of approval of the specific final 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 a Zoning Permit.
- (4) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Planning & Zoning Committee and if, in the opinion of the Committee, such change or addition constitutes a substantial alteration of the original plan, the procedure provided in (6) above, and in this subsection shall be required.

SECTION 16.0 - DEFINITIONS

16.1 Usage.

- (1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this Section.
- (2) Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations."
- (3) "Shall" is always mandatory.
- (4) 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."
- (5) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club.
- (6) Any words not defined herein shall be presumed to have their customary dictionary definitions as provided by the most recent edition of Webster's Collegiate Dictionary or by ATCP 51 and other Wisconsin State Statutes.

16.2 Words and Terms Defined.

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

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

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

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

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

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

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

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

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

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

Basement: A story partly underground.

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

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

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

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

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

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

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

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

Committee: The Planning & Zoning Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Duplex: A structure used for residential purposes and consisting of two living units that share a common wall if oriented side-by-side, or a common floor/ceiling if oriented stacked one atop the other, and whereas both living units are located on a single lot and are under one roof. (*Added by Ordinance No. 2018-18*)

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

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

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

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

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

Essential Services: Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electricity, steam, water, sanitary sewer, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water

storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

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

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

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

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

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

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

Farm Acreage: The size of a farm in acres.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Navigable Waters: The meaning given in s. 30.01(4m), Wisconsin State Statutes.

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

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

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

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

Nonfarm Residence: Any residence other than a farm residence.

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

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

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

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

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

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

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

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

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

Prime Farmland:

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

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

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

Protected Farmland: Land that is located in a Agricultural Zoing District, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.

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

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

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

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

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

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

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

- (1) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a "related livestock facility"):
 - (A) Cattle;
 - (B) Swine;
 - (C) Poultry;
 - (D) Sheep;
 - (E) Goats.
- (2) It has no more than 500 animal units.
- (3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.
- (4) It meets one of the following criteria:
 - (A) Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.
 - (B) It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

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

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

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

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

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

Stable: A building with stalls for the lodging and feeding of livestock incidental to a farm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Variance: The authority granted to the owner to depart from the terms of the zoning ordinance where it is shown that departing therefrom will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Variances will fall into one of the following categories:

- (1) Area Variance: A modification to the dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure.
- (2) Use Variance: An authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by this Zoning Ordinance. A use variance shall not be granted under this Ordinance.

(Amended by Ordinance No. 2018-01)

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

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

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

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

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

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

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

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

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

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

WPDES Permit: A Wisconsin Pollutant Discharge Elimination System permit issued by DNR under Ch. NR 243.

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

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

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

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

DATCP Original Submitted: March 1st, 2014

DATCP Resubmitted: June 30th, 2014

DATCP Certified: October 17th, 2014

Adopted: January 13th, 2015

APPENDIX

Instructions: Use this worksheet to determine the number of animal units for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the town approves the requested number of animal units that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval(s).

To complete this worksheet:

1. Identify each type of livestock that you might keep at the proposed facility. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Multiply the number of animals of each type by the relevant Animal Unit Factor to obtain animal units of each type.
3. Sum the animal units for all livestock types to obtain the Total Animal Units for which you request approval.

	Livestock Type	Animal Unit Factor	Animal Units For Proposed Facility	
DAIRY CATTLE	Milking and Dry Cows	1.4	1.4 X	=
	Heifers (800 lbs. to 1200 lbs.)	1.1	1.1 X	=
	Heifers (400 lbs. to 800 lbs.)	0.6	0.6 X	=
	Calves (up to 400 lbs.)	0.2	0.2 X	=
BEEF	Steers or Cows (600 lbs. to market)	1.0	1.0 X	=
	Calves (less than 600 lbs.)	0.5	0.5 X	=
	Bulls(each)	1.4	1.4 X	=
SWINE	Pigs (55 lbs. to market)	0.4	0.4 X	=
	Pigs (up to 55 lbs.)	0.1	0.1 X	=
	Sows (each)	0.4	0.4 X	=
	Boars (each)	0.5	0.5 X	=
POULTRY	Layers (each)	0.01	0.01 X	=
	Broilers (each)	0.005	0.005X	=
	Broilers – continuous overflow watering	0.01	0.1 X	=
	Layers or Broilers - liquid manure system	0.033	0.033 X	=
	Ducks – wet lot (each)	0.2	0.2 X	=
	Ducks - dry lot (each)	0.01	0.01 X	=
	Turkeys (each)	0.018	0.018 X	=
	SHEEP (each)	0.1	0.1X	=
	GOATS (each)	0.1	0.1X	=
Total Number of Animal Units =				

April 27, 2004

Animal Units continued

Instructions: Use this worksheet to determine the number of animals for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the town approves the requested number of animals that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval(s).

To complete this worksheet:

1. Identify each type of animals that you might keep at the proposed farm. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Sum the animals for all types to obtain the Total Animals for which you request approval.

ANIMALS		Total Animals Proposed	
EQUINE	HORSES	1.0	X =
	PONIES	1.0	X =
	DONKEY	1.0	X =
	MULE	1.0	X =
CAMELIDS	CAMEL	1.0	X =
	ALPACA	1.0	X =
	LLAMA	1.0	X =
BISON	BUFFALO	1.0	X =
	YAK	1.0	X =
CERVIDAE	DEER	1.0	X =
	ELK	1.0	X =
	REINDEER	1.0	X =
CAPTIVE GAME BIRDS	PHEASANTS	1.0	X =
	PARTRIDGES	1.0	X =
	QUAILS	1.0	X =
FUR BEARING ANIMALS	FOX	1.0	X =
	MINK	1.0	X =
	RABBITS	1.0	X =
	OTHER	1.0	X =
RATITES (Flightless Birds)	OSTRICH	1.0	X =
	EMU	1.0	X =
	OTHER	1.0	X =
OTHER ANIMALS NOT LISTS (please describe)		1.0	X =
TOTAL NUMBER OF ANIMALS			=

April 27, 2004