

TOWN OF PORTER  
ZONING ORDINANCE

-JULY 2015-

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ROCK COUNTY, WISCONSIN

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**ARTICLE 1**  
**INTRODUCTION**



**ARTICLE 1. INTRODUCTION**

**SEC 1-1. AUTHORITY**

The Town of Porter Board, Rock County, Wisconsin has heretofore been directed at an annual town meeting of qualified electors to exercise all powers relating to and conferred upon villages and as such this Ordinance, the *Town of Porter Zoning Ordinance*, is adopted by said Town of Porter Board pursuant to Sections 60.10 (2) (c), 60.22 (3), 60.62, 61.34 (1), 61.35, and 62.23, Wisconsin Statutes.

**SEC 1-2. TITLE AND EFFECTIVE DATE**

1-2(1) This Ordinance, the *Town of Porter Zoning Ordinance*, shall hereafter be known, cited, and referred to as the *Town of Porter Zoning Ordinance* and shall be effective November 13, 1978 (hereafter “effective date”), and as revised and re-created July 20, 2015 after adoption at a public hearing by the Town of Porter Board.

**SEC 1-3. PURPOSE AND INTENT**

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

- 1-3(1) Orderly, economical, efficient, equitable, and environmentally-sound layout and use of land, water, and air, siting and construction of buildings and other structures and uses thereof, protection and preservation of environmentally sensitive areas, cultural resources, productive agricultural lands, productive agricultural soils, woodlands, and open space, promotion of a coordinated land use and community planning and development vision, and enhancement of community character;
- 1-3(2) Prevention and minimization of hazards to life or property, including but not limited to those related to overcrowding of land, congestion, pollution, fire, flood, disease, noise, soil, bedrock formation, topography, drainage, steep slope, erosion, and sewage treatment and disposal, water supply, and all other utilities;
- 1-3(3) Consistency with the *Town of Porter Comprehensive Plan* (hereafter “Comprehensive Plan”) and *Town of Porter Agriculture Resources – Farmland Preservation Map* as contained in the *Rock County Agriculture Plan*, or any similar or other relevant County or Town plan, map, or document, Chapter 60, Wisconsin Statutes, and all other applicable Town ordinances, regulations, or plans;

**SEC 1-4. COMPLIANCE WITH OTHER ORDINANCES, STATUTES, RULES, REGULATIONS, AND PLANS**

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

- 1-4(1) Chapter 60, Wisconsin Statutes and any similar or other relevant statute or administrative code;
- 1-4(2) The Comprehensive Plan and *Town of Porter Agriculture Resources – Farmland Preservation Map* as contained in the *Rock County Agriculture Plan*, or any similar or other relevant County or Town plan, map, or document, and all other applicable Town ordinances, regulations, or plans;
- 1-4(3) All other applicable ordinances, statutes, rules, regulations, plans, or other provisions of law;

**SEC 1-5. INTERPRETATION, ABROGATION AND GREATER RESTRICTIONS, SEVERABILITY, AND REPEAL**

- 1-5(1) **Interpretation.** The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town of Porter (hereafter “Town”) and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.
- 1-5(2) **Abrogation and greater restrictions.** This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, standard, statute, or other provision of law. Where any provision of this Ordinance imposes a restriction similar to those imposed by any other provision of this Ordinance or any other ordinance, rule, regulation, standard, statute, or other provision of law, whichever is more restrictive or imposes higher standards shall control.
- 1-5(3) **Severability.** Each Article, Section, Sub-section, paragraph, sentence, clause, word, and provision of this Ordinance is severable. If any of the aforementioned components of this Ordinance are held unconstitutional or invalid for any reason, such decision shall not affect the remainder of said Ordinance.
- 1-5(4) **Repeal.** All other Town ordinances, regulations, or plans, or parts of ordinances, regulations, or plans inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

**SEC 1-6. REVISION AND AMENDMENT**

The text of this Ordinance and the *Town of Porter Official Zoning Map* (hereafter “Zoning Map”), as defined in Sec. 1-7 of this Ordinance and made a part hereof, may be revised and amended by the Town of Porter Board (hereafter “Board”). A revision or amendment to the Ordinance text may be initiated by the Board or the Town Plan Commission (hereafter “Commission”) and a revision or amendment to the Zoning Map may be initiated by the Board, Commission, or by application by one (1) or more landowners in the Town, in accordance with Sec. 4-3 (1) of this Ordinance. The Town shall publish a Class 2 Legal Notice and hold a public hearing(s) on all proposed revisions and amendments to this Ordinance, in accordance with Section 62.23 (7) (d) (2) and Chapter 985, Wisconsin Statutes. The Board shall adopt said revisions and amendments through formal action at said public hearing(s).

**SEC 1-7. DEFINITIONS**

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

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

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



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

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

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

**Agricultural accessory use** – Any use of land, water, or air meeting any of the following:

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

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

- (a) Crop or forage production;
- (b) Keeping livestock or animal units;
- (c) Beekeeping;
- (d) Nursery, sod, or Christmas tree production;
- (e) Floriculture;
- (f) Aquaculture;
- (g) Fur farming;
- (h) Forest management;
- (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program;

**Agriculture-related use** – Any use of land, water, or air having at least one (1) of the following as a principal use:

- (a) Providing agricultural supplies, agricultural equipment, agricultural inputs, or agricultural services directly to farms in the Agricultural-Exclusive (A-E) zoning district;
- (b) Storing, processing, or handling raw agricultural commodities obtained directly from farms in the Agricultural-Exclusive (A-E) zoning district;
- (c) Slaughtering livestock from farms in the Agricultural-Exclusive (A-E) zoning district;
- (d) Marketing livestock to or from farms in the Agricultural-Exclusive (A-E) zoning district;
- (e) Processing agricultural by-products or wastes received directly;

**Animal unit** – An animal classification system, with one thousand (1,000) pounds of bison, four (4) deer, or camelids, and one (1) horse/pony each equivalent to one (1) animal unit. (For animals not identified in the aforementioned, and not identified as livestock as defined herein, the number of animal units for said animals shall be defined as the average weight of the animal divided by one thousand (1,000) pounds.)

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

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

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

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

**Base farm** – All contiguous land that is part of a single farm in the Agricultural-Exclusive (A-E) zoning district on July 20, 2015, regardless of any subsequent changes in farm size or composition, including ownership transfer or land division, indicating a fixed geographical area that remains constant over time

**Basement** – A story that is in whole or part underground

**Bed and breakfast** – Any place of lodging that provides eight (8) or fewer rooms for rent to no more than a total of twenty (20) tourists or other transients for more than ten (10) nights in a twelve (12) month period, is the owner’s personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, in accordance with Sec. DHS 197.03, Wisconsin Administrative Code

**BOA (Board of Adjustment)** – The Town of Porter Board of Adjustment, authorized by the Town of Porter Board, in accordance with Sec. 62.37 (7) (e), Wisconsin Statutes, to hear and take action on requests by applicants for variances to and appeals of administration and enforcement of this Ordinance and any other ordinance rule, regulation, statute, or plan so related and under the Town’s jurisdiction, not to include any appeal of denial of a driveway permit application by the Town

**Board (Town Board)** – The Town of Porter Board

**Bond** – Any form of security including cash deposit, surety bond, collateral, letter of credit, property, or instrument of credit in an amount and form satisfactory to the Town (All bonds required by this Ordinance shall be approved by the Town Plan Commission.)

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

**Building addition** – Any modification to a building that increases the total square footage of said building

**Building alteration** – Any modification to a building’s supporting members, including but not limited to foundations, bearing walls, columns, beams, or girders, or any substantial modification to a building’s roof structure or interior/exterior walls

**Building envelope** – The area of a lot in which building sites are allowed

**Building height** – The vertical distance from the top of a building’s roof, at its highest point, to the top of the building’s basement or foundation, whichever is less

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

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

**Building setback line** – A line located at the front, rear, and on all sides of a lot between which lines and the lot lines specified buildings and other structures are prohibited

**Building site plan** – A document submitted by an applicant if a specified building or other structure is proposed for location, construction, addition, or alteration on a lot, detailing various geographical aspects of the building/structure and building/structure site

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

**Class 1 legal notice** – A legal notice, in accordance with Chapter 985, Wisconsin Statutes, published once in the Town’s Official Newspaper and identifying review and/or action by the Town, at a public hearing, on a specified zoning and land use activity and the geographical location thereof, along with the hearing time, date, and place, so published at least seven (7) days prior to said hearing

**Class 2 legal notice** – A legal notice, in accordance with Chapter 985, Wisconsin Statutes, published twice in the Town’s Official Newspaper and identifying review of and/or action by the Town, at a public hearing, on a specified zoning and land use activity and the geographical location thereof, along with the hearing time, date, and location, so published at least two (2) weeks and at least seven (7) days prior to said hearing

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

**Collocation** – A single tower and/or site utilized by more than one (1) communications provider

**Collocation: class I** – Substantial modification of an existing tower and/or associated facilities to allow use by more than one (1) communications provider

**Collocation: class II** – Non-substantial modification of an existing tower and/or associated facilities to allow use by more than one (1) communications provider

**Commission (Plan Commission)** – The Town of Porter Plan Commission, authorized by the Town of Porter Board, in accordance with Sec. 62.23 (1), Wisconsin Statutes, to administer and enforce specified provisions of this Ordinance

**Committee (Historic Conservation District Committee)** – The Town of Porter Historic Conservation District Committee, authorized by the Town of Porter Board to administer and enforce specified provisions of this Ordinance

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

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

- (a) Child welfare agencies per Sec. 48.60, Wisconsin Statutes;
- (b) Group foster homes for children per Sec. 48.02 (7), Wisconsin Statutes;
- (c) Community-based residential facilities per Sec. 50.01, Wisconsin Statutes,

**Comprehensive Plan** – *The Town of Porter Comprehensive Plan*, a document adopted by the Town of Porter Board to guide specified aspects of community planning and development, in accordance with Sec. 66.1001, Wisconsin Statutes

**Conditional use** – A use of land, water, air, buildings and other structures requiring special oversight and review, allowable under this Ordinance subject to issuance of a conditional use permit by the Town in accordance with Sec. 4-3 (6) of this Ordinance, not to include a permitted use

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

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

**Conservation easement** – An easement, in accordance with Sec. 700.40, Wisconsin Statutes, prohibiting construction and earth-disturbing activity detrimental to the intent and purpose of the easement

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

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

**Corner lot** – A lot abutting two (2) or more streets at their intersection, provided the corner of such intersection has an angle of one hundred and thirty-five (135) degrees or less measured on the lot side

**CSM (Certified Survey Map)** – A map of a minor land division or identifying lands subject to a lot combination or an adjacent land sale or transfer, prepared by a land surveyor in accordance with Sections 4.112 (1) (a) and 4.113 (1) (a), County Land Division and Management Ordinance, and Sec. 236.34, Wisconsin Statutes, and submitted by an applicant in both a preliminary and final form

**Cul-de-sac** – A local street with a singular automobile outlet containing an appropriate terminal for the safe and convenient reversal of traffic movement

**Cultural resources** – Any building or structure, archaeological or cultural site, or historical marker in the State of Wisconsin Historical Society's Architecture and History Program, Archaeological Sites Inventory Program, or Historical Markers Program, or any building, structure, site, or marker so identified as a cultural resource in any Rock County or Town cultural resources inventory, plan, or program

**CUP (Conditional use permit)** – A permit issued by the Town allowing a conditional use of land, water, air, buildings, or other structures, in accordance with Sec. 4-3 (6) of this Ordinance

**DATCP** – Wisconsin Department of Agriculture, Trade, and Consumer Protection

**Demolition** – The intentional destruction or damage to a building or other structure whereby less than fifty percent (50%) of the fair market value of said building or structure remains after such destruction or damage

**Driveway** – A private right-of-way primarily serving or designated to serve as an automobile access to a lot from a public street, not to include a field road

**Earth-disturbing activity** – An activity entailing the movement of greater than two (2) cubic yards of soil

**Easement** – A non-fee simple interest in land either allowing use of the land by person(s) other

than the landowner and/or restricting use of the land by the landowner

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

**Environmentally sensitive areas** – Natural resource features listed in accordance with Sec. 3-3 (9) (B) and 3-3 (10) (B) of this Ordinance

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

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

**Expansion of a livestock facility** – An increase in the largest number of animal units kept at a livestock facility on at least ninety (90) days in any twelve (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 ninety (90) days in any twelve (12) month period

**Family** – Any person or persons occupying one (1) residence, whether or not related by blood or marriage

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

- (a) The land produces at least six thousand dollars (\$6,000.00) in annual gross farm revenues to the land owner or renter;
- (b) A majority of the land area is in agricultural use;

**Farm acres** – Any acreage in agricultural or open space use, including any residences, buildings, or other structures whose primary purpose is support of said use, in the Agricultural-Exclusive (A-E) zoning district

**Farm owner/operator** – Any person(s) holding title to land comprising a farm or any person(s) primarily responsible for the day-to-day operation of a farm

**Farm residence** – Any building located on a farm and meeting either of the following:

- (a) A single-family or two-family residence that is the only residence on the farm;
- (b) A single-family or two-family residence occupied by a farm owner or operator;

**Farmstead residence** – A residence and associated accessory buildings, existing on or prior to January 1, 1995, and the land on which they are located, formerly serving a farm in the Agricultural-Exclusive (A-E) or Agricultural-General (A-G) zoning district (If a farmstead residence is demolished and replaced by a new residence after January 1, 1995, said new residence shall be considered a farmstead residence.)

**Field road** – A private right-of-way whose primary purpose is to provide access to lands in agricultural use

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

**Floor area** – The combined total square feet on each floor of a building, measured from the interior face of exterior walls or from the centerline of a wall separating two (2) buildings, not to include parking spaces, loading space for automobiles, automobile maneuvering areas within the building, or any space within the building where the floor-to-ceiling height is less than six (6) feet

**Frontage** – The length of the front lot line of a lot abutting a road (street) and/or the length of the rear lot line of a lot abutting a surface water feature

**Front yard** – The area of a lot between the building setback line at the front of the lot and the adjacent boundary of the road (street) upon which the lot abuts, in which building and other specified structure sites are prohibited (The front yard on a corner lot shall be that yard from which the driveway providing access to the principal building is located.)

**Full width** – The distance between the parallel boundaries of a road (street) or right-of-way, measured perpendicular from said boundaries

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

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

**General purpose district** – A unit of government, including Counties, Towns, Cities, and Villages, providing a wide array of vital services within their borders

**Grade** – The slope of a street specified in percent

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

**Half width** – One-half (1/2) of a street or right-of-way measured perpendicular from the road (street) or right-of-way boundary to its centerline

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

- (a) The activity shall be clearly secondary and incidental to residential use and shall not occupy more than thirty percent (30%) of the square footage of the residence;
- (b) The activity shall not significantly alter the character or appearance of the residence or property on which the activity is located, with storage or display of materials, goods, supplies or equipment related to the activity not visible outside any building or structure located on the property;
- (c) The activity shall not unreasonably interfere with residential occupancy of other adjacent or proximate properties;
- (d) The activity shall not create environmental, safety, or health hazards such as noise, light, odors, vibrations, electrical emissions, or other fire or safety hazards that are noticeably out of character with those produced by normal residential occupancy;

- (e) The activity shall generate no more traffic than that which is customary to adjacent and proximate residences and shall not involve the use of commercial vehicles for more than an occasional delivery to or from the property, nor the use of mechanical equipment other than that allowable for purely residential purposes;
- (f) The activity shall not display items for sale nor contain more than one (1) sign used to identify the activity, with said sign to be non-illuminated and no more than three (3) square feet;

**Home office** – A building housing a home occupation

**IESNA** – Illuminating Engineering Society of North America

**Kennel** – A facility wherein or whereon (3) dogs of six (6) or more months of age, and/or more than two (2) litters of dogs per year, are raised, confined and/or kept for the purpose of sale, boarding, breeding, or training

**Land division** – The act or process of dividing an existing lot/outlot into two (2) or more lots/outlots normally for the purpose of ownership transfer or building construction or location, or the land area thereof

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

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

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



**Livestock animal unit** – A livestock classification system as defined in Sec. NR 243.03(3), Wisconsin Administrative Code as of April 27, 2004, or subsequent amendments, as follows:

Livestock Type	Livestock Animal Unit Factor*
Milking and Dry Cows	1.4
Heifers (800 lbs. to 1,200 lbs.)	1.1
Heifers (400 lbs. to 800 lbs.)	0.6
Calves (up to 400 lbs.)	0.2
Steers or Cows (600 lbs. to market)	1.0
Calves (less than 600 lbs.)	0.5
Bulls(each)	1.4
Pigs (55 lbs. to market)	0.4
Pigs (up to 55 lbs.)	0.1
Sows (each)	0.4
Boars (each)	0.5
Layers (each)	0.01
Broilers (each)	0.005
Broilers – continuous overflow watering	0.01
Layers or Broilers - liquid manure system	0.033
Ducks – wet lot (each)	0.2
Ducks - dry lot (each)	0.01
Turkeys (each)	0.018
Sheep (each)	0.1
Goats (each)	0.1
*Animal unit factor is based on an average animal weight per growing cycle.	

**Livestock facility** – A feedlot, dairy farm or other operation where five hundred (500) or greater livestock animal units are or will be fed, confined, maintained or stabled for a total of forty-five (45) days or more in any twelve (12) month period, to include all of the tax parcels of land on which the facility is located, not to include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this 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, to include a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility, but not to include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock

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

**Lot** – A land area created by a land division or otherwise permitted by law to be sold or used as a principal building site and containing adequate size and dimension to meet all Town, Rock County, state, and any other applicable standards and regulations, including any non-conforming lot established and on file in the Rock County Register of Deeds Office prior to the effective date of this Ordinance and able to meet the minimum building setback line requirements, septic system, and water well requirements (including compliance with all applicable provisions of *Chapter 6 – Public Health, Code of Ordinances, Rock County*) without obtaining a variance

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

**Lot cover** – That portion of the ground under buildings and other structures, including but not limited to any constructed surface that prevents rain water from reaching the ground directly as it falls from the sky

**Lot lines** – The boundary lines of a lot

**LUSE (Land Use Suitability Evaluation) map** – A map created by the Town of Porter, in accordance with *Appendix C: Town of Porter Land Use Suitability and Evaluation (LUSE) System and Land Use Suitability and Evaluation (LUSE) Map* herein, identifying lands in the Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise – Overlay (A-CE) zoning districts

**LUSE (Land Use Suitability Evaluation) system** – The Town of Porter’s Land Use Suitability Evaluation (LUSE) System, in accordance with *Appendix C: Town of Porter Land Use Suitability and Evaluation (LUSE) System and Land Use Suitability and Evaluation (LUSE) Map* herein, created and utilized to identify to identify lands suitable for designation in the Town’s Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise – Overlay (A-CE) zoning districts

**MOA (Memorandum of Agreement)** – The *Land Division and Development Activities Memorandum of Agreement – Town of Porter and Rock County Planning, Economic and Community Development Agency*, effective date April 20, 2012, contained as Appendix D herein, constituting an agreement between the Town and said Agency, identifying procedures for various land division and development activities, including the following:

- (a) Adjacent land sale or transfer;
- (b) Lot combination;
- (c) Public improvement design and construction;
- (d) Environmentally sensitive areas, cultural resources, productive agricultural soils, and woodlands protection and preservation;
- (e) Town building site permit;

**Mobile home** – A building, transportable in one (1) or more sections, which is eight (8) body feet or more in width or forty (40) body feet or more in length in transport mode, or when sited on a lot is three hundred twenty (320) or more square feet, constructed on a permanent chassis and designed to be used as a residence with or without a permanent foundation and complying with the standards established under 42 UCS 5401 to 5425 of the United States Department of Housing and Urban Development’s Uniform National Construction Standards; or a building manufactured or assembled before June 15, 1976, designed for transport by an automobile and used or intended to be used primarily for human habitation, with walls of rigid un-collapsible construction and having an overall length greater than forty five (45) feet, with the building to include plumbing, heating, and electrical systems, and all appliances and all other equipment carrying a manufacturer’s warranty, therein

**Mobile home lot** – A land area within a mobile home park lot whose principal use is the siting of one (1) mobile home

**Mobile home park lot** – A lot whose principal use is to provide a location and accommodation for two (2) or more mobile homes, including all buildings and other structures used or intended for use thereof, whether or not a charge is made by the lot owner for use of the lot and facilities thereon

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

**Motor Vehicle** – A self-propelled machine including cars, trucks, motorcycles, ATVs, UTVs and snowmobiles not to include farm implements

**New livestock facility** – A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least five (5) years, not to include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding five (5) years

**New lot – Residence, farmstead residence, or agriculture** – Three (3) different types of specified lots created from a base farm after July 20, 2015, in accordance with Sec. 4-3 (8) (B) (4) (a) of this Ordinance

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

**Non-farm residence** – Any residence other than a farm residence

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

**Ordinance** – This Ordinance, the *Town of Porter Zoning Ordinance*

**Operator** – A person who applies for or holds a local approval for a livestock facility

**Outlot** – A land area, other than a lot, not to be utilized as a building site and so designated on a plat of survey, certified survey map, or sub-division plat

**Outlot lines** – The boundary lines of an outlot

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

**Parent base farm lot** – A lot in a base farm remaining after a new lot – residence, new lot – farmstead residence, or new lot - agriculture is created, in accordance with Sec. 4-3 (8) (B) (4) (a) of this Ordinance, not to include said new lots

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

**Permitted use** – Any use of land, water, air, buildings or other structures allowable by right under this Ordinance, not to include a conditional use

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

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

**POWTS (Private onsite wastewater treatment system)** – A sanitary sewer treatment and disposal system consisting of a septic tank and soil absorption field, or similar infrastructure, serving a building(s)

**Prime farmland** – Lands within the Agricultural-Exclusive (A-E) zoning district containing Class I or Class II land capability classification, as identified by the United States Department of Agriculture – Natural Resources Conservation Service

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

**Principal use** – The primary use of land, water, air, buildings, or other structures on a lot/outlot

**Priority agricultural lands** – Lands so identified in the *Rock County Agriculture Plan* or a similar plan or document

**Priority agricultural soils** – Soils so identified in the *Rock County Agriculture Plan* or a similar plan or document

**Protected farmland** – Land meeting any of the following:

- (a) Located in the Agricultural-Exclusive (A-E) zoning district;
- (b) Subject to a farmland preservation agreement in accordance with Sec. 91, Wisconsin Statutes;
- (c) Subject to an agricultural conservation easement in accordance with Sec. 91, Wisconsin Statutes;
- (d) Otherwise legally protected from non-agricultural development;

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

**Public sanitary sewer system** – Sanitary sewer treatment and disposal infrastructure constructed and maintained by a general or special purpose district to serve the sewage treatment and disposal needs within their boundaries

**Public water supply system** – Water supply infrastructure constructed and maintained by a general or special purpose district to serve the water supply needs within their boundaries

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

**Rear yard** – The area of a lot opposite the front yard and between the building setback line at the rear of the lot and its rear lot line, in which building and other specified structure sites are prohibited (The rear yard on a corner lot shall be that yard opposite the street from which the driveway providing access to the principal building is located.)

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

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

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

**Residence** – A building whose primary use is occupation by a family and requiring a permanent foundation, in accordance with the State of Wisconsin Uniform Dwelling Code, containing separate sleeping, kitchen, and bathroom facilities for each family within said building, so classified herein as either farm or non-farm, and further classified herein as single-family (detached), two-family (attached), or multi (3 to 8) family (attached or detached)

**Residential unit** – A residence occupied by one (1) family

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

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

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

**Roadway** – The portion of a road (street) under pavement or other constructed surface

**Sewer service area** – A land area in which a general or special purpose district is able to provide public sanitary sewer system service given existing infrastructure and capacity, as delineated in either an Areawide Water Quality Management Plan (in accordance with Sec. NR 121, Wisconsin Administrative Code), general purpose district comprehensive plan, or special purpose district plan or document

**Side yard** – The area of a lot between the building setback line on all sides of the lot and the adjacent side lot line(s), in which building and specified other specified structure sites are prohibited

**Sign** – Any illuminated or non-illuminated surface, fabric, device or display which bears lettered, pictorial, or sculptured matter visible from any public place and which advertises, identifies, or conveys information or directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently or temporarily installed or situated merchandise, emblem, or placard, and all associated structures and components thereof

**Solar power facility** – A structure and related appurtenances whose primary purpose is to harness solar energy for use on the same lot on which the structure is located or a contiguous lot under common ownership, in accordance with Sec. 236.292, 700.41, and 844.22, Wisconsin Statutes

**Special purpose district** – A unit of government providing a single or few focused services within its borders

**Story** – The vertical portion of a building between the floor surface and the ceiling above and most proximate to said surface, and able to accommodate normal human activity, to include any basement having one-half (1/2) or more of its height above the land surface

**Sub-division plat** – A map of a major land division (sub-division), prepared by a land surveyor in accordance with Sections 4.107, 4.112. (1) (a), and 4.113 (1) (a), County Land Division and Management Ordinance, and Sections 236.11 and 236.20, Wisconsin Statutes, and submitted by an applicant in both a preliminary and final form

**Surface area** – The square feet of a building or other structure which covers the ground or a surface water feature

**Surface water feature** – A river, lake, stream, or any other navigable water body in accordance with Sec. 30.10, Wisconsin Statutes

**Temporary use** – Any use of land, water, air, buildings, or other structures with the duration of said use not to exceed one (1) year

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

**Town** – The Town of Porter, Rock County, Wisconsin, including the Town Board, Town Plan Commission, Town Historic District Committee, Town Zoning Administrator, Town Building Inspector, Town Board of Adjustment, Town Clerk, Town Attorney, or any other party so designated by the Town Board

**Unclassified use** – Any use of land, water, air, buildings, or other structures not identified in *Appendix A – Town Porter - Permitted and Conditional Uses*, as contained herein

**Underlying zoning district** – Use standards and requirements applicable to all land, water, air, buildings, and other structures within a specified geographical area

**Utility** – Any entity, whether publicly or privately-owned, which provides services to the general public, with said services including but not limited to electric, gas, telephone, water, sanitary sewer, and television cable

**Utility easement** – A public or private right-of-way reserved for the location of utility lines and other utility infrastructure

**Waste** – Manure, milking center waste, and other organic waste generated by a livestock facility

**Waste storage facility** – One (1) or more waste storage structures to include stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility, not to include equipment used to apply waste to land

**Waste storage structure** – A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure, not to include any of the following:

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

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

- (a) An area other than a pasture where livestock are kept during the period from May 1 to September 30;
- (b) An area which at any time has an average of more than four (4) livestock animal units per acre;

- (c) An area from which livestock have unrestricted access to navigable waters of the State, such that the livestock access prevents adequate vegetative cover on banks adjoining the water;
- (d) An area in which manure deposited by livestock causes nutrient levels to exceed standards in Sec. ATCP 51.16, Wisconsin Administrative Code;

**Wind turbine** – A structure and associated appurtenances whose primary purpose is to harness wind energy for use on the same lot on which the structure is located or a contiguous lot under common ownership, in accordance with Sec. 236.292, 700.41, and 844.22, Wisconsin Statutes

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

**Woodlands** – Lands comprising five (5) acres or more of contiguous deciduous and/or coniferous vegetation

**Yard feature** – Any structure normally found in a yard that can be moved with relative ease, including but not limited to tool houses, fences, temporary above-ground pools, hard surface sport/play areas, play equipment, arbor walks, steps, railings, terraces, trellises, pet houses, birdhouses/feeders/baths, swing sets, sandboxes, compost storage, sprinkler systems, landscape lighting, retaining walls, and clothes lines, not to include any building or tower/antenna

**Zoning Administrator** – The Town of Porter Zoning Administrator, a person designated by the Board to administer and enforce specified provisions of this Ordinance

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





# **ARTICLE 2**

## **GENERAL PROVISIONS**



**ARTICLE 2. GENERAL PROVISIONS**

**SEC 2-1. APPLICABILITY**

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

**SEC 2-2. SUITABILITY**

**2-2(1) Limitations and Restrictions**

- (A) Regulated activities shall not occur in a manner the Town deems hazardous to life or property, including but not limited to those hazards related to fire, flood, disease, noise, soil, bedrock formation, topography, erosion, drainage, steep slope, and sewage treatment and disposal, water supply, and all other utilities, unless said hazards have been eliminated or adequate methods to correct said hazards are developed by the applicant or other applicable party to the satisfaction of the Town.
- (B) Certain soil types in the Town, as shown on the Rock County Standard Soils Survey prepared by the United States Department of Agriculture – Natural Resources Conservation Service (hereafter “NRCS”), have limitations for siting private on-site wastewater treatment systems resultant from one or more of the following:
  - (1) High or fluctuating water table;
  - (2) Flooding;
  - (3) Groundwater contamination;
  - (4) Silting;
  - (5) Slow permeability;
  - (6) Steep slopes;
  - (7) Proximity to bedrock;
- (C) The Rock County Standard Soils Survey prepared by the NRCS is hereby adopted by reference as part of this Ordinance as a determining factor in zoning and land use decisions made by the Town under this Ordinance. If 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 Environmental Health Department and/or a soil scientist from the NRCS by the Town, applicant, or other applicable party.
- (D) The Town shall encourage regulated activities to occur in a manner in which the Town deems will not significantly degrade or deplete, nor compromise the function or integrity, of any environmentally sensitive areas, cultural resources, priority agricultural lands, priority agricultural soils, or woodlands. The location of environmentally sensitive areas, cultural resources, priority agricultural lands, priority agricultural soils, and woodlands shall reflect the most current and best data and information available to the Town at the time of administration and enforcement of this Ordinance.

**2-2(2) Determination of suitability.** If the Town prohibits any regulated activities, the Town shall state this determination of suitability at a public meeting or hearing, or in formal correspondence, through an action of denial with findings of an application or other required submittal for regulated activities and forward the same in writing to the applicant within ten (10) business days of said action.



**ARTICLE 3**

**ZONING DISTRICTS**



**ARTICLE 3. ZONING DISTRICTS****SEC 3-1. ESTABLISHMENT AND IDENTIFICATION**

3-1(1) **Zoning district designation.** For the purposes of this Ordinance, all land, water, and air located in the Town shall be designated within one of the following zoning districts:

- (A) Agricultural-Exclusive (A-E);
- (B) Agricultural-General (A-G);
- (C) Residential-Rural Density (R-R);
- (D) Commercial-Local (C-L);
- (E) Industrial-Light (I-L);
- (F) Special Use (SU);
- (G) Natural Resource-Open Space (NR-OS);
- (H) Agricultural-Community and Enterprise – Overlay (A-CE);
- (I) Environmental Conservation-Lowland – Overlay (EC-L);
- (J) Environmental Conservation-Highland – Overlay (EC-H);
- (K) Historic Conservation – Overlay (HC);

3-1(2) **Underlying and overlay zoning districts.** Zoning districts identified in Sec. 3.1 (1) (A) – (G) of this Ordinance shall be designated as “underlying zoning districts”, with uses of all land, water, and air, and siting and construction of buildings and other structures and uses thereof, subject to the standards and requirements for the designated underlying zoning district as identified herein. Zoning districts identified in 3-1 (1) (H) – (K) shall be designated as “overlay zoning districts”, with all uses of land, water, and air, and siting and construction of buildings and other structures and uses thereof, subject to the standards and requirements of both the designated underlying and overlay zoning district as identified herein.

3-1(3) **Official zoning map and boundaries.** Zoning district boundaries are hereby established as identified on a map entitled *Official Zoning Map, Town of Porter, Wisconsin* (hereafter “Zoning Map”), adopted June 21, 1995, as amended, and kept on file at the office of the Town Clerk and the Rock County Planning, Economic & Community Development Agency, with said Zoning Map to accompany and be made part of this Ordinance. Zoning district boundaries shall be construed to Town boundary lines, United States Public Land Survey lines, lot/outlot lines, centerlines of streets, alleys, easements, and rail right-of-ways lines or such lines extended, unless otherwise noted on the Zoning Map. The Zoning Map shall remain current, reflecting any change or modification to zoning district boundaries, with said changes or modifications so adopted by the Board in accordance with Sec. 1-6 of this Ordinance. The Rock County Planning, Economic & Community Development Agency shall maintain and update the Zoning Map, upon mutual agreement between the Town and said Agency.

3-1(4) **Land use suitability evaluation (LUSE) system and map.** Lands identified as suitable for designation within the A-E, A-G, and A-CE zoning districts are hereby established in accordance with *Appendix B: Criteria for Designation of Town of Porter Lands in the Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise (A-CE) – Overlay Zoning Districts* herein.

**SEC 3-2. GENERAL STANDARDS AND REQUIREMENTS**

The following general standards and requirements, (1) – (19), are applicable to all zoning districts identified in Sec. 3-3 of this Ordinance and all uses of land, water, air, and siting and construction of buildings and other structures and uses thereof, with the exception of (19) (A) which shall not apply to any livestock facility use:

3-2(1) **Permitted and conditional uses.** Only those principal uses of land, water, air, buildings, and other structures, in accordance with *Town of Porter Appendix A – Permitted and Conditional Uses*

(hereafter “Appendix A”) as contained herein, shall be allowable as permitted or conditional uses, with accessory uses allowable as a permitted or conditional use but not until a principal use is present or under construction. Unclassified uses may be allowed by the Town as a permitted or conditional use provided such uses are similar in character and impact to uses allowed as permitted or conditional in the applicable zoning district in accordance with Appendix A. Temporary uses may be allowed by the Town as a permitted or conditional use for a period not to exceed one (1) year, provided such uses are similar in character and impact to uses allowed as permitted or conditional in the applicable zoning district in accordance with Appendix A.

3-2(2) **Non-conformance.** Any lot, use of land, water, and air, or siting and construction of buildings and other structures and uses thereof, lawfully existing prior to July 20, 2015 that conforms to all other applicable laws and regulations but does not conform to all provisions of this Ordinance, shall be hereafter referred to as “non-conforming” and shall be subject to all of the following, (A) – (D), with the exception of a residence in the A-E or A-G zoning districts whose initial construction began prior to May 14, 1992 which shall be exempt from the following:

(A) **Use, building, and other structure.** Any non-conforming use of land, water, and air, or siting and construction of buildings and other structures and uses thereof, may be continued subject to compliance with all of the following:

- (1) Increasing an existing instance or creating a new instance of a non-conforming use, building, and other structure shall not be allowed;
- (2) Only that portion of the land, water, air, building or other structure in actual use may be so continued and a building or other structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or to comply with this Ordinance, except as provided in Sections 3-2 (2) (A) (5) and 3-2 (2) (C) (2) of this Ordinance;
- (3) Total lifetime building or other structure repairs, additions, or alterations shall not exceed fifty percent (50%) of the structural members of existing roof, walls and foundation of the building or other structure unless it is permanently changed to conform to all provisions of this Ordinance, except as provided in Sections 3-2 (2) (A) (5) and 3-2 (2) (C) (2) of this Ordinance;
- (4) Substitution of new equipment may be allowed if such equipment will reduce the incompatibility of the non-conforming use, building, or other structure with adjacent or proximate uses, buildings, or other structures;
- (5) Farming, governmental/civic, business/commercial, industrial/manufacturing, and other uses existing prior to July 20, 2015, and allowable as a permitted or conditional use in the applicable zoning district prior to said date may be continued, reconstructed, or structurally enlarged provided that all of the following are met:
  - (a) The Board grants a special exception for the same use;
  - (b) The same foundation area is used or the maximum lot cover does not exceed twenty percent (20%);
  - (c) One (1) 200 (minimum) square-foot parking space for every 200 square feet of floor area in building or per 200 square feet of commercial/business floor area in building, at the discretion of the Town;

(B) **Use, building, and other structure – Changes and substitutions.** If a non-conforming use of land, water, and air, or siting and construction of buildings and other structures and



uses thereof, has been altered to conform with all provisions of this Ordinance, said use, building, or other structure shall not revert back to a previous non-conforming status. If the Town has allowed the substitution of a more restrictive non-conforming use, building, or other structure for an existing non-conforming use, building, or other structure, the substituted use, building, and other structure shall lose its status as non-conforming and be subject to all conditions required by the Town.

(C) **Use, building, and other structure – Abolishment, replacement, or restoration.**

- (1) If a non-conforming use of land, water, or siting and construction of buildings or other structures and uses thereof, are discontinued or terminated for a period of twelve (12) months or longer, any future use, building, or other structure shall conform to all provisions of this Ordinance.
- (2) If more than fifty percent (50%), in square footage or acreage, of a non-conforming use, building, or other structure is damaged or destroyed by fire, explosion, flood, the public enemy, or other calamity, any restoration of the use, building, or other structure shall comply with all provisions of this Ordinance, with the following exception:
  - (a) If a non-conforming use, building, or other structure is damaged or destroyed by violent wind, vandalism, fire, flood, ice, snow, mold or infestation, on or after March 2, 2006, said non-conforming use, building, or other structure shall be replaced or restored only to the size, location and use that it had immediately before the damage or destruction occurred, with the exception that the size may be larger than the size immediately before the damage or destruction if necessary for the use, building, and other structure to comply with applicable state or federal requirements.
- (3) Non-conforming outdoor lighting fixtures existing and legally installed prior to July 20, 2015 are allowable under this Ordinance, with any replacement of said lighting fixtures to comply with all applicable provisions of this Ordinance.

(D) **Lots.**

- (1) Any non-conforming lot established and on file in the Rock County Register of Deeds Office prior to July 20, 2015 and able to meet the minimum building line setbacks, private onsite wastewater treatment system, and water well standards and requirements (including compliance with all applicable provisions of *Chapter 6 – Public Health, Code of Ordinances, Rock County*) without obtaining a variance (hereafter “legal non-conforming lot”), may have a permitted or conditional use as allowable under this Ordinance in the designated zoning district. If a non-conforming lot cannot meet the aforementioned standards and requirements, the lot shall be combined with adjacent lot(s) under the same ownership to meet the minimum lot size standards and requirements of the designated zoning district.
- (2) A single-family residence and accessory building(s) may be located on a legal non-conforming lot in the A-E, A-G, or R-R zoning district, with the zoning district standards and requirements complied with insofar as practical but in no circumstance shall said standards and requirements be less than the following:
  - (a) Lot:
    - (1) Minimum size: 7,500 square feet, except in shoreland areas as defined in accordance with *Chapter 4 – Subchapter 1 – Part 2 and 4, Zoning, Code of Ordinances, Rock County*, with minimum lot

size in said areas subject to standards and requirements as identified in said ordinance;

(2) Minimum width:

(a) Building setback line: 50 feet;

(b) Public road frontage: 50 feet;

(b) Building setback line:

(1) Front-yard: 35 feet with any second yard abutting a street on a corner lot not less than 10 feet;

(2) Rear-yard: 20 feet;

(3) Side-yard: 10% of the public road frontage, but not less than 5 feet;

(3) If a legal non-conforming lot has an area less than the minimum number of square feet or acreage required per family for the designated zoning district, such lot may be occupied by no more than one (1) family.

3-2(3) **Land use conflicts.** Non-agricultural land uses, and non-agricultural zoning districts adjacent to agricultural land uses and zoning districts, shall recognize that agriculture is a necessary use vital to the Town’s identity and economy, and therefore should be encouraged, with certain environmental conditions resultant from normal agricultural land uses. If conflicts arise between non-agricultural and agricultural land uses and/or land owners, the Town, in reviewing and resolving the conflict, shall consider which land uses have existed for the longest period of time and which land uses existed at the time the non-agricultural use was initiated.

3-2(4) **Lot size.** Any lot created or modified after the effective date of this Ordinance shall contain minimum lot size standards and requirements as identified in Sections 3-3 (1) – (11) herein.

3-2(5) **Principal building allowance.** More than one (1) principal building shall be allowed on lots in all zoning districts in the Town insofar as the maximum lot coverage for the applicable zoning district is not exceeded, with the exception of any lot located in the R-R zoning district in which no more than one (1) principal building, not to exceed maximum lot coverage for said zoning district, shall be allowed.

3-2(6) **Building siting.** All buildings shall be sited on lots adjacent to a public road (street) and in a manner so as to provide safe and convenient access for emergency service, fire and police protection, other necessary servicing, and required off-street parking if applicable.

3-2(7) **Building setback lines and right-of-way width by road (street) classification.** Building setback lines and minimum right-of-way widths for roads (streets) are hereby classified according to the Wisconsin Department of Transportation Functional Classification System and are identified in and subject to the following, (A) – (B).

(A) **Building setback lines.**

(1) Arterial roads (highways): 150 feet from the road’s centerline or 100 feet from the road right-of-way line, whichever is greater;

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

- (3) Local roads: 85 feet from the road's centerline or 50 feet from the road right-of-way line, whichever is greater;
- (4) Surface water feature: 75 feet in accordance with Subpart 1 and 4, *Chapter 4 – Subchapter 1 – Part 2 and 4, Zoning, Code of Ordinances, Rock County*;

(B) **Minimum road (street) right-of-way width.**

- (1) Arterial roads (highways): 100 feet in total and 50 feet for 1/2;
- (2) Collector roads: 80 feet in total and 40 feet for 1/2;
- (3) Local roads: 70 feet in total and 35 feet for 1/2;

3-2(8) **Building setback line exception.** Building setback lines less than those identified in Sec. 3-3 (1) – (11) of this Ordinance may be allowed for a proposed building site in cases of unusual topography, existing patterns of lesser building setback lines on nearby properties, or varying alignment of street right-of-way lines, if at least two (2) principal buildings, existing on the effective date of this Ordinance, are within two hundred (200) feet, on each side, of the proposed building site and built to less than the required setback. In such case, the building setback line for the proposed building shall be the average building setback of said buildings that are nearest to the side lot line of said proposed building site, on either side; or if no existing principal building on one side, the average of the building setback for the existing principal building on one (1) side and the required building line setback for the designated zoning district in accordance with Sec. 3-3 (1) – (11) of this Ordinance. Such building setback line exception shall be granted by the Commission as a matter of course and shall not require a variance.

3-2(9) **Building height exception.** Building height standards and requirements as identified for zoning districts in Sec. 3-3 (1) – (11) of this Ordinance do not apply to grain elevators, silos, barns, spires, belfries, cupolas, communication towers/antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

3-2(10) **Yard features and landscaping.**

- (A) Yard features are allowed in all zoning districts in the Town, subject to all of the following:
  - (1) Fences shall not be subject to any building setback line standard or requirement. All fences, not to include any fence whose primary purpose is to serve an agricultural operation, delineate lot lines between adjoining agricultural and/or open space uses, or to protect the general health, safety, and welfare, shall be subject to the following:
    - (a) Fences shall be kept in good repair;
    - (b) Decorative sides of fences shall face outward from the lot and if two faces are used each face shall be of the same type and finish;
    - (c) A fence's supporting members or braces shall be on enclosed area side and smooth or flat faces shall be on the side visible from outside of the enclosed area;
    - (d) Fences shall not be constructed of chicken wire, woven wire, barbed wire, razor wire, electric wire, hazardous wire edges, or similar materials;
    - (e) Any fence located within five (5) feet of a lot line shall not exceed six (6) feet in height;
    - (f) Any fence located in a front yard shall have at least fifty percent (50%) of its bulk in air space and shall not be more than four (4) feet in height;

- (g) Fences shall not be located in any public right of way;
- (2) Any fence not subject to Sec. 3-2 (10) (A) (1) of this Ordinance may be subject to review and approval by the Town in accordance with Sections 4-2 and 4-3 (6) of this Ordinance.
  - (3) Patios or decks at ground level or at a floor level shall be no more than four (4) feet above ground level at any point under the deck (any patio or deck at a greater height shall be considered part of the building and be subject to building setback lines, in accordance with Sec. 3-3 (1) – (11) of this Ordinance) and shall be at a minimum distance of ten (10) feet from the side or rear lot lines, or the side-yard building setback, whichever is less, to the edge or side of the patio/deck, unless the applicant has obtained a signed and notarized affidavit of consent from the adjacent lot owners, recorded against the subject and adjacent lots with the Rock County Register of Deeds, identifying and allowing a lesser distance, with said affidavit to run with the land.
  - (4) Retaining walls shall be setback at least one (1) foot from the lot line. Solid walls that extend three (3) feet or more above the ground for three (3) or more feet of their length shall be setback at least two (2) feet from the lot line.
  - (5) Pools and sport/play areas shall have a ten (10) foot minimum distance from the side or rear lot line (measured from edge of water or sport/play area) unless the applicant has obtained a signed and notarized affidavit of consent from the adjacent lot owners, recorded against the subject and adjacent lots with the Rock County Register of Deeds, identifying and allowing a lesser distance, with said affidavit to run with the land. All permanent pools within the R-R zoning district shall be fenced.
  - (6) Satellite dish antennas shall be built and anchored to withstand winds of not less than eighty (80) miles per hour. Dish antennas over three feet (3) in diameter and satellite devices that are not designed to receive video programming shall be located and screened to minimize their visual impact on adjacent and proximate residential properties. Said antennas shall be shielded or filtered to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent and proximate properties.
  - (7) Air conditioning equipment, heat pumps, antenna, and associated appurtenances shall be located at least four (4) feet from side and rear lot lines.
  - (8) A parking space shall be no closer than five (5) feet from the side or rear lot line. A parking space located anywhere other than a driveway shall not be directly in front of a residence in the front yard of a lot, or between the side of the lot and the street on a corner lot.
- (B) An applicant submitting a zoning and land use activity application or other required documentation as identified in Article 4 of this Ordinance, may at their option submit a landscape plan, in accordance with Sec. 4.112 (2), County Land Division and Management Ordinance, with said plan providing for preservation, establishment, and maintenance of vegetation on lots/outlots, including trees, shrubs, grasses, and other groundcover, to minimize soil erosion, screen and buffer differing land uses, and stabilize and enhance ecosystem health and community character. Said plan shall encourage and promote landscaping that maintains and/or establishes large contiguous areas of native vegetation that preserve, establish, or enhance scenic viewsheds and are located adjacent to

stormwater and retention ponds, at the periphery of exterior lots/outlots, and in areas where differing land uses interface.

**3-2(11) Signs.**

- (A) Any sign located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered shall meet all the structural requirements of Town, Rock County, and state building codes. Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices, nor obstruct or interfere with the effectiveness of said signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape, and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a manner as to cause glare or impair driver visibility upon public ways.
- (B) Signs, not to include any official signs identified in 4-3(4)(B)(7) of this Ordinance, shall not be placed in any public right of way;
- (C) The following signs are prohibited under this Ordinance:
  - (1) Any sign containing an illuminated blinking light or group of said lights;
  - (2) Any sign mounted or erected on an automobile, trailer, or other object not permanently affixed to the real estate (Any licensed automobile or trailer, used on roads on a regular basis for a legitimate business /commercial purpose other than advertising is exempt from this prohibition.);
  - (3) Any sign mounted or erected on the roof of a building or other structure;
- (D) Wall signs placed against the exterior wall of a building shall be subject to all of the following:
  - (1) Maximum display area of three (3) square feet for each lineal front foot of the building on which the sign is located;
  - (2) Not extend above the roof line of the building on which it is located, nor more than twelve (12) inches from said building wall;
- (E) Projecting signs fastened to, suspended from, or supported by buildings or other structures shall be subject to all of the following:
  - (1) Maximum display area of one hundred (100) square feet on all sides for any one premises;
  - (2) Not extend more than six (6) feet in to any building setback line, nor above the roof line;
  - (3) Located a minimum distance of ten (10) feet from any lot line;
  - (4) Located a minimum distance of ten (10) feet above a sidewalk or other pedestrian way and fifteen (15) feet above a driveway or alley;
- (F) Window signs shall be placed only on the inside of buildings and shall not exceed twenty-five (25%) percent of the glass area of the pane upon which the sign is displayed;
- (G) On-premise ground signs shall be allowed only in the C-L, I-L, and SU zoning districts and shall be subject to all of the following, (1) – (5):

- (1) Maximum display area of sixty (60) square feet on any one (1) side and one hundred twenty (120) square feet on all sides, for any one (1) premises;
  - (2) Maximum height of thirty (30) feet;
  - (3) Identify the business name, services offered, or products sold only;
  - (4) Located a minimum distance of fifty (50) feet from any lot in the R-R zoning district;
  - (5) No more than two (2) signs shall be permitted for each premise;
- (H) Off-premise ground signs (billboard) shall require a conditional use permit in accordance with Sec. 4-3 (6) of this Ordinance and shall be subject to all of the following:
- (1) Maximum display area of three hundred (300) square feet on any one side and six hundred (600) square feet on all sides;
  - (2) Maximum height thirty (30) feet;
  - (3) Located a minimum distance of fifty (50) feet from any existing or proposed right-of-way, state or County highway or Town road, with said distance measured horizontally along a line perpendicular to said right-of-way;
  - (4) Located a minimum distance of five hundred (500) feet from any lot in the R-R zoning district;
  - (5) Located a minimum distance of one thousand (1,000) feet from any other off-premise ground sign located on the same side of the road;
  - (6) Conform to all building setback requirements of the zoning district(s) in which it is located or proposed to be located;
- (I) The Town may designate areas in which special sign standards and requirements may be established. Said areas shall be designated as Areas of Special Sign Control, including but not limited to those areas as identified in the following:
- (1) Special and unique architectural, historic, cultural, scenic, or natural landscape characteristics;
  - (2) Integrated centers of intensive commercial/business uses greater than five (5) acres;

**3-2(12) Parking and storage of automobiles and semi-trailers.**

- (A) Automobiles without current registration and license shall not be parked or stored on any lot/outlot unless within a completely enclosed building, with the exception of the following:
- (1) Automobiles comprising an *Automobile: Salvage* land use as identified in Appendix A herein;
  - (2) Recreational vehicles of less than three-thousand (3,000) pounds as they do not require registration or license within the State of Wisconsin;

- (B) Parking of semi-trailers shall be subject to both of the following:
  - (1) Allowed only in the A-E, A-G, C-L, I-L, and SU zoning districts:
  - (2) Not allowed for more than seven (7) consecutive days in the A-E or A-G zoning districts, with the exception of any trailer licensed for an agricultural use and utilized in such a manner;

**3-2(13) Habitation, parking, or storage of a recreational vehicle and habitation of a tent.**

- (A) Habitation of a recreational vehicle or tent shall not take place on any lot/outlot not designated in the NR-OS zoning district unless by guests of Town residents or landowners, where an adequate water supply and sewer service facilities to serve the guests are available in a residence located on the premises. If such use takes place, it shall not exceed thirty (30) days per calendar year and no fee shall be imposed for such use;
- (B) All recreational vehicles shall be parked or stored in a licensed recreational vehicle park in the NR-OS zoning district, except that said vehicles may be parked or stored on a lot located within any other zoning district in the Town provided all of the following are met:
  - (1) The recreational vehicle shall not be inhabited unless in accordance with Sec. 3-2 (13) (A) of this Ordinance;
  - (2) The recreational vehicle may not be used as a permanent storage unit;
  - (3) The recreational vehicle may have no additional outside structures attached or placed adjacent to it;
  - (4) If parked or stored in the A-E zoning district, the recreational vehicle meets the definition of an agricultural accessory use, in accordance with Sec. 1-7 of this Ordinance;

**3-2(14) Siting of utility lines and infrastructure.** Overhead electric power or telephone lines shall not be sited within one-half (1/2) mile of a boundary of an airport, landing field, or landing/takeoff strip. Installation of utilities shall take place prior to final approval of any lot created through a land division, in accordance with Sec. 4.113, County Land Division and Management Ordinance, except in those instances where direct service can be provided to the newly created lot through overhead or underground lines from a lot immediately adjacent to the lot so created.

**3-2(15) Vacation of public streets, alleys and right-of-ways.** Vacation of public streets, alleys, and right-of-ways shall cause the vacated land to be assigned to the same underlying zoning district as the lot adjoining the vacated land.

**3-2(16) Intersection vision clearance.**

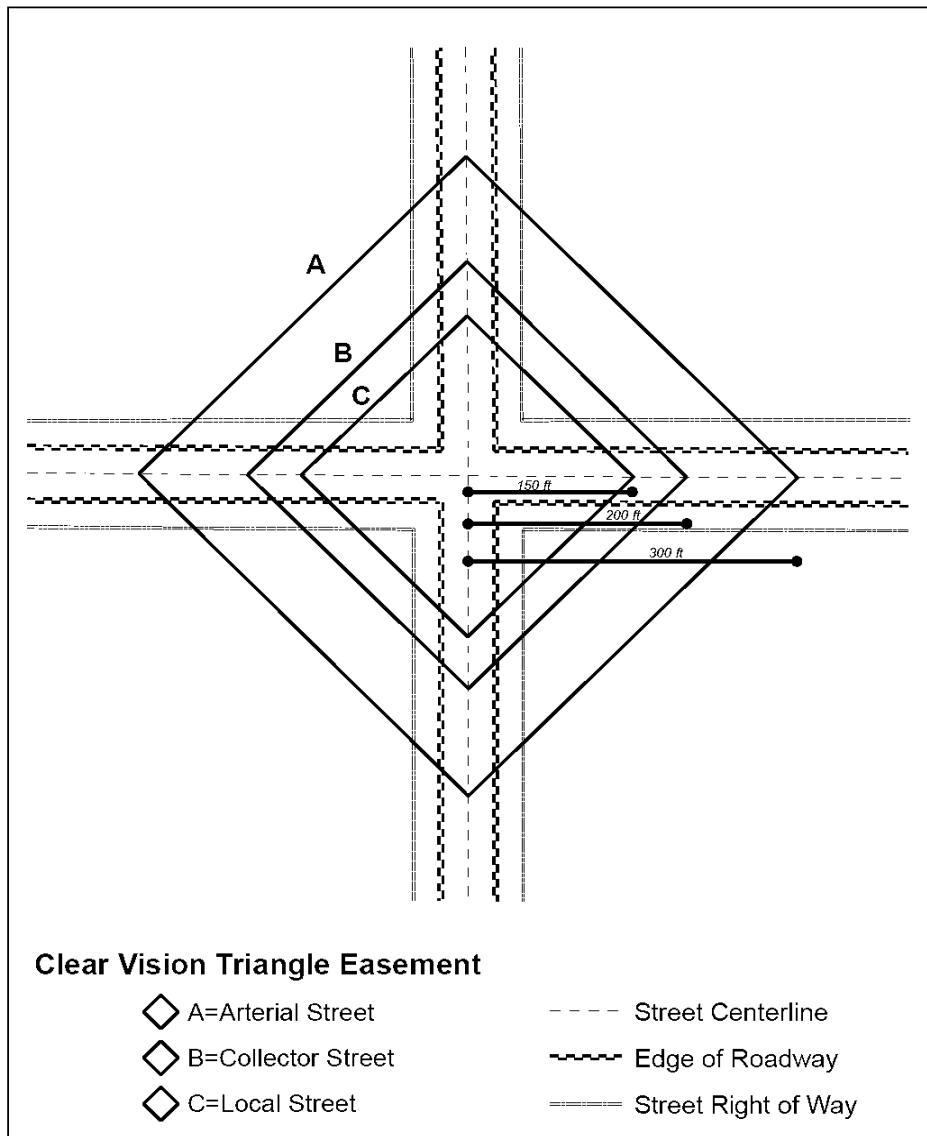
- (A) A clear vision triangle (hereafter “triangle”), in each quadrant of every rail line or public road intersection shall be maintained, bounded by the road or rail line centerlines and a line extending out from said centerline at a specified distance in the manner illustrated in **Figure I** as contained herein, with the exception that a triangle shall be maintained for twenty-five (25) feet from the right of way or rail line for any intersection in a sub-division plat. All vegetation and associated structures shall be removed from the triangle or maintained therein so as to render an object such as an automobile or train clearly visible across the triangle, from one road to another.

- (B) No object with a height of greater than two and one-half (2½) feet above the average elevation of the road centerline shall be allowed in the triangle, with the following exceptions:
- (1) Official governmental, road, traffic, or parking signage authorized by a governmental body;
  - (2) Open/wire fences and posts;
  - (3) Utility lines and associated portable equipment that is readily removable in its entirety;
  - (4) Field crops and vegetation, maintained or removed at the Town's discretion so as to provide for and ensure public safety;

3-2(17) **Surface water activities.** Takeoff and landing of ultralight airplanes, parachute jumping, parasailing behind boats, and similar uses are prohibited on or into lakes or any other surface water feature of less than one hundred (100) acres.



Figure I



3-2(18) **Licenses issued by other governmental agencies.** This Ordinance is not intended to negate current licenses, or their respective uses, issued by other governmental agencies.

3-2(19) **Pollution, hazards, and disturbances.** Any use of land, water, and air, and siting and construction of buildings and other structures and uses thereof, creating pollution, hazards, or disturbances shall be limited and restricted to the premises upon which said use, siting, and construction takes place, and shall comply with all of the following:

- (A) **Water quality.** No activity shall locate, store, or discharge any treated, untreated, or inadequately treated liquid, gaseous, or solid material of such nature, quantity, obnoxiousness, toxicity, or temperature that would be likely to run off, seep, percolate, or wash into surface or sub-surface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable color, odor, taste, shore deposits, floating or submerged debris, oil or scum, or unsightliness, or be harmful to human, animal, plant, or aquatic life. No activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward exceeding the minimum standards and the application of those standards set forth in Sec. NR 102 of the Wisconsin Administrative Code for all navigable waters (This paragraph is not applicable to any livestock facility use unless the Town

adopts this, or similar language as a more stringent standard, per Sec. 93.90 Wisconsin Statutes.).

- (B) **Air quality.** No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of humans, animal, plant, or aquatic life, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart as described in the United States Bureau of Mine's Information Circular 7718.
- (C) **Fire and explosive hazards.**
  - (1) All activities involving the manufacturing, processing, storage, or other use of inflammable and explosive materials shall be provided with adequate safety devices, including fire-fighting and fire-suppression equipment and devices that are standard in the industry, against the hazard of fire and explosion. All materials that range from active to intense burning shall be manufactured, processed, stored, and otherwise used only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system.
  - (2) The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed those parameters identified in **Figure II** as contained herein:

**Figure II**

Closed Cup Flash Point	Gallons
Over 187 Degrees Fahrenheit	400,000
105 Degrees to 187 Degrees Fahrenheit	200,000
Below 105 Degrees Fahrenheit	100,000

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

- (E) **Liquid or solid wastes.** No activity shall discharge at any point onto any land or into any surface or sub-surface water feature or public sewer system any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.
- (F) **Noise.**
  - (1) All noise shall be so muffled or otherwise controlled so as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character, or shrillness.
  - (2) No activity in any zoning district, not to include the A-E, A-G, I-L, or SU zoning districts, shall produce a sound level outside its premises exceeding sound levels, as measured by a sound level meter and associated octave band filter, as identified in **Figure III** as contained herein:

**Figure III**

<b>Octave Band Frequency (Cycles Per Second)</b>	<b>Sound Level (Decibels)</b>
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

- (G) No activity within the A-E, A-G, I-L, or SU zoning districts shall produce a sound level outside said zoning district boundaries that exceeds sound levels, measured by a sound level meter and associated octave band filter, as identified in **Figure IV** as contained herein:

**Figure IV**

<b>Octave Band Frequency (Cycles Per Second)</b>	<b>Sound Level (Decibels)</b>
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

- (H) **Vibration.** No activity shall emit vibrations which are discernible without instruments outside its premises, with the exception of any activity within the I-L zoning district which shall not emit vibrations exceeding displacement, measured with a three-component measuring system, as identified in **Figure V** as contained herein.

- (I) **Odors.** No activity shall emit any odorous matter outside its premises of such nature or quantity as to be offensive, obnoxious, or unhealthy (Odors associated with normal agricultural activities are exempt from this standard and requirement.).
- (J) **Radioactivity and electrical disturbances.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of adjacent and proximate properties.

**Figure V**

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

- (K) **Radioactivity and electrical disturbances.** No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of adjacent and proximate properties.

**SEC 3-3. SPECIFIC STANDARDS AND REQUIREMENTS**

The following specific standards and requirements, (1) – (11), are applicable to the zoning districts under which they are identified in this Sec., and all uses of land, water, and air, and siting and construction of buildings and other structures and uses thereof:

**3-3(1) Agricultural-Exclusive (A-E)**

- (A) **Purpose and intent.** The purpose of the Agricultural-Exclusive (A-E) zoning district is to provide a means of achieving the agricultural goals, objectives, and policies of the Comprehensive Plan or similar document, and to ensure that qualifying landowners in the A-E district are eligible for the State of Wisconsin Farmland Preservation Tax Credit, through certification of the A-E zoning district by the Wisconsin Department of Agriculture, Trade & Consumer Protection (hereafter “DATCP”) as a “farmland preservation zoning district”, with areas within this zoning district so identified in the *Rock County Agriculture Plan* or similar plan or document, in accordance with Sec. 91, Wisconsin Statutes. The intent of the A-E zoning district is to provide large acreage lots for agricultural uses or uses compatible with agricultural uses. Lands identified as suitable for designation within the A-E zoning district are hereby established in accordance with *Appendix B: Criteria for Designation of Town of Porter Lands in the Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise (A-CE) – Overlay Zoning Districts* herein.
- (B) **Permitted uses.** The following uses are allowable as permitted uses in the A-E zoning district:
  - (1) All those uses designated with a “P” in the “A-E” column of the *Town of Porter Appendix A – Permitted and Conditional Uses* (hereafter “Appendix A”) as contained herein;
  - (2) Any use not identified in Appendix A and proposed in the A-E zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural or agricultural accessory use

consistent with the intent and purpose of the A-E zoning district, and most closely resembles another permitted use identified in Appendix A;

(C) **Conditional uses.** The following uses, (1) and (2), are allowable as conditional uses in the A-E zoning district, requiring a conditional use permit (hereafter “CUP”) in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:

- (1) All those uses designated with a “C” in the “A-E” column of Appendix A;
- (2) Any use not identified in Appendix A and proposed in the A-E zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural, agricultural accessory, or agriculture-related use consistent with the intent and purpose of the A-E zoning district, and most closely resembles another conditional use identified in Appendix A;

(D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the A-E zoning district.

(E) **Permitted and conditional use standards and requirements.** The following standards and requirements are applicable to all permitted and conditional uses in the A-E zoning district:

- (1) **Lot:**
  - (a) Minimum size: None;
  - (b) Maximum size: None;
  - (c) Minimum width:
    - (1) Public road frontage: 100 feet;
    - (2) Building line: 100 feet;
- (2) **Building:**
  - (a) Minimum size:
    - (1) Residence (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in (a) and (b):
      - (a) Single-family – Living area: 1,200 square feet;
      - (b) Two-family – Living area: 1,800 square feet (900 square feet per family);
    - (2) Any building other than a residence: None;
  - (b) Maximum size: None;
  - (c) Maximum height:
    - (1) Residence: 35 feet;

- (2) Any building other than a residence: None;
- (d) Minimum width:
  - (1) Residence: 24 feet;
  - (2) Any building other than a residence: None;
- (e) Maximum number per lot:
  - (1) Residence (Single-Family or Two-Family): 1;
  - (2) Any building other than a residence: None;
- (f) Maximum lot cover:
  - (1) Lots greater than 3 acres: None;
  - (2) Lots 3 acres and less: 15%;
- (3) **Building setback line:**
  - (a) Front-yard: See Sec. 3.2 (7) (A) of this Ordinance;
  - (b) Rear-yard: 50 feet;
  - (c) Side-yard:
    - (1) Principal building: 20 feet;
    - (2) Accessory building: 10 feet;
- (4) **Animals:**
  - (a) Any combination of ten (10) or less animal units and livestock animal units on a farm shall be a permitted
  - (b) Greater than ten (10) animal units, any combination of greater than ten (10) but less than five hundred (500) animal units and livestock animal units, or greater than ten (10) but less than five hundred (500) livestock animal units, on a farm shall be subject to the following:
    - (1) The following shall be a permitted use:
      - (a) A farm existing prior to October 1, 2002;
      - (b) A farm existing prior to October 1, 2002 and expanding less than twenty percent (20%) of its animal units and/or livestock animal units contained on the farm on said date;
    - (2) The following shall require an animal units/livestock animal units (non-livestock facility) conditional use permit (CUP), in accordance with Sec. 4-3 (6) of this Ordinance and Sec. NR 151, Wisconsin Administrative Code:

- (a) A farm not existing prior to October 1, 2002 (If said farm expands twenty percent (20%) or greater of its animal units and/or livestock animal units contained on the farm on the date the CUP was issued, a CUP amendment shall be required.);
- (b) A farm existing prior to October 1, 2002 and expanding twenty percent (20%) or greater of its animal units and/or livestock animal units contained on the farm on said date;
- (c) A farm that has had a CUP issued in accordance with b. i. or ii. but has not utilized said CUP for a consecutive five (5) year period;

Said farms identified in (2)(a-c) shall meet the agricultural performance standards and prohibitions, as identified in Sec. NR 151 of the Wisconsin Administrative Code pursuant to requirements of Sec. 281.16, Wisconsin Statutes, and obtain the aforementioned CUP from the Town, prior to populating the site with animals. The Town shall require the CUP to ensure conformance with all NR 151 standards and prohibitions. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all NR 151 performance standards and prohibitions have or will be met.

- (c) Five hundred (500) or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with Sec. 4-3 (6) of this Ordinance and Sec. ATCP 51 of the Wisconsin Administrative Code, prior to populating the site with livestock animal units. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all ATCP 51 performance standards and prohibitions have or will be met.

### 3-3(2) Agricultural-General (A-G).

- (A) **Purpose and intent.** The purpose of the Agricultural-General (A-G) zoning district is to provide a means of achieving the agricultural goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the A-G zoning district is to provide smaller acreage lots for agricultural uses or uses compatible with agricultural uses. Lands identified as suitable for designation within the A-G zoning district are hereby established in accordance with *Appendix B: Criteria for Designation of Town of Porter Lands in the Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise (A-CE) – Overlay Zoning Districts* herein.
- (B) **Permitted uses.** The following use are allowable as permitted uses in the A-G zoning district:
  - (1) All those uses designated with a “P” in the “A-G” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the A-G zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;

- (C) **Conditional uses.** The following uses are allowable as conditional uses in the A-G zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) All those uses designated with a “C” in the “A-G” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the A-G zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A;
  
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the A-G zoning district.
  
- (E) **Permitted and conditional use standards and requirements.** The following standards and requirements are applicable to all permitted and conditional uses in the A-G zoning district:
  - (1) **Lot:**
    - (a) Minimum size: None;
    - (b) Maximum size: None;
    - (c) Minimum width:
      - (1) Public road frontage: 100 feet;
      - (2) Building line: 100 feet;
  - (2) **Building:**
    - (a) Minimum size:
      - (1) Residence (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in (a) and (b):
        - (a) Single-family – Living area: 1,200 square feet;
        - (b) Two-family – Living area: 1,800 square feet (900 square feet per family);
      - (2) Any building other than a residence: None;
    - (b) Maximum size: None;
    - (c) Maximum height:
      - (1) Residence: 35 feet;
      - (2) Any building other than a residence: None;
    - (d) Minimum width:



- (1) Residence: 24 feet;
- (2) Any building other than a residence: None;
- (e) Maximum number per lot:
  - (1) Residence (Single-Family or Two-Family): 1;
  - (2) Any building other than a residence: None;
- (f) Maximum lot cover:
  - (1) Lots greater than 3 acres: None;
  - (2) Lots 3 acres and less: 15%;
- (3) **Building setback line:**
  - (a) Front-yard: See Sec. 3.2 (7) (A) of this Ordinance;
  - (b) Rear-yard: 50 feet;
  - (c) Side-yard:
    - (1) Principal building: 20 feet;
    - (2) Accessory building: 10 feet;
- (4) **Animals:**
  - (a) Any combination of ten (10) or less animal units and livestock animal units on a farm shall be a permitted use.
  - (b) Greater than ten (10) animal units, any combination of greater than ten (10) but less than five hundred (500) animal units and livestock animal units, or greater than ten (10) but less than five hundred (500) livestock animal units, on a farm shall be subject to the following:
    - (1) The following shall be a permitted use:
      - (a) A farm existing prior to October 1, 2002;
      - (b) A farm existing prior to October 1, 2002 and expanding less than twenty percent (20%) of its animal units and/or livestock animal units contained on the farm on said date;
    - (2) The following shall require an animal units/livestock animal units (non-livestock facility) conditional use permit (CUP), in accordance with Sec. 4-3 (6) of this Ordinance and Sec. NR 151, Wisconsin Administrative Code:
      - (a) A farm not existing prior to October 1, 2002 (If said farm expands twenty percent (20%) or greater of its animal units and/or livestock animal units contained on the farm on the date the CUP was issued, a CUP amendment shall be required.);

- (b) A farm existing prior to October 1, 2002 and expanding twenty percent (20%) or greater of its animal units and/or livestock animal units contained on the farm on said date;
- (c) A farm that has had a CUP issued in accordance with (ii)(a-b) but has not utilized said CUP for a consecutive five (5) year period;

Said farms identified in (ii)(a-c) shall meet the agricultural performance standards and prohibitions, as identified in Sec. NR 151 of the Wisconsin Administrative Code pursuant to requirements of Sec. 281.16, Wisconsin Statutes, and obtain the aforementioned CUP from the Town, prior to populating the site with animals. The Town shall require the CUP to ensure conformance with all NR 151 standards and prohibitions. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all NR 151 performance standards and prohibitions have or will be met.

- (c) Five hundred (500) or greater livestock animal units (livestock facility) on a farm shall require a livestock facility CUP in accordance with Sec. 4-3 (6) of this Ordinance and Sec. ATCP 51 of the Wisconsin Administrative Code, prior to populating the site with livestock animal units. The Rock County Land Conservation Department shall review all CUP documents submitted to the Town and provide findings of fact to the Town identifying if all ATCP 51 performance standards and prohibitions have or will be met.

**3-3(3) Residential-Rural Density (R-R).**

- (A) **Purpose and intent.** The purpose of the Residential-Rural Density (R-R) zoning district is to provide a means of achieving the housing goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the R-R zoning district is to allow for residential land uses at densities compatible with other rural land uses, including but not limited to agriculture, on lots served by private onsite wastewater treatment systems, in and around existing or potential residential areas in accordance with the Existing Land Use Map and Future Land Use Map, or similarly named maps as contained in the Comprehensive Plan.
- (B) **Permitted uses.** The following uses are allowable as permitted uses in the R-R zoning district:
  - (1) All those uses designated with a “P” in the “R-R” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the R-R zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
- (C) **Conditional uses.** The following uses are allowable as conditional uses in the R-R zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) All those uses designated with a “C” in the “R-R” column in Appendix A;

- (2) Any use not identified in Appendix A and proposed in the R-R zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
  
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the R-R zoning district.
  
- (E) **Permitted and conditional use standards and requirements.** The following standards and requirements, (1) – (5), are applicable to all permitted and conditional uses in the R-R zoning district:
  - (1) **Lot:**
    - (a) Minimum size:
      - (1) Residence: Single-family: 40,000 square feet;
      - (2) Residence: Two-family: 55,000 square feet;
    - (b) Maximum size: 15 acres, or subject to maximum size requirements in accordance with Sec. 4-3 (8) (B) (4) (a) if created out of a base farm after July 20, 2015;
    - (c) Minimum width:
      - (1) Public road frontage: 100 feet;
      - (2) Building line: 100 feet;
  
  - (2) **Building:**
    - (a) Minimum size:
      - (1) Residence (A basement shall not count as square footage. Any residence constructed without a full-height basement shall require an additional 200 square feet above the number identified in (a) and (b)):
        - (a) Single-family – Living area: 1,200 square feet;
        - (b) Two-family – Living area: 1,800 square feet (900 square feet per family);
      - (2) Any building other than a residence: None;
    - (b) Maximum size: None, but not to exceed (f) Maximum lot cover;
    - (c) Maximum height: 35 feet;
    - (d) Minimum width:
      - (1) Residence: 24 feet;
      - (2) Any building other than a residence: None;

- (e) Maximum number per lot:
  - (1) Residence (Single-Family or Two-Family): 1;
  - (2) Any building other than a residence: None, but not to exceed (f) Maximum lot cover;
- (f) Maximum lot cover: 15%;
- (3) **Building setback line:**
  - (a) Front-yard: See Sec. 3.2 (7) (A) of this Ordinance;
  - (b) Rear-yard:
    - (1) Principal building: 25 feet;
    - (2) Accessory building: 10 feet;
  - (c) Side-yard:
    - (1) Principal building: 15 feet;
    - (2) Accessory building: 10 feet;
- (4) **Parking:**
  - (a) Off-street: Residential: Two 200 square-foot (minimum) spaces per residence and a two-car garage (minimum) per residence;
  - (b) Off-street: Public gathering: One 200 square-foot (minimum) space per 5 seats or per 200 square feet of building;
  - (c) Off-street: Home occupation and professional office: One 200 square-foot (minimum) space per 200 square feet of commercial/business floor area in building;
- (5) **Animals:** No more than a total number in combination equaling ten (10) rabbits or ten (10) chickens, three (3) dogs or three (3) cats for any lot. Additional rabbits, chickens, dogs and/or cats, require a CUP in accordance with Sec. 4-3(6) of this Ordinance. All dogs/cats must be current on rabies vaccinations and dogs must be licensed on a yearly basis. Any lot with animals shall require a fence or other enclosure to contain said animal.

3-3(4) **Commercial-Local (C-L).**

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

- (B) **Permitted uses.** The following uses are allowable as permitted uses in the C-L zoning district:
  - (1) All those uses designated with a “P” in the “C-L” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the C-L zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
  
- (C) **Conditional uses.** The following uses, (1) and (2), are allowable as conditional uses in the C-L zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) All those uses designated with a “C” in the “C-L” column in Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the C-L zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A;
  
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the C-L zoning district.
  
- (E) **Permitted and conditional use standards and requirements.** The following are standards and requirements applicable to all permitted and conditional uses in the C-L zoning district:
  - (1) **Lot:**
    - (a) Minimum size: 40,000 square feet;
    - (b) Maximum size: None;
    - (c) Minimum width:
      - (1) Public road frontage: 100 feet;
      - (2) Building line: 100 feet;
    - (d) Defined ingress and egress;
  - (2) **Building:**
    - (a) Minimum surface area: None;
    - (b) Maximum surface area: None, but not to exceed (f) Maximum lot cover;
    - (c) Maximum height: 42 feet;
    - (d) Minimum width: None;
    - (e) Maximum number per lot: None, but not to exceed (f) Maximum lot cover;
    - (f) Maximum lot cover: 20%;

- (g) Minimum open space between front of principal building and front-yard lot line: 20% (Driveways or parking lots shall not qualify as open space but ponds or fountains shall.);
- (3) **Building setback line:** All building setback lines shall be as stated in the following or as stated in Sec. 3.2 (7) (A) of this Ordinance, whichever is more restrictive;
  - (a) Front-yard:
    - (1) Arterial or collector road: See Sec. 3.2. (7) (A) of this Ordinance;
    - (2) Local road: 30 feet;
  - (b) Rear-yard: 25 feet;
  - (c) Side-yard:
    - (1) Principal building: 15 feet;
    - (2) Accessory building: 5 feet;
- (4) **Parking:**
  - (a) Off-street: One 200 square-foot (minimum) parking space for every 200 square feet of building floor area;
  - (b) Loading and unloading: Sufficient space for loading or unloading of automobiles and semi-trailers shall be provided off of streets and alleys so that said streets and alleys shall at all times be free and unobstructed to the passage of traffic;

3-3(5) **Industrial-Light (I-L).**

- (A) **Purpose and intent.** The purpose of the Industrial-Light (I-L) zoning district is to provide a means of achieving the economic development goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the I-L zoning district is to allow light industrial uses in those areas with land uses compatible with said industrial uses, and sufficient transportation facilities, topographic conditions, and utilities available for said industrial uses.
- (B) **Permitted uses.** The following uses are allowable as permitted uses in the I-L zoning district:
  - (1) All those uses designated with a “P” in the “I-L” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the I-L zoning district, if the Town reviews the proposed use and in their reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
- (C) **Conditional uses.** The following uses are allowable as conditional uses in the I-L zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) All those uses designated with a “C” in the “I-L” column of Appendix A;

- (2) Any use not identified in Appendix A and proposed in the I-L zoning district, if the Town reviews the proposed use and in their reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A;
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the I-L zoning district.
- (E) **Permitted and conditional use standards and requirements.** The following are standards and requirements applicable to all permitted and conditional uses in the I-L zoning district:
  - (1) **Lot:**
    - (a) Minimum size: 2.5 acres;
    - (b) Maximum size: None;
    - (c) Minimum width:
      - (1) Public road frontage: 100 feet;
      - (2) Building line: 100 feet;
    - (d) Material storage: Not more than 40% may be used for open storage of raw material or any other material;
    - (e) Defined ingress and egress;
  - (2) **Building:**
    - (a) Minimum surface area: None;
    - (b) Maximum surface area: None, but not to exceed (f) Maximum lot cover;
    - (c) Maximum height: 42 feet;
    - (d) Minimum width: None;
    - (e) Maximum number per lot: None, but not to exceed (f) Maximum lot cover;
    - (f) Maximum lot cover: 40%;
    - (g) Minimum open space between front of principal building and front-yard lot line: 20% (Driveways or parking lots shall not qualify as open space but ponds or fountains shall.);
  - (3) **Building setback line:**
    - (a) Front-yard:
      - (1) Arterial or collector road: See Sec. 3.2 (7) (A) of this Ordinance;
      - (2) Local road: 50 feet or 75 feet if parking spaces are located in the front yard;

- (b) Rear-yard: 40 feet or 50 feet if lot is adjacent to the R-R zoning district;
- (c) Side-yard: 20 feet or 50 feet if lot is adjacent to the R-R zoning district;
- (4) **Parking:**
  - (a) Off-street: One 200 square foot (minimum) space for every 200 square feet of building floor area or per employee, at the discretion of the Town;
  - (b) Loading and unloading: Sufficient space for loading or unloading of automobiles and semi-trailers shall be provided off of streets and alleys so that said streets and alleys shall at all times be free and unobstructed to the passage of traffic;
  - (c) Loading space: Every building containing 5,000 square feet or more of floor area shall provide off-street loading space measuring not less than 400 square feet in size and 14 feet in height, clear of all obstructions, with the number of spaces required in accordance with **Figure VI** as contained herein:
- (5) **Screening:** All storage, except of automobiles in operable condition, shall be within completely enclosed buildings or effectively screened by either of the following:
  - (a) A solid wall or fence not less than 6 feet or more than 8 feet in height;
  - (b) A densely planted hedge, shrubbery, or conifer trees at least 6 feet in height which effectively creates a visual barrier;

**Figure VI**

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

**3-3(6) Special Use (SU).**

- (A) **Purpose and intent.** The purpose of the Special Use (SU) zoning district is to provide a means of achieving the various goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the SU zoning district is to allow for those uses which are unique in character, or those that create or could create unique issues or circumstances, or hazards to the general health, safety, welfare and character of the community, and therefore should be limited to ensure said health, safety, welfare, and character.
- (B) **Permitted uses.** The following uses are allowable as permitted uses in the SU zoning district:



- (1) All those uses designated with a “P” in the “SU” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the SU zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
- (C) **Conditional uses.** The following uses are allowable as conditional uses in the SU zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
- (1) All those uses designated with a “C” in the “SU” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the SU zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A;
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the SU zoning district.
- (E) **Permitted and conditional use standards and requirements - General.** The following standards and requirements are applicable to all permitted and conditional uses in the SU zoning district, not to include mobile home parks or non-metallic mining operations, with standards and requirements for those uses identified in Sec. 3-3 (6) (F) and (G) of this Ordinance:
- (1) **Lot:**
    - (a) Minimum size: None;
    - (b) Maximum size: None;
    - (c) Minimum width:
      - (1) Public road frontage: 100 feet;
      - (2) Building line: 100 feet;
    - (d) Material storage: Not more than 40% may be used for open storage of raw material or any other material;
  - (2) **Building setback line:** All building setback lines shall be as stated in the following or as stated in Sec. 3-2 (7) (A) of this Ordinance, whichever is greater;
    - (a) Front-yard:
      - (1) Arterial or collector road: See Sec. 3-2 (7) (A) of this Ordinance;
      - (2) Local road: 50 feet;
    - (b) Rear-yard: 50 feet;
    - (c) Side-yard: 50 feet;

(3) **Building:**

- (a) Minimum surface area: None;
- (b) Maximum surface area: None, but not to exceed (f) Maximum lot cover;
- (c) Maximum height: 35 feet;
- (d) Minimum width: None;
- (e) Maximum number per lot: None, but not to exceed (f) Maximum lot cover;
- (f) Maximum lot cover: 40%;

(4) **Parking:**

- (a) Off-street: One 200 square foot (minimum) parking space per 5 users at maximum use of lot, at the discretion of the Town;

(F) **Permitted and conditional use standards and requirements – Mobile home park.** The following standards and requirements are applicable to mobile home parks in the SU zoning district:

- (1) No area within the Town shall be utilized as a mobile home park unless it is planned for residential or similar use on the Future Land Use Map as contained in the Comprehensive Plan. The principal use of all areas of the mobile home park shall be residential only, except for those areas designated for park management and maintenance, open space, or other reasonable associated uses, at the discretion of the Town.
- (2) Mobile home parks shall be subject to all of the following:
  - (a) Not less than ten percent (10%) of the total gross mobile home park area shall be devoted to recreational facilities or open space, with access to said recreational facilities or open space convenient to all mobile home lots within the mobile home park;
  - (b) A screening buffer strip shall be in place along the mobile home park lot boundary, consisting of a densely planted hedge, shrubbery, or trees so as to effectively create a visual barrier and still allow a breeze to pass, with said screening at least five (5) feet in width and ten (10) feet in height;
  - (c) One (1) accessory building for storage of mobile home park maintenance equipment shall be allowed provided said building is fully enclosed and does not exceed one thousand five hundred (1,500) square feet in surface area nor thirty-five (35) feet in height;
  - (d) A building shall be constructed or present which shall be easily accessible to all mobile home park residents for their exclusive use and shall include kitchen, laundry, sanitation, and rest room facilities, meeting room space of at least one thousand (1,000) square feet in surface area, including a sub-grade area of a size which shall provide adequate protection to all mobile home park residents in the event of severe weather, with said building to maintain a year-round temperature of not less than sixty (60) degrees Fahrenheit;

- (e) Adequate lighting with a minimum of one (1) foot candle in place to illuminate streets, driveways, and pedestrian ways for the safe movement of vehicles and pedestrians at night;
- (f) All fuel within a mobile home park shall be distributed in conformity with the state rules and regulations;
- (g) Garbage and rubbish within a mobile home park shall be stored in fly-tight and water-tight approved containers stored within a completely enclosed building or outside the building provided that such storage area is effectively screened from view;
- (h) Hard-surfaced roads shall be built according to Town and Rock County standards, with a minimum road pavement width of twenty-two (22) feet and the minimum pavement diameter of a cul-de-sac one hundred forty (140) feet. Road alignment and gradient shall be properly adapted to topography and safe movement of anticipated traffic types, and to adequately control surface and ground water. Road names shall not duplicate the names of any other in Rock County;
- (i) All utilities within a mobile home park shall be installed underground and meet State of Wisconsin Statutes and Administrative Codes;
- (j) Only the following signs shall be permitted in a mobile home park:
  - (1) One (1) non-flashing ground mounted or wall sign stating only the park name, provided the sign does not project into any public way;
  - (2) One (1) ground or on-premise wall sign per mobile home lot;
  - (3) Necessary regulatory signs, including but not limited to street name, entrance, and exit signs;
- (k) **Mobile home park lot:**
  - (1) **Lot:**
    - (a) Minimum size: 10 acres;
    - (b) Maximum size: None;
    - (c) Minimum width: Public road frontage: 100 feet;
    - (d) Maximum mobile home lot density: 1 per acre;
    - (e) Minimum number of mobile home lots: 2 mobile home lot completed and ready for occupancy before first occupancy is permitted;
  - (2) **Building setback line:** All building setback lines shall be as stated in the following or as stated in Sec. 3-2 (7) (A) of this Ordinance, whichever is greater;
    - (a) Front-yard:

- (1) Arterial or collector road: See Sec. 3.2 (7) (A) of this Ordinance;
- (2) Local road: 50 feet;
- (3) Corner lot: 50 feet from each road;
- (b) Rear-yard: 35 feet;
- (c) Side-yard: 50 feet;
- (l) **Mobile home lot:** Mobile home lots shall be subject to all of the following:
  - (1) Mobile home lots shall be rented for residential use only for periods of not less than thirty (30) days;
  - (2) One (1) accessory building shall be allowed for each mobile home provided said building is fully enclosed, is located on the same lot as the mobile home which it serves, and does not exceed four hundred (400) cubic feet in surface area nor eight (8) feet in height;
  - (3) Each mobile home lot shall abut upon a road within a mobile home park;
  - (4) Each mobile home lot shall be connected to the mobile home park's electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment, with the minimum service of 120-240 volts AC, 100 amperes per lot;
  - (5) Each mobile home lot shall have a common water supply provided by separate lateral, and shall be located within five hundred (500) feet of a fire hydrant;
  - (6) Each mobile home lot shall be equipped with at least a three (3) inch sewer connection located so as to provide a suitable connection from the home at a continuous grade, and not subject to surface drainage;
  - (7) Fences and hedges shall be allowed on a mobile home lot provided they do not exceed a height of three (3) feet in the front-yard or corner side-yard and six (6) feet in all other yards;
  - (8) Each mobile home's lot lines shall be clearly marked on the ground by permanent flush stakes or markers and have a unique number and street name not duplicated elsewhere within Rock County;
  - (9) **Lot:**
    - (a) Minimum size: 40,000 square feet;

- (b) Minimum width: Road frontage: 50 feet with lesser frontage allowed by Town for irregular shaped lots where necessary;
- (10) **Building setback line:** All building setback lines shall be as stated in the following:
  - (a) Front-yard: Private road within mobile home park (See Sec. 3.2 (7) (A) of this Ordinance for front-yard requirements on public road):
  - (b) Mobile home: 10 feet;
  - (c) Accessory building: 10 feet;
  - (d) Rear-yard:
    - (1) Mobile home: 8 feet;
    - (2) Accessory building: 5 feet;
  - (e) Side-yard:
    - (1) Mobile home: 8 feet;
    - (2) Accessory building: 5 feet or 8 feet on a corner lot;
  - (f) Yard adjacent to any recreational facilities or open space area:
    - (1) Mobile home: 8 feet;
    - (2) Accessory building: 8 feet;
- (m) **Mobile home:** A mobile home shall be used for residential purposes only if it is located on a mobile home lot in a licensed mobile home park, subject to all of the following:
  - (1) The mobile home shall meet all the requirements of U.S. Department of Housing and Urban Developments' Manufactured Home Construction Standards;
  - (2) The mobile home shall be placed in a designated stand and connected to a common water and sanitary sewer, electrical and all other necessary utilities, with said stand consisting of a continuous four (4) inch concrete single slab equal to the size of the mobile home, with six (6) anchors and tie-downs, such as cast-in-place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices, to secure the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds;

- (3) No addition or alteration to a mobile home shall exceed the height of the existing mobile home, nor shall any addition to a mobile home be greater in area, in square feet, than the existing mobile home. Any addition to a mobile home shall be deemed a part of the mobile home and shall be subject to building setback lines in accordance with Sec. 3-3 (6) (2) (F) (l) j. of this Ordinance;
- (4) The mobile home shall have vented skirting of non-flammable material, with areas enclosed by such skirting maintained so as not to provide a harborage for rodents or create a fire hazard (Insulation placed inside the skirting is recommended to prevent freezing of pipes);

(n) **Parking:**

- (1) Mobile homes: 1 per mobile home lot except that an unoccupied recreational vehicle may be parked within the building setback line of the mobile home lot owner's yard, to the rear of the principal building;
- (2) Automobile – Off-street: One 200 square foot (minimum) hard-surfaced spaces on each mobile home lot;
- (3) Automobile – Street: Allowable on both sides of the street if the road is at least 36 feet wide and allowable on 1 designated side only if the road is at least 30 feet wide;

(G) **Permitted and conditional use standards and requirements – Non-metallic mining.**  
The following standards and requirements are applicable to all non-metallic mining uses in the SU zoning district:

(1) **Lot:**

- (a) Minimum size: 5 acres;
- (b) Maximum size: None;
- (c) Minimum width:
  - (1) Public road frontage: 100 feet;
  - (2) Building line: 100 feet;

(2) **Building setback line:**

- (a) Front-yard: See Sec. 3.2 (7) (A) of this Ordinance;
- (b) Rear-yard: 50 feet;
- (c) Side-yard: 50 feet;

(3) **Mining operation setback line:**

- (a) Road: 100 feet;
- (b) Public utility right-of-way: 50 feet;

- (c) Zoning district boundary: 100 feet;
- (4) **Building:**
  - (a) Minimum surface area: None;
  - (b) Maximum surface area: None, but not to exceed (f) Maximum lot cover;
  - (c) Maximum height: 35 feet;
  - (d) Minimum width: None;
  - (e) Number per lot: None, but not to exceed (f) Maximum lot cover;
  - (f) Maximum lot cover: 10%;
- (5) **Parking:**
  - (a) Off-street: One 200 (minimum) square foot space per 5 users at maximum use of lot, at the discretion of the Town;

3-3(7) **Natural Resource-Open Space (NR-OS).**

- (A) **Purpose and intent.** The purpose of the Natural Resource-Open Space (NR-OS) zoning district is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the NR-OS zoning district is to provide for lands that maintain and enhance ecosystem health and/or offer passive and active outdoor recreation opportunities.
- (B) **Permitted uses.** The following uses are allowable as permitted uses in the NR-OS zoning district:
  - (1) All those uses designated with a “P” in the “NR-OS” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the NR-OS zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
- (C) **Conditional uses.** The following uses are allowable as conditional uses in the NR-OS zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) All those uses designated with a “C” in the “NR-OS” column in Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the NR-OS zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A;
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the NR-OS zoning district.
- (E) **Permitted and conditional use standards and requirements.** The following standards and requirements are applicable to all permitted and conditional uses in the NR-OS zoning district:

- (1) **Lot:**
  - (a) Minimum size: 1 acre;
  - (b) Maximum size: None;
  - (c) Minimum width:
    - (1) Public road frontage: 100 feet;
    - (2) Building line: 100 feet;
- (2) **Building:**
  - (a) Minimum size: None;
  - (b) Maximum size: None, but not to exceed (f) Maximum lot cover;
  - (c) Maximum height: 35 feet;
  - (d) Minimum width: None;
  - (e) Maximum number per lot: None, but not to exceed (f) Maximum lot cover;
  - (f) Maximum lot cover: 10%;
- (3) **Building setback line:**
  - (a) Front-yard:
    - (1) Arterial or collector road: See Sec. 3.2 (7) (A) of this Ordinance;
    - (2) Local road: 50 feet;
  - (b) Rear-yard: 20 feet;
  - (c) Side-yard:
    - (1) Principal building: 20 feet;
    - (2) Accessory building: 10 feet;
- (4) **Parking:**
  - (a) Off-street: One 200 square foot (minimum) space per 5 users at maximum use of lot, at the discretion of the Town;

**3-3(8) Agricultural-Community and Enterprise – Overlay (A-CE).**

- (A) **Purpose and intent.** The purpose of the Agricultural-Community and Enterprise – Overlay (A-CE) zoning district is to provide a means of achieving the agricultural and open space goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the A-CE zoning district is to provide for agricultural and open space lands that maintain and enhance the agricultural community and economy of the Town. Lands identified as suitable for designation within the A-CE zoning district are hereby established



in accordance with *Appendix B: Criteria for Designation of Town of Porter Lands in the Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise (A-CE) – Overlay Zoning Districts*, herein.

- (B) **Permitted uses.** The following uses are allowable as permitted uses in the A-CE zoning district:
- (1) All those uses designated with a “P” in the “A-CE” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the A-CE zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural or agricultural accessory use consistent with the intent and purpose of the A-CE zoning district, and most closely resembles another permitted use identified in Appendix A;
- (C) **Conditional uses.** The following uses are allowable as conditional uses in the A-CE zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
- (1) All those uses designated with a “C” in the “A-CE” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the A-CE zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use is an agricultural, agricultural accessory, or agriculture-related use consistent with the intent and purpose of the A-CE zoning district, and most closely resembles another conditional use identified in Appendix A;
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the A-CE zoning district.
- (E) **Permitted and conditional use standards and requirements.** The following standards and requirements are applicable to all permitted and conditional uses in the A-CE zoning district:
- (1) **Lot:** Subject to A-E zoning district standards and requirements, Sec. 3-3 (1) (E) (1) herein;
  - (2) **Building:** Subject to A-E zoning district standards and requirements, Sec. 3-3 (1) (E) (2) herein;
  - (3) **Building setback line:** Subject to A-E zoning district standards and requirements, Sec. 3-3 (1) (E) (3) herein;
  - (4) **Animals:** Subject to A-E zoning district standards and requirements, Sec. 3-3 (1) (E) (4) herein;

### 3-3(9) Environmental Conservation-Lowland – Overlay (EC-L).

- (A) **Purpose and intent.** The purpose of the Environmental Conservation-Lowland – Overlay (EC-L) zoning district is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the EC-L zoning district is to protect public health, safety, and general welfare, property from flooding and inundation of ground water, and the community from costs incurred when development occurs in specified lowlands, by limiting uses in said areas to those which do not require extensive development.

- (B) **Lowland.** Lowland in the EC-L zoning district shall be identified as any of the following with the location of said areas reflecting the most current and best data and information available to the Town at the time of administration and enforcement of this Ordinance:
  - (1) Floodplain – Lands identified as floodplain by the Federal Emergency Management Agency, as delineated in accordance with the most current FEMA floodplain maps adopted by the Rock County Board of Supervisors;
  - (2) Hydric soils – Lands with soils identified as hydric;
  - (3) Kettles and depressional topography – Lands identified as kettles and/or depressional topography;
  - (4) Shorelands – Lands identified within seventy-five (75) feet of the ordinary high water mark of a surface water feature;
  - (5) Wetland – Lands identified as wetland, as delineated by the Wisconsin Department of Natural Resources or another qualified entity;
  - (6) Wetland buffers – Lands identified within fifty (50) feet of wetlands;
  
- (C) **Permitted uses.** The following uses are allowable as permitted uses in the EC-L zoning district:
  - (1) All those uses designated with a “P” in the “EC-L” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the EC-L zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
  
- (D) **Conditional uses.** The following uses are allowable as conditional uses in the EC-L zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) All those uses designated with a “C” in the “EC-L” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the EC-L zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A;
  
- (E) **Prohibited uses.** Any use other than those identified in (C) and (D) of this Sec. shall be prohibited in the EC-L zoning district.
  
- (F) **Permitted and conditional use standards and requirements.** The following standards and requirements are applicable to all permitted and conditional uses in the EC-L zoning district:
  - (1) **Lot:** Subject to underlying zoning district standards and requirements;
  - (2) **Building:** Subject to underlying zoning district standards and requirements;
  - (3) **Building setback line:**

- (a) Front-yard: See Sec. 3.2 (7) (A) of this Ordinance;
- (b) Rear-yard: 25 feet;
- (c) Side-yard:
  - (1) Principal building: 15 feet or underlying zoning district standard and requirement, whichever is greater;
  - (2) Accessory building: 10 feet or underlying zoning district standard and requirement, whichever is greater;
- (4) **Parking:** Subject to underlying zoning district standards and requirements.

### 3-3(10) Environmental Conservation-Highland – Overlay (EC-H)

- (A) **Purpose and intent.** The purpose of the Environmental Conservation Highland – Overlay (EC-H) zoning district is to provide a means of achieving the natural resource, open space, and outdoor recreation goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the EC-H zoning district to provide for protection, preservation, maintenance, and enhancement of specified highland, including unique natural, scenic, wildlife habitat, and outdoor recreation areas, and to mitigate against soil erosion and sedimentation, by limiting uses to those that do not require extensive development.
- (B) **Highland.** Highland within the EC-H zoning district shall be identified as any of the following with the location of said areas reflecting the most current and best data and information available to the Town at the time of administration and enforcement of this Ordinance:
  - (1) Groundwater protection areas – Lands identified as groundwater protection areas;
  - (2) Natural areas – Lands with scores of five (5) or higher in accordance with the *Rock County Natural Areas Survey – 2001*;
  - (3) Shallow bedrock – Lands identified with bedrock within twenty (20) inches of the surface;
  - (4) Steep slopes – Lands identified with slopes twelve percent (12%) and greater;
- (C) **Permitted uses.** The following uses are allowable as permitted uses in the EC-H zoning district:
  - (1) All those uses designated with a “P” in the “EC-H” column of Appendix A;
  - (2) Any use not identified in Appendix A and proposed in the EC-H zoning district, if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another permitted use identified in Appendix A;
- (D) **Conditional uses.** The following uses are allowable as conditional uses in the EC-H zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) All those uses designated with a “C” in the “EC-H” column of Appendix A;

- (2) Any use not identified in Appendix A and proposed in the EC-H zoning district if the Town reviews the proposed use and in its reasonable and prudent judgment determines the proposed use most closely resembles another conditional use identified in Appendix A;
- (E) **Prohibited uses.** Any use other than those identified in (C) and (D) of this Sec. shall be prohibited in the EC-H zoning district.
- (F) **Permitted and conditional use standards and requirements.** The following standards and requirements are applicable to all permitted and conditional uses in the EC-H zoning district:
  - (1) **Lot:** Subject to underlying zoning district standards and requirements;
  - (2) **Building:** Subject to underlying zoning district standards and requirements;
  - (3) **Building setback line:**
    - (a) Front-yard: See Sec. 3.2 (7) (A) of this Ordinance;
    - (b) Rear-yard: 25 feet;
    - (c) Side-yard:
      - (1) Principal building: 15 feet or underlying zoning district standard and requirement, whichever is greater;
      - (2) Accessory building: 10 feet or underlying zoning district standard and requirement, whichever is greater;
  - (4) **Parking:** Subject to underlying zoning district standards and requirements.

3-3(11) **Historic Conservation – Overlay (HC)**

- (A) **Purpose and intent.** The purpose of the Historic Conservation – Overlay (HC) zoning district is to provide a means of achieving the cultural resource goals, objectives, and policies of the Comprehensive Plan or similar document. The intent of the HC zoning district is to protect and preserve areas, buildings, or other structures officially designated as having historic or cultural significance, and uses thereof, in a matter befitting their significance and to ensure that new areas, building, or other structures, and uses thereof in the HC zoning district, are consistent and compatible with said existing significant areas, buildings, or other structures, so as to preserve the Town’s historical and cultural heritage.
- (B) **Permitted uses.** The following use is allowable as a permitted use in the HC zoning district:
  - (1) Continuation of existing allowable use;
- (C) **Conditional uses.** The following uses are allowable as conditional uses in the HC zoning district, requiring a CUP in accordance with Sec. 4-3 (6) of this Ordinance prior to establishment of said use:
  - (1) Change or expansion of an existing allowable use;
  - (2) Construction or location of new buildings;

- (3) Building alteration or demolition;
- (4) Any use requiring a building permit, in accordance with Sec. 4-3 (2) (A) of this Ordinance;
- (D) **Prohibited uses.** Any use other than those identified in (B) and (C) of this Sec. shall be prohibited in the HC zoning district.
- (E) **Permitted and conditional use standards and requirements.** The following are standards and requirements applicable to all permitted and conditional uses in the HC zoning district:
  - (1) **Lot:** Subject to underlying zoning district standards and requirements, with the following exception:
    - (a) No existing lot or combination of lots or portions thereof under common ownership shall be reduced in width, depth, or area without the approval of the Committee;
  - (2) **Building:** Subject to underlying zoning district standards and requirements, with following exception:
    - (a) Maximum height: Within 10% of average of adjacent building heights;
  - (3) **Building setback line:** Subject to underlying zoning district standards and requirements, or average of adjacent yards, at the discretion of the Commission.
  - (4) **Parking:** Subject to underlying zoning district standards and requirements, with the following additional standards and requirements:
    - (a) Required off-street parking or loading space shall not be located in any front-yard;
    - (b) Off-site parking may be allowed where required parking on-site is impractical or would have adverse effects on the appearance of the property or the HC zoning district, with said off-site parking encouraged to be provided in grouped facilities in interior-block parking lots or courts or at other appropriate locations so as to provide convenience for users, reduce interference with pedestrian and vehicular traffic by minimizing curb cuts and sidewalk crossings, and make lot areas available for other uses;



**ARTICLE 4**

**ZONING AND LAND USE ACTIVITY  
APPLICATION PROCEDURE**





**ARTICLE 4. ZONING AND LAND USE ACTIVITY APPLICATION PROCEDURE**

**SEC 4-1. ESTABLISHMENT AND IDENTIFICATION**

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

- (1) Zoning (Building Site) Permit;
- (2) Building Permit;
- (3) Driveway Permit;
- (4) Sign Permit;
- (5) Demolition Permit;
- (6) Conditional Use Permit;
- (7) Mobile Home Park License;
- (8) Zoning District Change;
- (9) Variance;
- (10) Appeal;

**SEC 4-2. GENERAL STANDARDS AND REQUIREMENTS**

The following general standards and requirements are applicable to all zoning and land use activities identified in Sec. 4-1. of this Ordinance:

**4-2(1) Application submittal.**

- (A) A complete and accurate application, an application fee as determined by Town Board resolution, and any additional relevant information deemed necessary by the Town to make a comprehensive evaluation of said application shall be submitted by an applicant to the Town for a zoning and land use activity. All costs of any construction or earth-disturbing activity related to said zoning and land use activity shall be the sole responsibility of the applicant, unless otherwise noted herein.
- (B) Failure by the applicant to submit a complete and accurate zoning and land use activity application shall be cause for the application to be returned by the Town to the applicant, with the application not subject to any further review or action until the applicant has submitted a complete and accurate application.
- (C) Any zoning and land use activity requiring an application or other formal submittal, in accordance with Sec. 4-1 (1) – (10) of this Ordinance, shall be reviewed for compliance with this Ordinance in the manner it exists at the time of submission of said application or other formal documentation to the Town.

**4-2(2) Application review.**

- (A) **Administrative review, public meeting, or public hearing.** Applications submitted by an applicant to the Town for a zoning and land use activity shall be reviewed administratively, or at a public meeting or hearing, by the Town Board, Town Plan Commission, Town Zoning Administrator, Town Building Inspector, Town Historic Conservation District Committee, or Town Board of Adjustment (hereafter collectively “Reviewing Bodies”).
- (B) **Application review factors.** The Reviewing Bodies shall consider factors, if applicable, as enumerated in the following in review of all zoning and land use activity applications, with said review to potentially include other factors not identified herein but relevant to the review process:

- (1) The activity identified in the application shall not compromise or inhibit the health, safety, and general welfare of the Town;
- (2) Consistency of the activity identified in the application with the Comprehensive Plan and the Future Land Use Map contained therein or any similar plan or map, the *Town of Porter Agriculture Resources – Farmland Preservation Map* as contained in the *Rock County Agriculture Plan* or any similar and other relevant plan, the purpose and intent of this Ordinance as stated in Sec. 1-3 herein, the purpose and intent of the applicable zoning district in accordance with Sec. 3-3 (1) – (11) of this Ordinance, and the public interest;
- (3) Compatibility of the activity identified in the application with existing or proposed future uses on adjacent and proximate properties, and the effect of the activity on said properties, owners and occupants thereof, the environment, and the community;
- (4) The area identified for the activity in the application is limited to that which is reasonably necessary to accommodate said activity;
- (5) Site topography, drainage, soils, and vegetative cover on applicable properties and the implications thereof for the activity identified in the application, as well as the implications for adjacent and proximate properties;
- (6) Availability of water supply, sewage disposal, and other applicable utilities necessary for the activity identified in the application;
- (7) Soil percolation characteristics (if public sanitary sewer is not available) of the properties identified in the application;
- (8) The effect the activity identified in the application will have on the overall site and community esthetic, including the effect on water and air quality, soil erosion, environmentally sensitive areas, priority agricultural lands, priority agricultural soils, cultural resources, woodlands, open space, and scenic and recreational amenities;
- (9) The effect the activity identified in the application will have on the Town's immediate and long-range tax base, as well as the cost and burden to the Town and other public entities to provide various required services for said activity;
- (10) The activity identified in the application will ensure present and future convenient and safe access to the existing or proposed road network and efficient traffic circulation and flow;
- (11) Alteration and/or increase in traffic generation, including varying vehicle types, resultant from the activity identified in the application and the subsequent effect on immediate, adjacent, and proximate properties;
- (12) The effect the activity identified in the application will have on existing or proposed adjacent or proximate traffic interchanges;
- (13) The effect the activity identified in the application will have on the viewshed from an existing or proposed road;
- (14) The activity identified in the application shall not result in damage to Town roads, with said activities including but not limited to an agribusiness, non-metallic mining use, or hauling of sewage sludge for fertilizer purposes, unless the Town is

assured that adequate provision for repair of potential damages has been made. Such adequate provision may include a performance bond, an irrevocable letter of credit, or cash deposit assuring that any road damage caused by said activity will be repaired or reconstructed at the applicant’s full expense, so as to protect the Town against any expense due to the inability or refusal of the person(s) to repair any damage to the road;

- (15) If the activity identified in the application converts land to a use other than agricultural, or prevents use of land for agriculture, said activity shall be placed on that portion of the lot containing the poorest quality agricultural soils or that portion of the lot that would be the least productive for agricultural purposes;
- (16) Compliance of the activity identified in the application with standards and requirements identified in Sections 3-2 and 3-3 of this Ordinance;
- (17) Any additional application review factors deemed relevant and necessary by the applicable Reviewing Bodies to undertake a comprehensive evaluation of said application;

**4-2(3) Action and findings.**

The Reviewing Bodies shall take action and approve, approve with conditions, or deny with findings a zoning and land use activity application after review and consideration of the factors identified in Sec. 4-3 (2) of this Ordinance and the specific standards and requirements for individual zoning and land use activities as identified in Sec. 4-3 (1) – (10) of this Ordinance, in accordance with the process identified in said Sec. If the zoning and land use activity application requires a Town Plan Commission (hereafter “Commission”) recommendation to the Town Board (hereafter “Board”) in accordance with Sec. 4-3 (1) – (10) of this Ordinance, and said Commission does not make a recommendation within forty-five (45) days of submission of the application to the Town or such longer period as may be authorized by the Board, the Board may take final action without said recommendation.

The Reviewing Bodies may attach such approval conditions, in addition to those otherwise specifically listed, that it deems necessary to further the intent and purpose of this Ordinance, with violation of any of these approval conditions so deemed a violation of this Ordinance in accordance with Sec. 5-6 (2) herein.

**4-2(4) Issuance or denial notification.**

The Reviewing Bodies shall issue the applicable permit, license, or necessary documentation to the applicant if the zoning and land use activity application is approved or approved with conditions, or shall notify the applicant, with findings, if the application is denied, all in accordance with the specific standards and requirements for individual zoning and land use activities identified in Sec. 4-3 (1) – (10) of this Ordinance. The Reviewing Bodies shall only issue the applicable permit, license, or necessary documentation after all required approvals and permits have been issued by Rock County, the State of Wisconsin, any applicable federal government agency or department, or any other applicable government unit. All applicable zoning and land use activity information may be supplied by the Town to the Rock County Planning, Economic & Community Development Agency for data and record-keeping, upon mutual agreement between the Town and the Agency.

**SEC 4-3. SPECIFIC STANDARDS AND REQUIREMENTS**

The following specific standards and requirements are applicable to individual zoning and land use activities identified in Sec. 4-1 (1) – (10) of the Ordinance:

- 4-3(1) **Zoning (building site) permit.** A zoning (building site) permit shall be required if a specified building, to include residences and other principal buildings, is proposed for location or construction on a lot, for any residential or other principal building addition or alteration, or for any earth disturbing activity in accordance with the procedure identified in the following, (A) – (F) (*Note: The Town has delegated authority to administer said procedure to the Rock County Planning, Economic & Community Development Agency, in accordance with Appendix D – Land Division and Development Activities Memorandum of Agreement – Town of Porter and Rock County Planning, Economic and Community Development Agency.*).
- (A) **Application submittal.** An applicant shall submit to the Rock County Planning, Economic and Community Development Agency a *Town of Porter Zoning (Building Site) Permit Application* or similarly named document, as available at the office of the Town Clerk or said Agency and on the Town or said Agency website, an application fee as determined by Board Resolution, all in accordance with Sec. 4.5 (1) of *Appendix D – Land Division and Development Activities Memorandum of Agreement – Town of Porter and Rock County Planning, Economic and Community Development Agency* herein (hereafter “Appendix D”), and a building site plan in accordance with Sec. 4.4 (1) of said Appendix D.
  - (B) **Application review.** A designee of the Rock County Planning, Economic & Community Development Agency shall review an application for a zoning (building site) permit for compliance with this Ordinance and in accordance with Sec. 4.2 (2) (B) of this Ordinance and Sec. 4.5 (2) of Appendix D herein.
  - (C) **Action.** After review, a designee of the Rock County Planning, Economic & Community Development Agency shall approve, approve with conditions, or deny with findings a zoning (building site) permit application in accordance with Sec. 4.5 (3) of Appendix D herein.
  - (D) **Issuance or denial notification.** If a designee of the Rock County Planning, Economic & Community Development Agency approves or denies the application for a zoning (building site) permit, said permit shall be issued to the applicant, or the applicant shall be notified of denial, in accordance with Sec. 4.5 (4) of Appendix D herein.
  - (E) **Completion.** The applicant’s zoning (building site) permit obligations shall be fulfilled in accordance with Sec. 4.5 (5) of Appendix D herein.
  - (F) **Extension.** If (E) of this Sec. is not completed within twelve (12) months of issuance of the zoning (building site) permit to the applicant by a designee of the Rock County Planning, Economic & Community Development Agency, a permit extension shall be required if the applicant wishes to complete permit obligations, in accordance with Sec. 4.5 (6) of Appendix D herein.
- 4-3(2) **Building permit.** A building permit shall be required for specified building location, construction, addition, and alteration, and uses of land, water, and air, in accordance with the procedure identified in the following.
- (A) **Required.** A building permit shall be required for all of the following:
    - (1) Construction, movement, or structural alteration of a building or other specified structure that changes the building/structure’s use or increases its floor area, not to include any building less than one hundred and fifty-one (151) square feet in surface area;
    - (2) Repair or alteration of fifty percent (50%) percent or more of a building or other specified structure’s fair market value, if said building/structure has been destroyed;

- (3) Update of any building or other specified structure's electrical wiring;
  - (4) Construction of any swimming pool intended for year-round use or new tower, or collocation: class II;
  - (5) Substantial alteration of an existing land use;
- (B) **Not required.** A building permit shall not be required for any of the following:
- (1) Construction, movement, or structural alteration of a building less than one hundred fifty-one (151) square feet in surface area, provided such building conforms to all building setback line and lot cover requirements in accordance with Sections 3-2 and 3-3 of this Ordinance;
  - (2) Any improvement or alteration to an existing building or other specified structure where the materials and labor will be at a cost of five thousand dollars (\$5,000.00) or less, with said improvement/alteration not entailing a structural change, a land use change, or encroachment into front, rear, or side-yards, or failure to meet lot cover requirements, per Sections 3-2 and Sec. 3-3 of this Ordinance;
  - (3) Maintenance repairs to a building or other specified structure that do not entail a structural change;
- (C) **Application submittal.**
- (1) If a building permit is required, in accordance with Sec. 4-3 (2) (A) of this Ordinance, an applicant shall submit to the Town a *Town of Porter Building Permit Application* or similarly named document, as available at the office of the Town Clerk and on the Town's website, an application fee as determined by Board Resolution (not to exceed five hundred dollars (\$500.00) or other monetary amount as set by Sec. 66.0404 (4) (d), Wisconsin Statutes for collocation: class II), and all of the following, (a) – (b), if applicable:
    - (a) Building site plan in accordance with Sec. 4-4 (1) of Appendix D of this Ordinance;
    - (b) Building plan in accordance with State of Wisconsin Uniform Dwelling Code;
  - (2) The Building Inspector shall provide written notice to the applicant as to the completeness of any collocation: class II building permit application within ten (10) days of receipt of said application by the Town. If the application is deemed incomplete by the Building Inspector, said notice shall specifically describe additional application materials required by the Town.
  - (3) If the applicant is to provide additional application information, per the written notice identified in (2) of this Sec. and the applicant provides said additional information to the Building Inspector, the Building Inspector shall then provide another written notice to the applicant, within ten (10) days of receiving said information, that the application is complete.
- (D) **Application review.** The Building Inspector shall review an application for a building permit for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) this Ordinance.

- (E) **Action.** After review, the Building Inspector shall approve, approve with conditions, or deny with findings a building permit application within ten (10) business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Building Inspector within the aforementioned time period, the application shall be deemed approved by the Building Inspector.
- (F) **Issuance or denial notification.**
- (1) If the building permit application is approved or approved with conditions, the Building Inspector shall issue a building permit to the applicant within ten (10) business days of receipt of the application by the Town. A building permit card shall be issued as part of the permit and shall be displayed at a prominent location on the building site, driveway, or adjacent public road. One (1) copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within ten (10) business days of said action.
- (2) No building permit shall be issued for construction of a new residence until a driveway is permitted and constructed in accordance with Sec. 4-3 (3) of this Ordinance, except in those instances where the final application of gravel or other approved surface on the driveway may occur after building permit issuance and after heavy equipment needed for new residence construction will no longer be utilizing the driveway.
- (G) **Completion.** The applicant's building permit obligations shall be fulfilled only if all of the following, (1) and (2), have been met within twelve (12) months of issuance of the permit:
- (1) Construction, addition, or alteration of all buildings identified in the building plan are substantially completed;
- (2) All stormwater management, erosion control, landscaping, and final grading activities over which the Town has review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed;
- (H) **Extension.**
- (1) If Sec. 4-3 (2) (G) of this Ordinance is not completed within twelve (12) months of issuance of the building permit to the applicant by the Building Inspector, a permit extension shall be required if the applicant wishes to complete permit obligations.
- (2) The applicant shall request a building permit extension from the Building Inspector and the Building Inspector shall issue said extension only if all of the following have been met:
- (a) Applicant requests the extension at least thirty (30) days before the date which the permit is to expire;
- (b) Applicant provides to the Building Inspector reasonable information regarding the need for the extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the building plan has or is reasonably expected to occur during the duration of the extension;
- (c) The Building Inspector reviews the information per (b) of this Sec., finds the information sufficient, and approves the extension;

- (3) A building permit extension may not exceed six (6) months unless the Building Inspector approves an additional extension on a month-to-month basis, at the request of the applicant.

4-3(3) **Driveway permit.**

- (A) A driveway permit shall be required for any construction, improvement, or modification of a driveway (not to include a field road) providing access to a local (Town) road, with only one (1) driveway allowed per lot, with the exception of a lot on which a two-family residence or multi-family residence is located, if the design of the residences or the lot's physical characteristics warrant additional driveways. A driveway shared by two (2) or more lots may be required to provide access to any lots without an existing driveway and shall be built on the shared lot line.
- (B) Any construction, improvement, or modification of a driveway shall be in accordance with the procedure identified in the following.
  - (1) **Application submittal.** An applicant shall submit to the Town a *Town of Porter Driveway Permit Application* or similarly named document, as available at the office of the Town Clerk and on the Town's website, an application fee as determined by Board Resolution, and all of the following:
    - (a) Engineer's Plan prepared by a licensed engineer, if any of the following, a – c., apply:
      - (1) Driveway construction, improvement, or modification will disturb land with a slope of twenty-five percent (25%) or greater;
      - (2) Driveway construction, improvement, or modification activity requires a retaining wall or other special erosion control measure as determined by the Town;
      - (3) The Town requests a plan;
    - (b) If an Engineer's Plan is required in accordance with (a) of this Sec., said Plan shall consist of a map drawn at a convenient scale and containing all of the following:
      - (1) The location of the driveway or the segment of driveway that requires an Engineer's Plan;
      - (2) The slope of the driveway showing no segment exceeding thirteen percent (13%);
      - (3) The location and structure of any retaining walls;
      - (4) The location and size of any culverts;
      - (5) A cross-section of the driveway;
      - (6) Required mulching, matting, or other erosion control;
      - (7) The Engineer's name, address, and signature and a statement from said Engineer that he/she has fully complied with all provisions of this Ordinance;

- (c) Construction Plan for all segments of the driveway construction, improvement, or modification not covered by an Engineer's Plan, with said Plan consisting of a map drawn at a convenient scale and clearly identifying the lot lines, right-of-way, driveway, slope, soil, and any other information required by the Town;
  - (d) Stormwater Management and Erosion Control Plan in accordance with Sec. 4.107, County Land Division and Management Ordinance and Sec. 321.125, Wisconsin Administrative Code, if required by the Town;
- (2) **Application review.**
- (a) The Zoning Administrator or Building Inspector shall review an application for a driveway permit for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) of this Ordinance. As part of the application review process, the Zoning Administrator or Building Inspector and one (1) Board member, or two (2) Board members, shall visit the site identified in the application.
  - (b) The driveway identified in the Construction or Engineer Plan shall meet the all of the following:
    - (1) Make the least amount of impact as feasible on agricultural land, and no driveway shall be approved if the Town finds the driveway will adversely impact productive agricultural land with the exception that if the Town determines the driveway is necessary to enhance the agricultural productivity of lots adjacent to that being served by the driveway, with said lot(s) capable of producing at least six thousand (\$6,000) of gross farm income annually;
    - (2) Adequate visibility of oncoming traffic at the point where the driveway adjoins the road, with an object three and one-half (3.5) feet in height visible when viewed from the same height at said point, for speeds and distances identified in **Figure VII** as contained herein.
    - (3) Adequate measures to ensure appropriate drainage and prevention of diversion of surface water onto the adjoining road and/or other property, to include all of the following:
      - (a) A ditch with the center of said ditch a minimum of twelve (12) feet from the road centerline;



**Figure VII**

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

at least fifteen (15) inches in diameter at the ditch line where the driveway adjoins the road, a minimum culvert length of twenty (20) feet, and endwalls;

(c) A driveway surface that is level or lower than the adjoining road, with said surface containing a slight dip across the entire width of the driveway (located on the side of the culvert opposite the road), where the driveway adjoins the road;

(d) Roadway crowning;

(4) A minimum finished surface width of fourteen (14) feet, and horizontal clearance of twenty-four (24) feet, and vertical clearance of fourteen (14) feet for any driveway greater than 100 (one hundred) feet in length, and a minimum finished surface width of twenty-four (24) feet at the point where the driveway adjoins the road for all driveways, with no concrete surface to be placed in the road right of way;

(5) A minimum of four (4) foot side slope on each side of the driveway and a maximum slope of one (1) foot of vertical rise for each four (4) feet of horizontal distance, calculated as twenty-five percent (25%) slope;

(6) Side banks constructed using earthen materials and graded to a slope of no more the one (1) foot of vertical rise for each three (3) feet of horizontal distance, calculated as thirty-three percent (33%) slope, not to include any driveways for which retaining walls and/or other erosion control measures are installed as specified in an approved Engineer’s Plan as identified in Sec. 4-3 (3) (B) (1) (a) of this Ordinance;

(7) The driveway edge, at the centerline of the roadway ditch, located no closer than twenty (20) feet from the edge of another driveway, and the driveway edge or culvert located no closer than five (5) feet from any lot line, unless such driveway is jointly used by the adjoining landowners, pursuant to an easement or other document recorded with the Rock County Register of Deeds;

(8) An inside radius of no less than thirty-six (36) feet on all driveway curves;

- (9) All-weather access or hard pavement with at least six (6) inches of two (2) inch rock on the driveway bed, covered with two (2) inches of three-fourths ( $\frac{3}{4}$ ) inch gravel, with any portion of the driveway within the road right-of-way required to be asphalt (This provision may be modified if the applicant can show that a suitable roadbed base exists.);
  - (10) For driveways greater than four hundred (400) feet in length, a turnaround within fifty (50) feet of all building sites, with said turnaround having a minimum fifty (50) foot radius, or an “in-back-out” of at least ninety (90) degrees and fifty (50) feet in length;
  - (11) For driveways greater than four hundred (400) feet but less than eight hundred (800) feet in length, a turnout near the driveway’s midpoint, and in those instances where a driveway exceeds eight hundred (800) feet, turnouts shall be provided no more than four hundred (400) feet apart;
- (c) Sec 4-3 (3) (B) (2) (b) of this Ordinance may be waived or modified by the Town if the standards and requirements identified therein are deemed by the Town as imposing an unnecessary hardship on the applicant. Any request by an applicant for a waiver or modification to said standards and requirements shall accompany the initial driveway permit application and shall state the reason for the request;
- (3) **Action.** After review, the Zoning Administrator or Building Inspector shall approve, approve with conditions, or deny with findings a driveway permit application within ten (10) business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Zoning Administrator or Building Inspector within the aforementioned time period, the application shall be deemed approved by the Zoning Administrator or Building Inspector.
- (4) **Issuance or denial notification.**
- (a) If the driveway permit application is approved or approved with conditions, the Zoning Administrator or Building Inspector shall issue a driveway permit to the applicant within ten (10) business days of receipt of the application by the Town. One (1) copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within ten (10) business days of said action.
  - (b) Approval of a driveway permit application and issuance of a permit by the Town does not constitute a determination that the driveway is safe, suitable for use, or otherwise passable for the public. No person may rely on approval of an application or issuance of a permit to determine that a driveway is fit for any purpose.
  - (c) All driveways within the Town are private and shall not be considered a public road. No private driveway may be dedicated to the public without acceptance and approval by the Board and the Town shall not be responsible for maintenance, upkeep, or repair of any such driveway not so dedicated, accepted, and approved.

(5) **Completion.**

- (a) The applicant's driveway permit obligations shall be fulfilled only if all of the following, a. and b., have been met within twelve (12) months of issuance of the permit:
- (1) Construction, improvement, or modification of any driveway identified in the Engineer's Plan, in accordance with Sec. 4-3 (3) (B) (1) (a) of this Ordinance, and/or the Construction Plan, in accordance with Sec. 4-3 (3) (B) (1) (b), of this Ordinance are substantially completed;
  - (2) All stormwater management, erosion control, landscaping, and final grading activities over which the Town has review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed;
- (b) The applicant shall notify the Zoning Administrator or Building Inspector within thirty (30) days of completion of driveway construction, improvement, or modification. The Zoning Administrator or Building Inspector and (1) Board member, or two (2) Board members, shall conduct an inspection of the driveway within thirty (30) days of said notification to ensure compliance with the application and this Ordinance;
- (c) If surface runoff, accumulating debris, or other conditions created by driveways or field roads obstruct or become a potential hazard to a public road, the Town shall notify the property owner of such condition as a violation of this Ordinance in accordance with Sec. 5-6 32) of this Ordinance. Any property owner failing to correct such conditions within thirty (30) days of notice by the Town shall be subject to the penalties described in Sec. 5-6 (6) of this Ordinance.
- (d) All specified erosion control measures, including retaining walls, ditching, culverts, crowning, mulching, matting, and bank seeding, shall be implemented immediately after driveway construction, modification or alteration begins. For any driveway construction, modification, or alteration that begins in winter months, adequate erosion control measures must be implemented within thirty (30) days of beginning construction, modification, or alteration and shall remain in place until other specified erosion control measures are available.
- (6) **Extension.** If Sec. 4-3 (3) (B) (5) of this Ordinance is not completed within twelve (12) months of issuance of the driveway permit to the applicant by the Zoning Administrator or Building Inspector, a driveway permit extension shall not be made available to the applicant and the applicant shall be required to resubmit a driveway permit application, in accordance with Sec. 4-3 (3) (A) (1) of this Ordinance, if the applicant wishes to complete permit obligations.

4-3(4) **Sign permit.** A sign permit shall be required for location or construction of specified signs in the Town, in accordance with the procedure identified in the following:

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

- (B) **Not required.** A sign permit shall not be required for any of the following signs located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered:
- (1) **Signs over show windows or doors.** Any sign of a business establishment identifying only the name and occupation of the proprietor, placed over show windows or doors and not to exceed twenty (20) square feet;
  - (2) **Agricultural signs.** Any unlighted sign pertaining to the sale of agricultural products on a farm, produced on the premises and not requiring outside processing before they are offered for sale, or an unlighted sign pertaining to membership in agricultural or agricultural-related organizations, limited to two (2) signs with each sign face totaling not more than thirty-two (32) square feet;
  - (3) **Real estate signs.** Any sign which advertise the sale, rental, or lease of the premises upon which said sign is temporarily located, not to exceed thirty-two (32) square feet;
  - (4) **Name, occupation, home office, or home occupation signs.** Any sign identifying information pertaining to a home office or home occupation, not to exceed four (4) square feet, located on the premises and limited to one (1) sign per lot, and not closer than fifty (50) feet between signs;
  - (5) **Bulletin boards of public, charitable, or religious institutions.** Any sign identifying information pertaining to a public, charitable or religious institution and located on the premises, not to exceed sixteen (16) square feet;
  - (6) **Memorial signs.** Any sign containing a tablet, building name, or construction date when cut into any masonry surface or when constructed of metal and affixed flat against a building or other structure;
  - (7) **Official signs.** Any sign identifying official governmental information, traffic control, information, or notices, or parking restrictions;
  - (8) **Political signs.** Any sign promoting a candidate running for elected public office, not to exceed thirty-two (32) square feet, with said signs not to be placed in the road right-of-way or set up prior to thirty (30) days before election day, and removed within five (5) days after said election;
  - (9) **Temporary signs or banners.** Any sign placed and removed on the same day;
- (C) **Application submittal.** An applicant shall submit to the Town a *Town of Porter Sign Permit Application* or similarly named document, as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board Resolution.
- (D) **Application review.** The Zoning Administrator or Building Inspector shall review an application for a sign permit for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) of this Ordinance.
- (E) **Action.** After review, the Zoning Administrator or Building Inspector shall approve, approve with conditions, or deny with findings a sign permit application within ten (10) business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Zoning Administrator or Building Inspector within the aforementioned time period, the application shall be deemed approved by the Zoning Administrator or Building Inspector.

(F) **Issuance or denial notification.**

- (1) If a sign permit application is approved or approved with conditions, the Zoning Administrator or Building Inspector shall issue a sign permit to the applicant within ten (10) business days of receipt of the application by the Town. One (1) copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within ten (10) business days of said action.
- (2) Before a sign permit is issued, at the discretion of the Town, the applicant shall execute a bond or provide a letter of credit or cash deposit in a sum to be determined by the Town, not to exceed twenty-five thousand dollars (\$25,000), with the form and type approved by the Town Attorney, indemnifying the Town against all loss, cost damages, or expense incurred or sustained by or recovered against the Town by reason of the erection, construction, or maintenance of a sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin and conforming to the requirements of this Sec. may be allowed by the Town Attorney in lieu of a bond, letter of credit, or cash deposit.

4-3(5) **Demolition permit.** A demolition permit shall be required if a building or other specified structure is proposed for demolition in accordance with the procedure identified in the following:

- (A) **Application submittal.** An applicant shall submit to the Town a *Town of Porter Demolition Permit Application* or similarly named document, as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board Resolution.
- (B) **Application review.** The Zoning Administrator or Building Inspector shall review an application for a demolition permit for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) of this Ordinance.
- (C) **Action.** The Zoning Administrator or Building Inspector shall approve, approve with conditions, or deny with findings a demolition permit application within ten (10) business days of receipt of the application by the Town and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Zoning Administrator or Building Inspector within the aforementioned time period, the application shall be deemed approved by the Zoning Administrator or Building Inspector.
- (D) **Issuance or denial notification.** If the demolition permit application is approved or approved with conditions, the Zoning Administrator or Building Inspector shall issue a demolition permit to the applicant within ten (10) business days of receipt of the application by the Town. One (1) copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within ten (10) business days of said action.
- (E) **Completion.** The applicant's demolition permit obligations shall be fulfilled only if the demolition activity identified in the demolition permit application, in accordance with Sec. 4-3 (5) (A), is completed within six (6) months of issuance of the permit;
- (F) **Extension.** If (E) of this Sec. is not completed within six (6) months of issuance of the demolition permit to the applicant by the Zoning Administrator or Building Inspector, a demolition permit extension shall not be made available to the applicant and the applicant shall be required to resubmit a demolition permit application, in accordance with Sec. 4-3 (5) (A) of this Ordinance, if the applicant wishes to complete permit obligations.

- 4-3(6) **Conditional use permit.** A conditional use shall be allowed only after approval by the Town and issuance of a conditional use permit (hereafter “CUP”), in accordance with the procedure identified in the following:
- (A) **Application submittal.** An applicant shall submit to the Town a *Town of Porter Conditional Use Permit Application* or similarly named document, as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board Resolution.
- (1) **Livestock facility.** A livestock facility conditional use permit application shall be subject to all of the following [*Note: All definitions as contained in ATCP 51 and applicable to a livestock facility CUP application and CUP as identified herein are hereby incorporated by reference.*]:
- (a) Compliance with both of the following:
- (1) Sec. 93.90, Wisconsin Statutes and Sec. ATCP 51, Wisconsin Administrative Code, including any applicable forms;
- (2) Building setback lines as identified in this Ordinance when said lines are consistent with Sec. ATCP 51, Wisconsin Administrative Code;
- (b) All animal waste management facilities and waste management plans, per the Rock County Animal Waste Management Ordinance;
- (c) A Stormwater Management and Erosion Control Plan, per the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance;
- (d) An applicant statement as to the maximum number of animal units that will be housed at the facility at one time;
- (e) Confirmation from the Rock County Planning, Economic, and Community Development Agency that they have reviewed the facility site and said site is not located in the County’s Shoreland and Wetland Zoning District;
- (f) The applicant shall provide four (4) copies of all State mandated application materials to the Town, in accordance with Sec. ATCP 51.30, Wisconsin Administrative Code, and an application fee as determined by Board resolution but not to exceed one thousand dollars (\$1,000.00) or other monetary amount, as set by said Sec. The Zoning Administrator shall provide written notice to the applicant as to the completeness of the application within forty-five (45) days of receipt of said application by the Town. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Town.
- (g) If the applicant is to provide additional application information, per the written notice identified in (f) of this Sec. and the applicant provides said additional information to the Zoning Administrator, the Zoning Administrator shall then provide another written notice to the applicant, within fourteen (14) days of receiving said information, that the application is complete.

- (h) Within fourteen (14) days of notification to the applicant that the application is complete, the Town shall notify all landowners adjacent to the lands identified in the application, in accordance with Sec. ATCP 51.30 (6), Wisconsin Administrative Code. The notice shall be in a form as contained in said Sec. and mailed by first class to each of the aforementioned landowners.
  
- (2) **Animal units/livestock animal units (non-livestock facility).** An animal units/livestock animal units (non-livestock facility) conditional use permit application shall be subject to all of the following:
  - (a) Compliance with both of the following:
    - (1) Sec. NR 151, Wisconsin Administrative Code, including any applicable forms;
    - (2) All applicable building and/or property setback lines as identified in this Ordinance when said lines are consistent with Sec. NR 151, Wisconsin Administrative Code;
  - (b) All animal waste management facilities and waste management plans, per the Rock County Animal Waste Management Ordinance;
  - (c) A Stormwater Management and Erosion Control plan, per the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance;
  - (d) An applicant statement as to the maximum number of animal units that will be housed at the facility at one time;
  - (e) Confirmation from the Rock County Planning, Economic, and Community Development Agency that they have reviewed the facility site and said site is not located in the County's Shoreland and Wetland Zoning District;
  
- (3) **Manure irrigation.** A manure irrigation conditional use permit shall be subject to both of the following:
  - (a) Submittal of an emergency response plan;
  - (b) Confirmation of the following:
    - (1) All liquid animal waste byproducts (manure) have been analyzed by a DATCP certified lab to determine limiting nutrient (nitrogen or phosphorus);
    - (2) The system shall not deliver any limiting nutrient (N-P) in excess of the crop needs identified in the nutrient management plan for any given year, under any conditions;
    - (3) End guns shall not be utilized on any proposed center pivot irrigation system;
    - (4) Only low pressure nozzles on drop tubes will be used to reduce odor and drift;
    - (5) Drop tubes shall be as close to ground surface as practicable;

- (6) Droplet size shall be greater than two hundred (200) µm mean diameter to minimize aerosolization and drift;
- (7) Applications shall be limited from late morning through early afternoon as odors disperse better when temperatures are rising;
- (8) All wind conditions shall be monitored, with pivot systems shut down when wind direction can impact neighbors;
- (9) Adherence to NR 445 Standards - Hazardous Air Pollutants;
- (10) No more than ten thousand (10,000) gallons per acre day shall be dispersed through the system;
- (11) No runoff or ponding shall occur during application period and twenty-four (24) hours after application has been completed;
- (12) The center pivot irrigation area shall not include any floodplain (NR 116), wetland, surface water quality management area, or direct conduits to groundwater (NR 243);
- (13) All applications shall only occur during period when biological processes are most active in the soil, June through late August;
- (14) The system shall not be run the day of or day after a rain event or until the soils are not considered saturated, as defined in NR 243;
- (15) Groundwater monitoring wells shall be installed if applicable;
- (16) A traveling gun manure application system shall not be approved under any conditions;

(4) **Wind turbine.** A wind turbine conditional use permit application shall require all of the following:

- (a) A building site plan in accordance with Sec. 4-4 (1) of Appendix D of this Ordinance and building plan in accordance with State of Wisconsin Uniform Dwelling Code, to include identification of fencing and other anti-climbing devices;
- (b) Identification of and compliance with all applicable Town, County, state, and federal construction codes, and all applicable utility regulations regarding interconnection and operation of interconnected systems;
- (c) A process for turbine removal if/when turbine use ceases;
- (d) Soil test data if the Town determines said data necessary to determine the adequacy of design;

(5) **Tower and antenna – New siting and construction or collocation: class I.** A tower and antenna – new siting and construction or collocation: class I. conditional use permit application shall be subject to all of the following:



- (a) The applicant shall submit a building site plan in accordance with Sec. 4-4 (1) of Appendix D of this Ordinance and building plan in accordance with State of Wisconsin Uniform Dwelling Code;
- (b) The applicant shall submit a report from a qualified and licensed professional engineer, with said report to include all of the following:
  - (1) A plan for County-wide coverage of the provider’s antenna locations for existing and proposed towers, containing all of the following information:
    - (a) Tower height and design, including a cross section and elevation;
    - (b) Location of tower and support structure(s), equipment buildings, security structures, vegetation, lot lines, access road(s), and other significant features;
    - (c) Height above grade for all potential mounting positions and collocated antennas and minimum separation distances between antennas;
  - (2) A site plan containing all of the following information:
    - (a) Tower capacity, including the number and type of antennas it can accommodate;
    - (b) Steps the applicant will take to avoid interference with established public safety telecommunications;
    - (c) Proof the proposed tower/antenna complies with the regulations set forth by the Federal Aviation Administration (FAA) and Federal Communications Commission (FCC);
    - (d) Proof provided by a qualified and licensed professional engineer that the tower/antenna meets all applicable structural and electrical standards and requirements;
    - (e) Engineer’s stamp and registration number;
- (c) An application fee as determined by Board resolution, but not to exceed three thousand dollars (\$3,000.00) or other monetary amount as set by Sec. 66.0404 (4) (d), Wisconsin Statutes.
- (d) The Zoning Administrator shall provide written notice to the applicant as to the completeness of the application within five (5) days of receipt of said application by the Town. If the application is deemed incomplete by the Zoning Administrator, said notice shall specifically describe additional application materials required by the Town.
- (e) If the applicant is to provide additional application information, per the written notice identified in (d) of this Sec. and the applicant provides said additional information to the Zoning Administrator, the Zoning Administrator shall then provide another written notice to the applicant,

within ten (10) days of receiving said information, that the application is complete.

**(B) Application review.**

- (1) Upon receipt of the CUP application from the applicant, the Town Clerk shall provide notification by postal mail to the parties of interest, and all land owners and the clerk of any local government unit within five hundred (500) feet of the lot identified for the conditional use in the application, and shall publish a Class 2 Legal Notice, in accordance with Sec. 985, Wisconsin Statutes, listing the time and place of a public hearing at which the CUP application will be reviewed by the Commission, and the proposed conditional use and its location, with said postal mail notification post marked ten (10) days prior to said hearing.
- (2) The Commission, or Committee when applicable, shall review a CUP application for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) of this Ordinance at a public hearing.
  - (a) **Agricultural-Exclusive (A-E) zoning district.** The Commission shall review all CUP applications in the Town’s A-E zoning district to ensure said application meets all of the following:
    - (1) The use identified in the application and its location are consistent with the purpose and intent of the A-E zoning district as identified in Sec. 3-3 (1) (A) of this Ordinance;
    - (2) The use identified in the application supports in direct and significant ways, or will not conflict with or substantially impair or limit, existing or future agricultural uses of the lot on which the conditional use is proposed or agricultural uses on adjacent or proximate lands;
    - (3) The use identified in the application and its location in the A-E zoning district are reasonable and appropriate, considering alternate locations, or are specifically approved under state or federal law;
    - (4) The use identified in the application is one that is most suitable in the A-E zoning district, after review of the availability and suitability of locating the use in another zoning district;
    - (5) The use identified in the application is reasonably located and designed to minimize conversion of land, at and around the use site, from agricultural or open space uses;
    - (6) The use identified in the application is located on that portion of a lot which contains the poorest quality agricultural soils or that portion which would be the least productive for agricultural uses, with the use located as close as possible to other non-agricultural uses, all if feasible;
    - (7) The use identified in the application is designed in a manner to ensure construction damage to land remaining in agricultural use will be minimal and repaired to the extent feasible;

- (8) If the application is for a non-metallic mining use, said use shall be in compliance with all of the following:
  - (a) Sub-chapter I of Sec. 295, Wisconsin Statutes and rules promulgated under said sub-chapter;
  - (b) Applicable provisions of *Chapter 4 – Subchapter 2 – Part 10 – Non-Metallic Mining Reclamation, Code of Ordinances, Rock County*, including restoration of the affected land after the non-metallic mineral mining operation is completed to a condition suitable for agricultural use, according to a written restoration plan;
  - (c) Any applicable standards and requirements of the Wisconsin Department of Transportation concerning the restoration of non-metallic mineral use sites;
  
- (b) **Historic Conservation (HC) zoning district.** The Commission shall review all CUP applications in the Town’s HC zoning district to ensure said application meets all of the following:
  - (1) The height of all new or altered buildings should be visually compatible with the buildings and environment with which they are visually related;
  - (2) The gross volume of all new or altered buildings should be visually compatible with the buildings and environment with which they are visually related;
  - (3) The street elevation of all new or altered buildings should have a proportion between the width and height in the facade that is visually compatible with the buildings and environment with which they are visually related;
  - (4) The proportion and relationship between doors and windows in the street facade of new or altered buildings should be visually compatible with the buildings and environment with which they are visually related;
  - (5) The rhythm of solids to voids created by openings in the street façade of new or altered buildings should be visually compatible with the buildings and environment with which they are visually related;
  - (6) The existing rhythm created by building masses and spaces between them should be preserved;
  - (7) Materials used in new and altered building facades, and the texture thereof, should be visually compatible with the buildings and environment with which they are visually related, and said façade should blend in with other buildings via directional expression. When adjacent buildings have a dominant horizontal or vertical expression, this expression should be carried over and reflected.

- (8) Roof design of any new or altered building should be visually compatible with the buildings and environment with which they are visually related;
  - (9) The landscape plan, if applicable, should be sensitive to the individual building, its occupants and their needs, and visually compatible with the buildings and environment with which it is visually related;
  - (10) Architectural details should be incorporated as necessary to relate new or altered building with existing buildings and the environment with which they are visually related;
  - (11) Existing historical and architectural features and details should be retained and missing features and details should be restored whenever possible in new or altered buildings;
- (c) **Livestock facility, animal unit/livestock animal unit (non-livestock facility), and manure irrigation.** The Rock County Land Conservation Department and Commission shall review all livestock facility, animal unit/livestock animal unit (non-livestock facility), and manure irrigation CUP applications to ensure said application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the application meets or is exempt from all standards and requirements identified in this Ordinance.
- (d) **Tower and antenna– New siting and construction or collocation: class I.** The Commission shall review all tower and antenna – new siting and construction or collocation: class I CUP applications within ninety (90) days of receipt of a complete application in accordance with Sec. 4-3 (6) (A) (5) of this Ordinance, to ensure said application meets all of the following:
- (1) Siting and construction of towers and antennas, and necessary associated buildings, structures, and equipment (hereafter collectively “appurtenances”), shall balance the federal interest (Sec. 704 Telecommunications Act of 1996) regarding telecommunications towers and antennas with the Town interest in regulating land uses within its borders, and the purpose and intent of this Ordinance as stated in Sec. 1-3 herein;
  - (2) Siting and construction of towers, antennas, and appurtenances shall be done in a manner so as to protect other uses from the potential adverse impacts of said antennas, towers, and appurtenances, encourage collocation, minimize adverse visual impact through design, landscaping, visual screening and camouflaging techniques, consider the health and safety of antennas, towers, and appurtenances, and avoid potential damage to property or individuals due to tower/antenna mechanical failure;
  - (3) Siting and construction of towers, antennas, and appurtenances shall comply with all applicable Town, County, state, and federal building codes, as well as applicable standards for towers and antennas published by the Electronic Industries Association;

- (4) Siting and construction of towers, antennas, and appurtenances shall be in a manner so as to blend in, to the fullest extent possible, with the character of adjacent and proximate lands and not be “readily visible”, except as may be required by the Federal Aeronautics Administration or Federal Communications Commission;
- (5) Towers shall be monopole design unless engineering documentation is provided from a licensed professional engineer stating that such a design is not feasible, and in the event monopole design is not feasible, options for alternate tower designs shall be brought before the Commission for approval, with towers utilizing guy wires only not allowed;
- (6) Towers shall be designed structurally, electronically, and in all respects to accommodate the applicant’s antenna and comparable antenna for up to two (2) additional uses, to allow for future rearrangement of antennas upon the tower, and to accept antennas mounted at varying heights;
- (7) Towers shall not be artificially lighted unless required by the Federal Aeronautics Administration or other applicable authority, and if lighting is required it shall be designed in a manner so as to cause the least amount of disturbance as possible to any affected viewshed or property owners;
- (8) Towers shall comply with the “Obstruction and Marking” requirements of the Federal Aeronautics Administration in cooperation with the Federal Communications Commission, and if “Dual Lighting Systems” are proposed for use, white strobe lighting only shall be utilized during daylight hours and red strobe lighting only shall be utilized during night hours;
- (9) No signs, other than warning or equipment information signs, shall be located on a tower;
- (10) Towers shall be setback from lot lines, easements, and streets (roads) a minimum of one hundred and five percent (105%) of the towers height, including antennas and lights. If any portion of a lot is being leased for the tower, the boundary of the leased area shall be considered the lot line. Appurtenances shall comply with the requirements of the zoning district in which they are located;
- (11) A tower’s minimum and maximum height shall be as follows:
  - (a) Monopole and self-support: Two hundred (200) to three hundred (300) feet;
  - (b) Monopole and guy wire: Three hundred one (301) feet or greater;
- (12) A tower shall be sited not less than five thousand two hundred and eighty (5,280) feet from another whether located in the Town or an adjacent local government unit, unless for reasons beyond the applicant’s control, such as unusual or unique topography, with

distances between towers measured by a straight line between the base of the towers;

- (13) Towers and antennas shall be shielded, filtered, and grounded in a manner consistent with Federal Communications Commission and the Electronic Industries Association guidelines so as to minimize the possibility of interference with locally-received transmissions, and tower owner/operators shall execute an agreement with the Town holding the Town harmless for any transmission or reception interference caused by a tower/antenna;
- (14) Appurtenances shall be placed underground if feasible given site conditions and screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and compliments the character of the surrounding area. The tower base and appurtenances shall be fenced with materials impervious to sight and secured so as to make the site inaccessible to the general public. Fencing shall not exceed six (6) feet in height and shall be painted or coated in non-reflective material;
- (15) The applicant shall demonstrate that the equipment planned for the proposed tower cannot be accommodated on an existing tower. The Town may determine that it is necessary to consult with a third party considering the feasibility of accommodating said equipment on an existing tower, with all reasonable costs and expenses associated with such consultation borne by the applicant. The applicant may provide names to the Town of qualified third party consultants. The consultant shall undertake due diligence and provide a report with sufficient data to substantiate all of the following:
  - (a) No existing towers are located within the geographic region required to meet the applicant's engineering requirements;
  - (b) Existing towers are not of sufficient height to meet the engineering requirements;
  - (c) Existing towers do not have the structural capacity to support the applicant's proposed equipment and the existing tower cannot be reinforced, modified, or replaced to accommodate said equipment at a reasonable cost;
  - (d) Locating new equipment on an existing tower would cause interference affecting the usability of the other existing or planned equipment at the tower or the existing equipment would cause interference with the applicant's proposed equipment and the interference cannot be prevented at a reasonable cost;
  - (e) The fees, cost, or contractual provisions required to share an existing tower are cost prohibitive;
- (16) Antennas mounted on buildings or structures not built specifically for the purpose of mounting said antennas shall meet all of the following:

- (a) No antenna, including all mounting structures, lights, and any additional equipment, shall exceed ten (10) feet above the roof surface upon which it is mounted;
  - (b) No more than four (4) non-reflective panel antennas shall be installed, with the total area of antennas per provider not to exceed one thousand four hundred forty (1,440) square inches and no single antenna to exceed four hundred eighty (480) square inches;
  - (c) All antennas and support buildings/structures shall be screened from view and architecturally compatible with the building or structure on which it is mounted;
  - (d) All equipment enclosures shall be located underground if site conditions permit, or located within the building/structure on which the antenna is mounted, and said equipment shall be architecturally compatible with the building/structure;
- (17) The tower owner shall offer space for additional antennas at current market rates, if co-location is undertaken;

**(C) Recommendation and action.**

- (1) **General.** After review, the Commission, for any CUP application other than a livestock facility application, shall take action after a public hearing and approve, approve with conditions, or deny with findings the application.

The Committee shall provide a recommendation to the Commission on any CUP application in the Historic Conservation (H-C) zoning district.

**(2) Livestock facility.**

- (a) After review, for a livestock facility CUP application only, the Commission shall take action after a public hearing no later than forty-five (45) days from the date which the applicant was notified that the application was complete, in accordance with Sec. 4-3 (6) (A) (1) (f) – (h) of this Ordinance, and recommend approval, approval with conditions, or denial with findings of the CUP application to the Board.
- (b) The Board shall review the livestock facility CUP application and the Commission’s recommendation after a public hearing scheduled no later than ninety (90) days from the date which the applicant was notified that the application was complete, in accordance with Sec. 4-3 (6) (A) (1) (f) – (h) of this Ordinance.
- (c) The Board shall take action after a public hearing and approve, approve with conditions, or deny with findings a livestock facility CUP application within ninety (90) days of submission of an application by the applicant to the Town. The Board shall issue its decision in writing, and the decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record under Sec. ATCP 51.36, Wisconsin Administrative Code. Findings may be based on presumptions created by said Sec. The Board may extend said ninety (90)

day period for good cause, including but not limited to either of the following:

- (1) The Board needs additional information;
- (2) The applicant materially modifies the application or agrees to an extension;

(d) If the Board extends the ninety (90) day period identified in (c) of this Sec., the Board shall provide written notice to the applicant prior to expiration of said period, with the notice stating the cause for extension and specifying the date by which the Board will take action on the application.

(3) **Tower and antenna: New tower siting and construction or collocation: class I.** After review, for a tower and antenna - new tower siting and construction or collocation: class I only, the Commission shall take action after a public hearing no later than ninety (90) days from the date which the applicant was notified that the application was complete, in accordance with Sec. 4-3 (6) (A) (5) (d) – (e) of this Ordinance, and approve, approve with conditions, or deny with findings the CUP application.

(D) **Issuance or denial notification.**

(1) If the CUP application is approved or approved with conditions, the Town shall issue a CUP to the applicant within ten (10) business days of the Town approval action. One (1) copy of the application review form, containing the Town action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant and the Rock County Planning, Economic & Community Development Agency within ten (10) business days of said action. One (1) copy of said form shall also be provided to DATCP within thirty (30) business days of said action for any livestock facility CUP application.

(2) **Livestock facility.** If a livestock facility CUP is approved in accordance with Sec. 4-3 (6) (C) (2) of this Ordinance, the CUP shall be subject to all of the following:

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

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

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

(b) The Town may conduct site inspections during and after construction to determine that all livestock buildings and waste storage structures are installed or closed as identified in the approved application. If an inspection is required, the Town will provide the permittee with written notice. Upon written notice and with the consent of the permittee, the



Town may enter upon the premises to inspect a livestock facility approved under Sec. 4-3 (6) (C) (2) of this Ordinance to determine compliance with the terms of the CUP so issued.

If permission cannot be granted from the permittee, entry by the Town shall be according to Sec. 66.0119, Wisconsin Statutes. Refusal to grant permission to enter lands as identified in the application in accordance with Sec. 4-3 (6) (A) (1) of this Ordinance for purposes of inspection shall be grounds for an order of non-compliance or for the denial, suspension, or revocation of a CUP.

- (c) The Board shall keep a complete written record of all information related to a livestock facility CUP application and retain said record for at least seven (7) years following any Board action of approval, approval with conditions, or denial with findings on the application, with said record to include all of the following:
  - (1) The application and all subsequent additions or amendments thereof;
  - (2) A copy of any notices or correspondence that any Town official issued in relation to the application;
  - (3) A record of any public hearing related to the application, in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a professional court reporter or stenographer, with said record also to include any documents or evidence submitted by hearing participants;
  - (4) Copies of any correspondence or evidentiary material that the Board considered in relation to the application;
  - (5) Minutes of any Board or Commission meeting held to consider or act on the application;
  - (6) The Board or Commission recommendation or action of approval, approval with conditions, or denial with findings in written form, and a copy of any Town ordinance, rule, regulation, or plan cited in said recommendation or action;
  - (7) Other documents the Town prepared to document its decision or decision-making process;
  
- (3) **Tower and antenna: New tower siting and construction or collocation: class I.** If a tower and antenna: new tower siting and construction or collocation: class I CUP application is approved in accordance with Sec. 4-3 (6) (B) (2) (d) of this Ordinance, the CUP shall be subject to all of the following:
  - (a) Prior to issuance of a tower and antenna CUP, the applicant shall provide to the Town all of the following:
    - (1) A performance bond in the amount of twenty thousand dollars (\$20,000.00) to guarantee that the tower/antenna and appurtenances will be removed when no longer in operation. The

Town will be named as obligee in the bond and must approve the bonding company.

- (2) Stipulation of submittal of a “Tower/Antenna Annual Information Review Report” (hereafter “Report”) on a form provided by the Town, on or before January 31 of each year. The purpose of the Report is to provide the Town with accurate current information concerning the tower/antenna owner(s) and provider(s) offering or providing wireless communication services within the Town, and information on the wireless communication tower facilities so operated or utilized, so as to assist the Town in administration and enforcement of this Ordinance and ensuring Town compliance with Town, Rock County, state and federal standards and requirements.
- (3) The Report identified in b. of this Sec. shall include all of the following:
  - (a) Tower/antenna owner and operator name(s), address(s), phone number(s), and relevant contact person(s);
  - (b) Proof of bond and proof of insurance;
  - (c) Number of collocation positions designated, occupied, or vacant in the Town, and evidence of compliance with this Ordinance.
- (b) Any tower/antenna not in operation for a continuous period of twelve (12) months shall be deemed abandoned. The Town shall provide said tower and antenna owner written notice requiring removal of the tower, antenna, and associated buildings and structures (hereafter collectively “appurtenances”) within ninety (90) days of receipt by the owner of said notice. If the owner wishes to resume tower or antenna use after the tower or antenna has been deemed abandoned, the owner shall apply for a new CUP in accordance with the application process identified in Sec. 4-3 (6) (A) (5) of this Ordinance. If a new tower and antenna CUP is denied in accordance with said application process, the tower or antenna owner shall remove the tower, antenna, and appurtenances within ninety (90) days of denial action, with the owner restoring the area on which the tower, antenna, and appurtenances were located to the manner existing prior to installation. If the tower, antenna, and appurtenances are not removed within said ninety (90) day period, they shall be removed by the Town at the owner’s expense. If a single tower is utilized by two (2) or more entities, this provision shall not become effective until all said entities cease operation.
- (c) All towers/antennas issued a CUP in accordance with this Sec. may be inspected annually by the Zoning Administrator to determine compliance with this Ordinance and any other applicable laws or regulations. Deviation from original construction parameters for which the CUP was issued shall constitute a violation in accordance with Sec. 5-6 (2) of this Ordinance.

(E) **Renewal or revocation.**

- (1) All CUP, other than those issued for a livestock facility or tower and antenna: new tower siting and construction or collocation: class I, shall be reviewed annually at a public meeting by the Commission for renewal, subject to compliance with all CUP standards and requirements. Said tower and antenna CUP shall be reviewed for renewal in accordance with Sec. 4-3 (6) (D) (5) (a) of this Ordinance.
- (2) A CUP, other than those issued for a livestock facility or tower and antenna: new tower siting and construction or collocation: class I, shall not be renewed if the Commission determines that the lot, building, or other structure for which the CUP was issued is not being used in compliance with the CUP standards and requirements or if the CUP is not actively utilized for a period of twelve (12) months. Non-renewal of any CUP by the Commission shall be done in accordance with the procedure identified in Sec. 4-3 (6) (D) (1) of this Ordinance. If a CUP is not renewed, the Commission shall require that use of said lot, building, or other structure be brought into compliance with all applicable provisions of this Ordinance within sixty (60) days of said determination. Failure of the property to be brought into compliance within said timeline shall constitute a violation in accordance with Sec. 5-6 (2) of this Ordinance.
- (3) The Board may suspend or revoke a livestock facility CUP, or seek other redress as provided in Sec. 5-6 (6) of this Ordinance, if the Board finds any of the following:
  - (a) The permittee materially misrepresented relevant information in the application or materially failed to honor relevant commitments made in the application without authorization from the Board;
  - (b) The permittee fails to either populate the facility or begin construction on all livestock buildings and waste storage structures identified in the application within two (2) years of issuance of the CUP;
  - (c) The livestock facility fails to comply with all applicable standards and requirements of this Ordinance;
- (4) A CUP runs with the land, and an owner of the land upon which a CUP has been issued may voluntarily surrender said CUP, whereupon the CUP shall terminate and no longer run with the land.

4-3(7) **Mobile home park license.** A license shall be required for location, construction, expansion, or operation of a mobile home park in accordance with the procedure identified in the following:

- (A) **Application submittal – Preliminary.** An applicant shall submit to the Town a *Town of Porter Mobile Home Park License Application* or similarly named document, as available at the office of the Town Clerk and on the Town website, a preliminary application fee as determined by Board Resolution, and a preliminary plan consisting of a topographic map at a convenient scale of not less than one (1) inch equals two hundred (200) feet, identifying the immediate and adjacent area in which the mobile home park is proposed at two (2) foot contour elevation, proposed lot layout and location, bounding roads, and buffer strips;
- (B) **Application review and action – Preliminary.** The Commission shall review an application for a mobile home park license for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) of this Ordinance at a public meeting. At this meeting, the Commission shall take action and preliminarily approve, approve with conditions, or deny with findings, the application. One (1) copy of the application review form containing the

Commission action shall be provided to the applicant within ten (10) business days of said action.

(C) **Application submittal – Final.** If the mobile home park license application is preliminarily approved or approved with conditions by the Commission in accordance with (B) of this Sec., the applicant shall submit a final mobile home park license application to the Town Clerk, consisting of an application fee as determined by Board Resolution and the following:

- (1) A Mobile Home Park – General Development Plan, to include all of the following:
  - (a) A certified survey map or sub-division plat showing existing features of the mobile home park lot;
  - (b) A complete plan of the mobile home park lot drawn at a convenient scale of not less than one (1) inch equals one hundred (100) feet;
  - (c) The number, location and dimensions of all mobile home lots;
  - (d) The location and width of streets, pedestrian ways, easements, building setback lines, planting strips, and recreation areas in the mobile home park lot;
  - (e) The location of automobile parking areas and accessory buildings, if applicable, in the mobile home park lot;
  - (f) The location and size of water, sanitary and storm sewers, electrical, telephone, fuel and television/internet cable service utility lines, if provided, in the mobile home park lot;
  - (g) Plans and specifications of all existing and proposed buildings and other structures within the mobile home park lot;

(D) **Recommendation and action – Final.**

- (1) The Commission shall take action after a public hearing and make a recommendation to the Board to approve, approve with conditions, or deny with findings the mobile home park license application after review in accordance with Sec. 4-3 (7) (B) and (C) of this Ordinance, with said action based on compliance with all of the following:
  - (a) Uses, values, and enjoyment of adjacent or proximate property for existing or proposed future uses shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance, or operation of the mobile home park;
  - (b) Adequate utilities, access roads, drainage and other necessary public improvements will be provided in the mobile home park;
  - (c) Adequate measures have been or will be taken to provide ingress or egress designed so as to minimize traffic congestion on any public road adjacent to the mobile home park;
- (2) The Board shall hold a public hearing and review the application based on the Commission’s recommendation and compliance with Sec. 4-2 (2) (B) of this

Ordinance. After the public hearing, the Board shall approve, approve with conditions, or deny with findings the mobile home park license application.

- (E) **Issuance or denial notification.**
- (1) One (1) copy of the mobile home park license application review form, containing the Board action, either approval, approval with conditions, or denial with findings, and the action date shall be provided to the applicant within ten (10) business days of said action.
  - (2) If the application is approved or approved with conditions the applicant shall undertake the following prior to issuance of the mobile home park license by the Town to the applicant:
    - (a) Record a certified survey map (hereafter “CSM”) or sub-division plat (hereafter “plat”) of the land identified in the mobile home park application with the Rock County Register of Deeds, subject to Sections 4.107, 4.112 (1) (a), and 4.113 (1) (a), County Land Division and Management Ordinance, with said CSM or plat containing the final plan as approved by the Board, identifying the land area to be included in the mobile home park, identifying and deeding to the Town those lands and easements specified in the approved final plan, and containing a statement that the land is to be developed pursuant to said plan and the license henceforth issued;
    - (b) Complete a zoning district change to SU on the land identified for the mobile home park in the application, in accordance with the procedure identified in Sec. 4-3 (8) of this Ordinance;
    - (c) Submit a credit or cash deposit to the Town to insure that all required public improvements will be made, at the Town’s discretion;
    - (d) Submit the mobile home park license fee to the Town, as determined by Board Resolution;
  - (3) Upon completion of 4-3 (7) (E) (2) of this Ordinance, the Zoning Administrator shall issue a mobile home park license to the applicant, allowing the applicant to develop the land according to the license. Mobile home park construction must commence within twelve (12) months of the date of said license issuance or the license shall become null and void.
- (F) **Duty of licensee.** The mobile home park license holder (hereafter “licensee”) shall submit a quarterly report to the Town containing the following information, (1) and (2), in a format determined by the Town:
- (1) Name of mobile home park and name and address of owner, agent, or operator;
  - (2) A tabulation of mobile home park occupancy, listing mobile home lot designation, use, occupant’s names, monthly tax, and arrival and departure date;
- (G) **Expiration and renewal.** All mobile home park licenses so issued in accordance with the procedure identified in 4-3 (7) (A) – (E) of this Ordinance are to expire annually on June 30<sup>th</sup> and shall be renewed prior to said date to remain in effect. The applicant shall submit an application to the Town each year for license renewal, subject to Board approval. The application for such license renewal shall be accompanied by a current Rock County

Health Department License, a current State of Wisconsin License, and a license renewal fee as determined by Board resolution.

- (H) **Transfer.** A transfer of any mobile home park license so granted under this Ordinance shall require an application, subject to review and approval by the Town in the same manner as an application for a license renewal as identified in Sec. 4-3 (7) (G) of this Ordinance.
- (I) **Notice of emergency and revocation.** If the Town finds an emergency exists which requires immediate action to protect the public health, safety and/or general welfare, the Town may, without notice or public hearing, issue an order reciting the existence of such emergency and suspend a mobile home park license to adequately meet the demands of the emergency. Said order shall be in writing, shall be notwithstanding any other provisions of this Ordinance, and shall be effective immediately. All mobile home park license holders to which the order is directed shall comply with said order immediately or the mobile home park license shall be subject to revocation.

A mobile home park license is also subject to revocation by the Town, in accordance with Sec. 66.058 (2) (d), Wisconsin Statutes, if the mobile home park is found in violation of this Ordinance and said violation is not rectified by the license holder, all in accordance with Sec. 5-6 herein.

4-3(8) **Zoning district change and new lot creation in A-E or A-CE zoning district.** The Board may, by Ordinance, change the zoning district designation of a lot/outlot as initiated by the Board, the Commission, or by a zoning district change application submitted by the lot/outlot owner(s) or an applicant, subject to review and approval by the Town in accordance with the procedure identified in the following:

- (A) **Application submittal.** An applicant shall submit to the Town a *Town of Porter Zoning District Change Application* or similarly named document, as available at the office of the Town Clerk and on the Town website, and an application fee as determined by Board Resolution.
- (B) **Application review.**
  - (1) Upon receipt of the zoning district change application from the applicant, the Town Clerk shall notify by postal mail the parties in interest, and land owners and the clerk of any local government unit within five hundred (500) feet of the lot identified for the zoning district change in the application, and shall publish a Class 2 Legal Notice in accordance with Sec. 985, Wisconsin Statutes, listing the time and place of a public hearing at which the zoning district change application will be reviewed by the Commission, and the location of the land proposed for the zoning change, with said postal mail notification post marked ten (10) days prior to said hearing.
  - (2) The Commission shall review a zoning district change application at a public hearing for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) of this Ordinance and shall also consider the following factors (hereafter "Zoning District Change Findings of Fact") in review of the application:
    - (a) The use identified in the application is consistent with the purpose and intent of the zoning district to which it will be changed, in accordance with Sec. 3-3 (1) – (11) of this Ordinance;
    - (b) Relevant Wisconsin Case Law related to the application;

- (c) The land identified in the application is suitable for the proposed use identified therein and said use will not result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonable adverse effect on rare or irreplaceable natural resources;
- (d) Approval of an application for any lands proposed to be changed from the A-E zoning district to any other zoning district shall not be granted by the Town unless it determines the application meets “Farmland Preservation Zoning District Change Findings of Fact” as identified in the following:
  - (1) The land identified in the application is better suited for a use not allowed in the A-E zoning district;
  - (2) The application is consistent with the Comprehensive Plan and Future Land Use Map contained therein or any similar plan or map;
  - (3) The application is consistent with the *Rock County Agriculture Plan/Farmland Preservation Plan* and *Town of Porter Agricultural Resources – Farmland Preservation Map* contained therein or any similar plan or map;
  - (4) Changing the zoning district of the land identified in the application will not substantially impair or limit current or future agricultural use of other protected farmland;
- (3) Approval of a zoning district change application shall not be granted by the Town unless it determines the application meets the applicable “Zoning District Change Findings of Fact” as identified in Sec. 4-3 (8) (B) (2) of this Ordinance.
- (4) **New lots in A-E or A-CE zoning district.** Specified lots created from a lot in the A-E or A-CE zoning district after July 20, 2015, shall be identified for the purposes of this Sec. as a “new lot”, with said new lot created, and any residence located thereon, in accordance with all applicable provisions of this Ordinance and the County Land Division and Management Ordinance, and all of the following:
  - (a) New lots shall be classified in and subject to the following:
    - (1) New lot – Residence. A lot on which a residence, not to include a farmstead residence, will be located, subject to all of the following:
      - (a) Each base farm in the A-E zoning district shall be allowed to create no more than two (2) new lots – residence, and each base farm in the A-CE zoning district shall be allowed to create no more than one (1) new lot-residence;
      - (b) Fifty (50) farm acres shall be required in the base farm in the A-E zoning district for every one (1) acre in a new lot – residence (rounded up to the nearest whole number), and one hundred (100) farm acres shall be required in the base farm in the A-CE zoning district for every one (1) acre in a new lot – residence (rounded up to the nearest whole number), with said farm acres subject to a *Town of Porter Agricultural Land Preservation Affidavit*, or similarly

- named document, in accordance with Sec. 4-3 (8) (B) (4) (d) of this Ordinance;
- (c) New lots – residence shall be four (4) acres or less if created out of a lot in the A-E zoning district, and two (2) acres or less if created out of a lot in the A-CE zoning district, with said lots re-zoned to the R-R zoning district and subject to the minimum lot size for said district;
  - (d) Any claim to create a new lot – residence shall remain with the owner of the parent base farm lot, unless otherwise transferred to another person for use within the same base farm, and recorded as such with the Rock County Register of Deeds, and subject to Town review and approval;
- (2) New lot – Farmstead residence. A lot on which a farmstead residence will be located, with said lot ten (10) acres or less acres and no larger than reasonably necessary to accommodate the existing buildings and/or proposed use, and re-zoned to the A-G or R-R zoning district;
  - (3) New lot – Agriculture. A lot on which a new, additional residence will not be constructed or located, with said lot thirty-five (35) acres or greater and to remain in the A-E or A-CE zoning district;
  - (4) A new lot shall not include any of the following:
    - (a) A lot created from a lot in the A-E or A-CE zoning district after July 20, 2015 if said lots were identified for future residential, commercial, light industrial or other land use inconsistent with the purpose and intent of the A-E or A-CE district, in accordance with the Future Land Use Map as contained in the Comprehensive Plan or similar map or document;
    - (b) A lot created from a lot in the A-E or A-CE zoning district after July 20, 2015 if created for the purpose of designation in the C-L, I-L, SU, or NR-OS zoning districts;
    - (c) A lot existing in the A-E or A-CE zoning district, and on which a residence is not located, prior to July 20, 2015, or a parent base farm lot on which a residence is not located, with said lots allowed a residence in accordance with all applicable standards and requirements of this Ordinance;
  - (5) No parent base farm lot shall be less than 35 acres;
- (b) A new lot – residence and a new lot – farmstead residence shall be configured and residences sited thereon in accordance with all the following:
    - (1) The *Land Division and Development Activities Memorandum of Agreement – Town of Porter and the Rock County Planning,*



*Economic & Community Development Agency*, contained as Appendix D herein;

- (2) In a manner so as to encourage and not disrupt continued efficient agricultural operations and not convert priority agricultural lands, priority agricultural soils, prime farmland, or cropland other than a woodlot from agricultural use if there is a reasonable alternative, nor shall the new lot or residence significantly impair or limit the current or future agricultural use of any other protected farmland, nor significantly degrade or deplete, or compromise the function or integrity, of any cultural resources or woodlands (The location of priority agricultural lands, priority agricultural soils, prime farmland, cultural resources, and woodlands shall reflect the most current and best data and information available to the Town at the time of administration and enforcement of this Ordinance);
  - (3) If more than one (1) new lot – residence and/or a new lot – farmstead residence are created in the same general vicinity, said lots shall all have a contiguous lot line, if feasible;
  - (4) Driveways to serve new lots and residences thereon shall be designed in accordance with Sec. 4-3 (3) of this Ordinance;
- (c) Any applicant creating a new lot – residence or new lot – farmstead residence shall sign and record with the Rock County Register of Deeds, at the applicant’s sole expense, a *Town of Porter New Lot – Residence or Farmstead Residence Affidavit*, or similarly named document, on the deed of either the new lot – residence or new lot – farmstead residence, containing both of the following:
- (1) Indemnifying all agricultural uses and/or operations on the parent base farm lot from which the new lots were created which may have an effect on said new lots, with said uses and/or operations subject to conformance with all applicable provisions of this Ordinance and other ordinances and regulations;
  - (2) Restricting further land division of the new lot;
- (d) Any applicant creating a new lot – residence shall sign and record with the Rock County Register of Deeds, at the applicant’s sole expense, a *Town of Porter Agricultural Land Preservation Affidavit*, or similarly named document, on the deed of the parent base farm lot from which the new lot was created, containing both of the following:
- (1) Restricting uses of specified acreage of the parent base farm lot, in accordance with Sec. 4-3 (8) (B) (4) (a) (1) (b) of this Ordinance, to the following:
    - (a) Agricultural and open space uses;
    - (b) Farm residences;
  - (2) Restricting further land division of the parent base farm lot in accordance with 4-3 (8) (B) (4) (a) of this Ordinance;

- (e) Any applicant creating a new lot – agriculture shall sign and record with the Rock County Register of Deeds, at the applicant’s sole expense, a *Town of Porter New Lot – Agriculture Affidavit*, or similarly named document, on the deed of the new lot – agriculture, containing both of the following:
  - (1) Restricting location and/or construction of any new, additional residence on the new lot;
  - (2) Restricting further land division of the new lot in accordance with 4-3 (8) (B) (4) (a) of this Ordinance;
- (f) No lot in the A-G zoning district shall have its zoning district changed to A-E, and no lot in the A-CE zoning district shall have its overlay zoning district removed, unless changed/removed as a result of a comprehensive Ordinance text and Zoning Map amendment, in accordance with Sec. 1-6 herein.

**(C) Recommendation and action.**

- (1) After review, the Commission shall make a recommendation to the Board for approval, approval with conditions, or denial with findings on the zoning district change application after a public hearing. The Commission shall identify the Zoning District Change Findings of Fact as identified in Sec. 4-3 (8) (B) (2) of this Ordinance and state in its recommendation whether the zoning district change application has met said Findings of Fact.
- (2) The Board shall then review the application and the Commission’s recommendation at a public hearing. The Board shall take action and approve, approve with conditions, or deny with findings a zoning district change application after said hearing, with a majority of the Board required in attendance at the hearing for any approval action. The Board shall identify the Zoning District Change Findings of Fact as identified in Sec. 4-3 (8) (B) (2) of this Ordinance and state in its action whether the zoning district change application has met said Findings of Fact.

**(D) Protest to zoning district change application.**

- (1) A protest to a zoning district change application may be presented to the Board prior to or at the public hearing at which the zoning district change application is being reviewed, with said protest to requiring the signatures and acknowledgements of either of the following:
  - (a) Owners of at least fifty percent (50%) of the lot/outlot(s) proposed to be changed;
  - (b) Adjacent owners of at least fifty percent (50%) of the total perimeter of the lot/outlot(s) proposed to be changed and within three hundred (300) feet of said lot/outlot;
- (2) If a protest to a zoning change is filed and contains the signatures and acknowledgements in accordance with 4-3 (8) (D) (1) (a) or (b) of this Ordinance, a recommendation of approval or approval with conditions by the Commission and two-thirds (2/3) majority of the Board is required to approve any zoning district change application so protested.

(E) **Issuance or denial notification.**

- (1) If the zoning district change application is approved in accordance with 4-3 (8) (C) or (D) of this Ordinance, the Board shall issue a zoning district change approval notice to the applicant within ten (10) business days of the action. One (1) copy of the application review form, containing the Town action and action date, shall be provided to the applicant, Commission, Zoning Administrator, and the Rock County Planning, Economic & Community Development Agency within ten (10) business days of said action.
- (2) Prior to March 1 annually, the Town shall submit to the Rock County Planning, Economic & Community Development Agency and DATCP a report of total acres zoned out of the Agricultural-Exclusive (A-E) zoning district to another district in the previous calendar year, including a map identifying said acres, in accordance with Chapter 91, Wisconsin Statutes.

- (F) **Reversion to previous zoning district.** If the zoning district of a lot/outlot is changed, in accordance with Sec. 4-3 (8) (A) – (E) of this Ordinance, and a permitted or conditional use as allowable in the district is not established on the lot within twenty-four (24) months of the date of the Board's action approving the zoning district change, the zoning district assigned to the lot shall revert to that district assigned to the lot prior to the change.

4-3(9) **Variance.** A variance shall be granted only by the BOA in accordance with the procedure identified in the following:

- (A) **Application submittal.** An applicant shall submit to the Town a *Town of Porter Variance Application*, or similarly named document, as available at the office of the Town Clerk and on the Town's website, and an application fee as determined by Board Resolution.
- (B) **Application review.**
  - (1) Upon receipt of the variance application from the applicant, the Town Clerk shall provide notification by postal mail to the parties in interest, BOA, Commission, Committee (if applicable), and Zoning Administrator and/or Building Inspector, and all land owners and the clerk of any local government unit within five hundred (500) feet of the lot identified for the variance in the application, and shall publish a Class 2 Legal Notice in accordance with Chapter 985, Wisconsin Statutes, listing the time and place of a public hearing at which the variance application will be reviewed by the BOA, and the variance and its location, with said postal mail notification post marked ten (10) days prior to said hearing. The applicant shall appear in person, by agent, or by attorney at the public hearing.
  - (2) The BOA shall review a variance application at a public hearing for compliance with this Ordinance and in accordance with Sec. 4-2 (2) (B) of this Ordinance, with the application to clearly identify both of the following:
    - (a) Existence of unnecessary hardship and unique property limitation, indicating a situation where, in the absence of a variance, the lot owner can make no feasible use of the lot, unique landscape characteristics of the lot prevent the applicant from using the lot in compliance with this Ordinance (with said landscape characteristics to include but not limited to wetland, soil type, lot shape, or steep slope), or strict conformity to this Ordinance's lot dimensional standards and regulations is unnecessarily burdensome.

The unnecessary hardship and unique property limitation must be specific to the lot identified in the variance application and not one that affects

- multiple lots. Self-imposed actions are generally considered to not meet the definition of an unnecessary hardship and unique property limitation, with said self-imposed actions to include but not limited to sale of portions of a lot that reduce the remainder below a minimum buildable size or extinguish access to a public street, deed restrictions, and construction activities and products made in violation of this Ordinance;
- (b) Absence of detriment to and protection of the public interest, indicating a situation where granting of a variance shall neither create substantial detriment to adjacent or proximate property nor materially impair or be contrary to the purpose and intent of this Ordinance in accordance with Sec. 1-3 herein, or the public interest at large;
- (3) Approval of a variance application shall not be granted by the BOA unless it determines the application meets the standards and requirements as identified in Sec. 4-3 (9) (B) (2) and so indicates in the hearing minutes the following as Variance Findings of Fact;
- (a) **Evidence of unnecessary hardship and unique property limitation.** The variance granted is a result of an unnecessary hardship and unique property limitation applying to the lot, building, or other structure or use thereof that does not apply generally to other properties or uses in the same zoning district and the granting of the variance would not be of so general or recurrent nature as to suggest that this Ordinance should be amended or changed;
- (b) **Absence of detriment to and protection of the public interest.** The variance granted will not create substantial detriment to adjacent or proximate property and will not materially impair or be contrary to the purpose and intent of this Ordinance in accordance with Sec. 1-3 herein, or the public interest at large;
- (C) **Action.** After review, the BOA shall take an action of approval, approval with conditions, or denial with findings on a variance application after a public hearing.
- (D) **Issuance or denial notification.**
- (1) If the variance application is approved in accordance with Sec. 4-3 (9) (C) of this Ordinance, the BOA shall issue a variance to the applicant within ten (10) business days of the action. One (1) copy of the application review form, containing the BOA action and action date, shall be provided to the applicant, Commission, Zoning Administrator and/or Building Inspector, and the Rock County Planning, Economic & Community Development Agency within ten (10) business days of said action. If the BOA action is denial, the BOA shall also provide explanation to the applicant of their appeal rights to the Rock County Circuit Court.
- (2) Variances shall expire twelve (12) months from the date of issuance unless substantial work has commenced pursuant to such grant. If the variance expires and the applicant wishes to utilize the variance, the applicant shall be required to submit another variance application in accordance with Sec. 4-3 (9) (A) of this Ordinance. Variances run with the land(s) and subsequent land owners may utilize a variance granted to a previous owner if all variance conditions are met.
- (E) **Review by court of record.** Any person aggrieved by an action of the BOA on a variance application may present to a court of record a petition duly verified setting forth that such action is illegal and specifying the grounds of the illegality. Such petition shall be filed by

said person in Rock County Circuit Court within one hundred (120) days of the filing of the BOA action with the Town Clerk.

4-3(10) **Appeal.** Any person aggrieved by and alleging an error in any specified order, standard and requirement, decision, or determination made by the Commission, Committee, Zoning Administrator, Building Inspector, or any other party delegated by the Town in administration and enforcement of this Ordinance, or any other code, regulation or ordinance so related and under the Town's jurisdiction, may submit an appeal application in accordance with the following procedure:

(A) **Application submittal.**

(1) An applicant shall submit to the Town a *Town of Porter Appeal Application* or similarly named document, as available at the office of the Town Clerk and on the Town's website, along with an application fee as determined by Board Resolution, and any additional information required by the Town, within thirty (30) days of the date of written notice of the action or order of the, Commission, Committee, Zoning Administrator, Building Inspector, or any other party delegated by the Town to which the applicant is appealing, not to include any appeal of a driveway permit application, livestock facility CUP application, or a CUP application in the HC zoning district, with said application appeal processes identified in Sec. 4-3 (10) (E) of this Ordinance. Applications may be made by the owner of or lessee of a lot/outlot, building, or other structure affected by said action or order.

(2) An appeal application shall include both of the following:

- (a) Name and address of the applicant, all landowners adjacent to and opposite of the lot/outlot identified in the application, and landowners within five hundred (500) feet of said lot/outlot;
- (b) Map of the appeal area showing all relevant information;

(B) **Application review.** Upon receipt of the appeal application from the applicant, the Town Clerk shall provide notification by postal mail to the parties in interest, BOA, Commission, Committee (if applicable), Zoning Administrator and/or Building Inspector, and all land owners and the clerk of any local government unit within five hundred (500) feet of the lot/outlot identified for the appeal in the application, and shall publish a Class 2 Legal Notice in accordance with Chapter 985, Wisconsin Statutes, listing the time and place of a public hearing at which the appeal application will be reviewed by the BOA, and the appeal and its geographical location thereof, with said notification with said postal mail notification post marked ten (10) days prior to said hearing. The applicant shall appear in person, by agent, or by attorney at the public hearing.

(C) **Action.** After review, the BOA shall take an action of approval, approval with conditions, or denial with findings on an appeal application after a public hearing.

(D) **Issuance or denial notification.** If the appeal application is approved in accordance with Sec. 4-3 (10) (C) of this Ordinance, the BOA shall issue an appeal approval notice to the applicant within ten (10) business days of the approval action. One (1) copy of the application review form containing the BOA action and action date shall be provided to the applicant, Committee, Commission (if applicable), and Zoning Administrator and/or Building Inspector within ten (10) business days of said action. If the BOA action is denial, the BOA shall also provide explanation to the applicant of their appeal rights to the Rock County Circuit Court.

(E) **Application process – Driveway permit, livestock facility conditional use permit, and Historic Conservation (HC) zoning district conditional use permit**

- (1) **Driveway permit.** If an applicant wishes to appeal an action of denial of a driveway permit application by the Board, said applicant shall submit to the Town a *Town of Porter Appeal Application* or similarly named document, as available at the office of the Town Clerk and on the Town's website, an application fee as determined by Board Resolution, and any additional information required by the Town, within fourteen (14) days of receipt of written notice of the denial action. The Board shall then meet at its normal monthly meeting, review the appeal, and take a subsequent action of approval, approval with conditions, or denial with findings of said appeal. One (1) copy of the appeal review form, containing the Board action and action date, shall be provided to the applicant, Commission, Zoning Administrator, and Building Inspector within ten (10) business days of said action. If the Board denies the appeal, submittal of any driveway permit application substantially similar in nature to the permit application so appealed shall not be submitted to the Town within three (3) months of the date of the appeal denial action.
- (2) **Livestock facility conditional use permit.**
  - (a) If an applicant wishes to appeal a Town determination of non-compliance of a livestock facility CUP, said applicant shall submit to the Town Clerk a request for hearing and any additional information required by the Town within five (5) days of receipt of written notice of non-compliance. The Board shall then meet within five (5) days of receipt of the request to review said request and determine, by action, if the applicant is in compliance with the CUP.
  - (b) Any person who has applied to site or expand a livestock facility, any person living within (2) miles of any such facility proposed to be sited or expanded, or any person owning land within two (2) miles of any such facility proposed to be sited or expanded, may request review, by the Livestock Facility Siting Review Board, of any action by the Town on a livestock facility application, in accordance with Sec. 93.90 (5) Wisconsin Statutes.
- (3) **Historic Conservation (HC) zoning district conditional use permit.** If an applicant wishes to appeal an action of denial of a HC zoning district conditional use permit application by the Commission, said applicant shall submit to the Town a *Town of Porter Appeal Application*, or similarly named document, as available at the office of the Town Clerk and on the Town's website, an application fee as determined by Board Resolution, and any additional information required by the Town, within fourteen (14) days of receipt of written notice of the denial action. The Board shall then meet at its normal monthly meeting, review the appeal, and take a subsequent action of approval, approval with conditions, or denial with findings of said appeal. One (1) copy of the appeal review form, containing the Board action and action date, shall be provided to the applicant, Town Clerk, Commission, Committee, and Zoning Administrator and/or Building Inspector within ten (10) business days of said action.
- (F) **Review by court of record.** Any person aggrieved by any action of the BOA on an appeal application may present to a court of record a petition duly verified setting forth that such action is illegal and specifying the grounds of the illegality. Such petition shall be filed by said person in Rock County Circuit Court within one hundred (120) days of the filing of the BOA action by the Town.

## **ARTICLE 5**

# **ADMINISTRATION AND ENFORCEMENT**





**ARTICLE 5. ADMINISTRATION AND ENFORCEMENT****SEC 5-1. TOWN BOARD**

**5-1(1) Powers and duties pertaining to this Ordinance.** The Town of Porter Board (hereafter “Board”) shall have the following powers and duties pertaining to this Ordinance without limitation by reason of enumeration, including delegation of powers thereof:

- (A) Establish, appoint, and confirm the Town Plan Commission, Town Zoning Administrator, Town Building Inspector, Town Historic Conservation Committee, and Town Board of Adjustment, and members thereof;
- (B) Set and collect fees for zoning and land use activities in accordance with Sec. 5-7 of this Ordinance;
- (C) Enforce and administer penalties for violations to this Ordinance in accordance with Sec. 5-6 of this Ordinance;
- (D) Require submission of a complete and accurate zoning and land use activity application and land division, adjacent land sale or transfer, and lot combination application in accordance with the *Land Division and Development Activities Memorandum of Agreement – Town of Porter and the Rock County Planning, Economic & Community Development Agency* (hereafter “MOA”) and all applicable provisions of this Ordinance, and any additional information deemed relevant and necessary to make a reasonable evaluation of said application;
- (E) Review and take an action of approval, approval with conditions, or denial with findings, after review and recommendation by the Town Plan Commission, on all of the following:
  - (1) Zoning and land use activity applications as specified in Sec. 4-3 of this Ordinance;
  - (2) Land division, adjacent land sale or transfer, and lot combination applications in accordance with the MOA;
  - (3) Location and architectural design of any public building or the location of any statue or other memorial;
  - (4) Location, acceptance, extension, alteration, vacation, abandonment, use change, sale, acquisition, or lease of land for any street, alley, or other public way, park, playground, airport, parking facilities, or other memorial or public grounds;
  - (5) Location, extension, abandonment, or authorization for any publicly or privately owned utility;
  - (6) Location, character and extent, or acquisition, leasing, or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children;
  - (7) Abandonment or repeal of any ordinance adopted pursuant to Town planning and development, including but not limited to zoning and development;
- (F) Maintain records of uses of land, water, and air, siting and construction of buildings and other structures and uses thereof, zoning and land use activity approvals, conditions of approval and denials with findings, inspections, and all other official actions;

- (G) Create, review, and adopt Ordinance text, Zoning Map, and Comprehensive Plan revisions and amendments;
- (H) Ensure that all uses of land, water, and air, siting and construction of buildings and other structures and uses thereof, and any zoning and land use activity maintain and advance the intent and purpose of this Ordinance in accordance with Sec. 1-3 herein;
- (I) Any Board member who has a conflict of interest in a matter subject to Board action shall recuse himself/herself from a discussion or action on said matter;

**SEC 5-2. TOWN PLAN COMMISSION**

5-2(1) **Organization and procedures.** The Town hereby establishes a Town Plan Commission (hereafter "Commission"), in accordance with Sec. 60.61 (4), Wisconsin Statutes to be organized and subject to procedures in accordance with all of the following:

- (A) The Commission shall consist of five (5) members appointed by the Board Chair and confirmed by the Board. Commission members shall be appointed to three (3) year terms, with terms of office to begin on April 1<sup>st</sup> annually. All Commission members shall be persons with recognized experience, qualifications, and Town residency and shall hold office until their respective successors are selected and qualified. If a Commission member vacancy occurs, the Board shall appoint an appropriate member to complete the unexpired term. Commission members shall be compensated as determined by the Board. The Zoning Administrator shall attend all Commission meetings, and the Zoning Administrator and Building Inspector may be a member of said Commission. A Commission member shall be appointed Commission Chair and another member shall be appointed Commission Secretary, both upon majority vote of said Commission.
- (B) Commission meetings shall be called as needed, as determined by the Commission. Special meetings may be called by the Commission Chair or upon written request of two (2) Commission members. Notice of special meetings shall be given by personal service or telephone call to all Commission members and the news media at least twenty-four (24) hours prior to said special meeting. Notice to the news media may be given by FAX or electronic mail transmission. Three (3) Commission members shall constitute a quorum at a Commission meeting to transact any business and formulate action thereon. Commission meeting minutes shall be kept by the Commission Secretary.

5-2(2) **Powers and duties.** The Commission shall have the following powers and duties without limitation by reason of enumeration:

- (A) Require submission of a complete and accurate zoning and land use activity application and land division, adjacent land sale or transfer, and lot combination application in accordance with the MOA, and all applicable provisions of this Ordinance, and any additional information deemed relevant and necessary to make a reasonable evaluation of said application;
- (B) Review and approve, approve with conditions, or deny with findings a conditional use permit application, not to include any application for a livestock facility;
- (C) Review and recommend approval, approval with conditions, or denial with findings to the Board on all of the following:
  - (1) Zoning and land use activities as specified in Sec. 4-3 of this Ordinance;
  - (2) Land division, adjacent land sale or transfer, and lot combination applications in accordance with the MOA;

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

**SEC 5-3. TOWN ZONING ADMINISTRATOR AND BUILDING INSPECTOR**

- 5-3(1) **Organization and procedures.** The Town hereby establishes the positions of Town Zoning Administrator (hereafter “Zoning Administrator”) and Town Building Inspector (hereafter “Building Inspector”) to administer and enforce specified provisions of this Ordinance. The Zoning Administrator shall attend all Commission meetings and be compensated in a manner determined by the Board.
- 5-3(2) **Powers and duties.** The Zoning Administrator and Building Inspector shall have the following powers and duties without limitation by reason of enumeration:
  - (A) Make a monthly activities report to the Commission and the Board (The Zoning Administrator and Building Inspector may be members of said Commission, and if so shall be allocated Commission voting privileges.);
  - (B) Prepare zoning and land use activity applications and related forms, assist applicants in preparing applications and forms, and advise applicants as to the provisions of this Ordinance;
  - (C) Review specified zoning and land use activity applications, and approve, approve with conditions, and deny with findings said applications when delegated such authority by the Town;

- (D) Issue permits, licenses, and other necessary documentation which comply with all provisions of this Ordinance when delegated such authority by the Town;
- (E) Enter onto any public or private lands or waters, at any reasonable time as permitted by the property owner, for inspection of said lands or waters and uses thereof related to this Ordinance. If the Zoning Administrator or Building Inspector is refused entry to said lands or waters, a special inspection warrant shall be issued for said premises pursuant to Sections 66.122 and 66.123, Wisconsin Statutes.
- (F) Investigate complaints related to this Ordinance, report Ordinance violations to the Commission and Board, and set time limits and conditions for correction of Ordinance violations, all in accordance with Sec. 5-6 of this Ordinance;
- (G) Give notice for new community planning and development ordinances, or revision or amendment to existing community planning and development ordinances,
- (H) Administer and enforce only literal standards and requirements of this Ordinance, with administration and enforcement of any other matter related to this Ordinance to be brought before the Board, Commission, Committee, or BOA;

**SEC 5-4. TOWN HISTORIC CONSERVATION DISTRICT COMMITTEE**

5-4(1) **Organization and procedures.** The Town hereby establishes a Town Historic Conservation District Committee (hereafter “Committee”) to be organized and subject to procedures in accordance with all of the following:

- (A) The Commission shall consist of five (5) members appointed by the Board Chair and confirmed by the Board, as follows:
  - (1) Board member;
  - (2) Professional architect, architectural historian, planner, landscape architect, or a professional in a related field;
  - (3) Historic Conservation District – Overlay (HC) resident;
  - (4) Historic Conservation District – Overlay (HC) landowner and resident;
  - (5) Other;
- (B) Committee members shall be appointed to three (3) year terms, with terms of office to begin on April 1 annually, except that the Board member term shall expire in concurrence with their Board term. All Committee members shall hold office until their respective successors are selected and qualified. If a Committee member vacancy occurs, the Board shall appoint an appropriate member to complete the unexpired term. Committee members shall be compensated as determined by the Board. A Committee member shall be appointed Committee Chair and another member shall be appointed Committee Secretary, both upon majority vote of said Committee.
- (C) Committee meetings shall be called as needed, as determined by the Committee Chair. Special meetings may be called by the Committee Chair or upon written request of two (2) Committee members. Notice of special meetings shall be given by personal service or telephone call to all Committee members and the news media at least twenty-four (24) hours prior to said special meeting. Notice to the news media may be given by FAX or electronic mail transmission. Three (3) Committee members shall constitute a quorum at a

Committee meeting to transact any business and formulate action thereon. Committee meeting minutes shall be kept by the Committee Secretary.

5-4(2) **Powers and duties.** The Committee shall have the following powers and duties, (A) – (C), without limitation by reason of enumeration:

- (A) Require submission of a complete and accurate conditional use permit or building permit application, if proposed on a lot/outlot in the HC zoning district in accordance with all applicable provisions of this Ordinance, and any additional information deemed relevant and necessary to make a reasonable evaluation of said application;
- (B) Review and recommend approval, approval with conditions, or denial with findings to the Commission a conditional use permit or building permit application, if proposed on a lot/outlot in the HC zoning district;
- (C) Recommend that the Commission waive the fee for appeal of any order, standard and requirement, decision, or determination made by the Board, Commission, Zoning Administrator, Building Inspector, BOA, or any other party delegated by the Town in administration and enforcement of this Ordinance, or any other code, regulation or ordinance so related and under the Town’s jurisdiction, affecting any lot/outlot in the HC zoning district;
- (D) Any Committee member who has a conflict of interest in a matter subject to Committee action shall recuse himself/ herself from a discussion or action on said matter;

**SEC 5-5. TOWN BOARD OF ADJUSTMENT**

5-5(1) **Organization and procedures.** The Town hereby establishes a Town Board of Adjustment (hereafter “BOA”), in accordance with Sec. 60.65, Wisconsin Statutes, to be organized and subject to procedures in accordance with all of the following:

- (A) The BOA shall consist of three (3) members appointed by the Board Chair and confirmed by the Board, with member terms consisting of staggered three (3) year periods. All BOA members shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. No BOA member shall be a Board, Commission, or Committee member, nor the Zoning Administrator or Building Inspector. An alternate BOA member shall be appointed by the Town Chair for a term of three (3) years and shall act only when a regular BOA member is absent or cannot vote because of conflict of interest, in accordance with Sec. 1-7 herein. If a BOA member vacancy occurs, the Board shall appoint an appropriate member to complete the unexpired term. BOA vacancies shall be filled for the un-expired term in the same manner as appointments for a full term. BOA members shall be compensated in a manner as determined by the Board. A BOA member shall be appointed BOA Chair annually upon majority vote of the BOA and the BOA Secretary shall be the Town Clerk.
- (B) Official oaths shall be taken by all BOA members in accordance with Sec. 19.01, Wisconsin Statutes, within ten (10) days of receiving notice of their appointment to the BOA.
- (C) BOA meetings shall be held at the call of the BOA Chair and shall be open to the public. The Zoning Administrator and Building Inspector shall attend all BOA meetings for the purpose of providing technical assistance when requested by the BOA.
- (D) BOA meeting minutes and a record of all meeting actions shall be kept by the BOA Secretary, showing the vote of each BOA member upon each action item, or if absent, or failing to vote, indicating such fact, the reasons for the BOA’s action, and its finding of

fact. The Secretary shall keep records of the BOA's meeting discussions and actions, all of which shall be immediately filed with the Town Clerk and be a public record.

- (E) Two (2) BOA members shall constitute a quorum at a BOA meeting to transact any business and formulate action thereon. A concurring vote of two (2) BOA members shall be necessary to exercise the powers enumerated in Sec. 5-5 (2) herein.

5-5(2) **Powers and duties.** The BOA shall have the following powers and duties without limitation by reason of enumeration:

- (A) Hear and render action on any variance to or appeal of any provision of this Ordinance, or any other code, regulation or ordinance so related and under the Town's jurisdiction, by any person aggrieved by administration and enforcement thereof, where it is alleged by said person that there is error in any order, requirement, decision, or determination made by the Commission, Committee, Zoning Administrator, Building Inspector, or any other party so delegated by the Town;
- (B) Reverse, affirm wholly or partly, or modify any specified decision of the Commission, Committee, Zoning Administrator, or Building Inspector, or any other party so delegated by the Town, as a rendered action and subsequently direct issuance of a permit, license, or other necessary documentation required for any zoning and land use activity identified in Sec. 4-1 herein;
- (C) Administer oaths and compel the attendance of witnesses by subpoena;
- (D) Any BOA member who has a conflict of interest in a matter subject to BOA action shall recuse himself/ herself from a discussion or action on said matter;

## **SEC 5-6. VIOLATIONS AND PENALTIES**

- 5-6(1) **Liable parties.** Landowners or property owners, occupiers of land or premises, and agents of owners or occupiers, including but not limited to building contractors, surveyors, engineers, architects, planners, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, lending institutions and their agents, and insurers and their agents, are responsible for compliance with this Ordinance which bear upon their area of competency and responsibility.
- 5-6(2) **Violations.** Use of land, water, and air, siting and construction of building and other structures and uses thereof, or undertaking a zoning and land use activity not in compliance with this Ordinance or any other applicable ordinance, rule, regulation, standard and requirement, statute, or other provision of law, or with any condition placed upon an approval, variance, or appeal granted in due course under this Ordinance, shall be a violation of this Ordinance and any person who violates this Ordinance or aids or abets in said violation shall be liable to prosecution or remedial actions. The Town or any property owner who would be specifically damaged by a violation may institute appropriate action or proceeding to enjoin an Ordinance violation or cause a use of land, water, and air, siting and construction of buildings and other structures and uses thereof, to cease and desist.
- 5-6(3) **Notification of violation.** The Zoning Administrator or Building Inspector is responsible for inspecting and investigating the use of land, water, and air, siting and construction of building and other structures and uses thereof, or undertaking a zoning and land use activity for compliance with this Ordinance. If, upon such inspection or investigation, the Zoning Administrator or Building Inspector becomes aware of a condition which he or she concludes is or is likely to become a violation, the Zoning Administrator or Building Inspector shall immediately provide notification of violation to the person deemed to be responsible (hereafter "responsible person") and potentially liable of the detected violation. Such notification shall consist of a written enforcement demand to said person that the condition that is alleged to constitute the present or potential violation be

halted, prevented from occurring, or remedied within ninety (90) days of receipt of said notification, with the exception of any present or potential violation related to a driveway in which said violation shall be halted, prevented from occurring, or remedied within thirty (30) days of receipt of said notification.

5-6(4) **Complaint and demand for prosecution.** If a written enforcement demand is issued to the responsible person, in accordance with (3) of this Sec., and is not complied with by said person, and unless an administrative appeal has commenced and a stay order has been issued by the Rock County Circuit Court, the Town Attorney shall forthwith issue to the person a complaint and demand for prosecution. Such complaint and demand shall consist of a written enforcement statement that a complaint on the condition and demand for prosecution has been or will be transmitted to applicable legal authorities, enforcement officials, and/or state agencies.

5-6(5) **Injunction.** If a written enforcement statement is issued to the responsible person in accordance with (4) of this Sec., and is not complied with by said person, an injunction restraining the person from continuance of the violating condition shall be requested by the Town Attorney from the Rock County Circuit Court.

5-6(6) **Citation and penalty.**

(A) The Zoning Administrator or Building Inspector is authorized to issue an Ordinance citation to any person engaging in activities that are in violation of this Ordinance, in accordance with Sec. 5-6 (2) of this Ordinance. Any person found in violation of this Ordinance by the Town shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00) and the costs of prosecution for each violation, with the exception of any driveway found to be in violation of this Ordinance in which case the owner(s) of the land through which the driveway passes shall upon conviction thereof, forfeit one hundred dollars (\$100.00) and the costs of prosecution. Each day of violation and each Ordinance section violated shall be considered a separate offense. Issuing a citation shall not release the person from full compliance with this Ordinance nor from prosecution for Ordinance violation.

(B) Failure to obtain a building permit or demolition permit, where such permit is required, prior to commencing building construction, addition, alteration, or demolition will result in an additional fee being charged by the Zoning Administrator or Building Inspector to the applicant in an amount equal to the building permit or demolition fee. Payment of such additional fee shall not excuse the applicant from full compliance with all applicable provisions of this Ordinance nor shall such additional fee be in lieu of the penalties identified in Sec. 5-6 (6) (A) of this Ordinance.

5-6(7) **Conviction.** A person who violates this Ordinance shall upon conviction thereof forfeit those amounts as established in accordance with Sec. 5-6 (6) (A) or (B) of this Ordinance.

## **SEC 5-7. FEES**

5-7(1) **Authorization and determination.** Fees for zoning and land use activities as identified in Sec. 4-1 of this Ordinance are authorized and determined by Board resolution to ensure adequate resources to administer and enforce this Ordinance and shall be paid in full by the applicant to the Town.

5-7(2) **Schedule and subject activities.** The effective zoning and land use activity fee schedule is available at the office of the Town Clerk and on the Town website with the following activities subject to said schedule:

(A) Zoning (building site) permit application;

- (B) Building permit application, with fees not to exceed the amount identified in Sec. 4-3 (2) (C) (1) of this Ordinance, for the activities identified in said Sec;
- (C) Driveway permit application;
- (D) Sign permit application;
- (E) Demolition permit application;
- (F) Conditional use permit application, with fees not to exceed the amount identified in Sections 4-3 (6) (A) (1) (f) and 4-3 (6) (A) (5) (c) of this Ordinance, for the activities identified in said Sections;
- (G) Mobile home park license application and renewal;
- (H) Zoning district change;
- (I) Variance application;
- (J) Appeal application;
- (K) Any other zoning and other land use activity application or formal submittal, so approved by the Board;



**ARTICLE 6**

**APPENDICES**



**ARTICLE 6. APPENDICES**

**SEC 6-1. APPENDIX A: TOWN OF PORTER ZONING DISTRICTS – PERMITTED AND CONDITIONAL USES**

- 6-1(1) This Appendix (hereafter “Appendix A”) and the following table (7) identify permitted and conditional uses allowable in Town of Porter (hereafter “Town”) zoning districts under this Ordinance, per Sec. 3-3 (1) – (11). Any use not identified in said table (hereafter “unclassified use”) and proposed in any Town zoning district shall be reviewed by the Town utilizing the table, with the Town using reasonable and prudent judgment to determine the use in the table most closely resembling the proposed unclassified use, with said proposed unclassified use allowed as a permitted or conditional use or prohibited accordingly in the applicable Town zoning district.
- 6-1(2) Any use not identified in the following table (7) and proposed in the A-E zoning district may be allowed by the Town as a permitted use only if said proposed use is an agricultural or agricultural accessory use consistent with the intent and purpose of the A-E zoning district, in accordance with Sec. 3-3 (1) (A) of this Ordinance. Any use not identified in said table and proposed in the A-E zoning district may be allowed by the Town as a conditional use, in accordance with the following paragraph (3), only if said proposed use is an agricultural, agricultural accessory, or agriculture-related use consistent with the intent and purpose of the A-E zoning district, in accordance with Sec. 3-3 (1) (A) of this Ordinance.
- 6-1(3) The Town may issue a conditional use permit (hereafter “CUP”) for a proposed land use identified in the following table (7), if said use meets all applicable conditions identified in this Ordinance. The Town shall determine in writing that said use meets all applicable conditions prior to issuance of any CUP and may require additional conditions which the Town deems necessary to ensure consistency with the intent and purpose of this Ordinance, in accordance with Sec. 1-3 herein. The Town shall follow the procedures identified in Sec. 4-3 (6) of this Ordinance when reviewing, approving, or denying any CUP application, or issuing a CUP.
- 6-1(4) Use types utilized in the following Table (7) to classify permitted and conditional uses in the Town are identified as follows:
  - (A) Farming;
  - (B) Commercial, Civic, or Governmental;
  - (C) Industrial, Manufacturing, or Other;
  - (D) Residential;
- 6-1(5) In the following Table (7), “P” shall indicate a permitted use and “C” shall indicate a conditional use in the applicable Town zoning district. If a “P” or “C” is not designated for a use identified in said table that shall indicate said use is not a permitted or conditional use allowed in the applicable Town zoning district. Any use customarily incidental to any of the uses identified in the table are allowed as a permitted use, provided that no such use generates traffic, odor, vibration, or noise that would create a public or private nuisance.

6-1(6) The following identifies the abbreviations utilized to identify Town zoning districts in the following Table (7):

- A-E: Agricultural-Exclusive
- A-G: Agricultural-General
- R-R: Residential-Rural Density
- C-L: Commercial-Local
- I-L: Industrial-Light
- SU: Special Use
- NR-OS: Natural Resource-Open Space
- A-CE: Agricultural-Community and Enterprise – Overlay
- EC-L: Environmental Conservation-Lowland – Overlay
- EC-H: Environmental Conservation-Highland – Overlay
- HC: Historic Conservation – Overlay

**TABLE 7**

USE TYPE	ZONING DISTRICT									
1. FARMING <sup>1</sup>	A-E <sup>2</sup> and A-CE <sup>2</sup>	A-G <sup>2</sup>	R-R	C-L	I-L	SU	NR-OS	EC-L <sup>3 4</sup>	EC-H <sup>3</sup>	HC <sup>5</sup>
Aquaculture	P	P						P	P	
Beekeeping	P	P	P <sup>6</sup>					P	P	
Floriculture	P	P						P	P	
Forest management	P	P					P	P	P	
Fur farm	C	C								
General: Crop/forage production, animal unit/livestock rearing, etc.	P	P					P	P	P	
Livestock facility <sup>7</sup>	C	C								
Manure irrigation	C	C								
Nursery	P	P					C	P	P	
Orchard	P	P					C	P	P	

USE TYPE	ZONING DISTRICT									
2. COMMERCIAL, CIVIC, OR GOVERNMENTAL <sup>8</sup>	A-E <sup>2</sup> and A-CE <sup>2</sup>	A-G <sup>2</sup>	R-R	C-L	I-L	SU	NR-OS	EC-L <sup>3 4</sup>	EC-H <sup>3</sup>	HC <sup>5</sup>
Adult entertainment <sup>9</sup>						P				
Agriculture: Feed, seeds, chemicals, and fertilizer research/sales	C	C		P	P					
Agriculture: Implement and equipment sales/rental and repair/maintenance	C	C		P	P					
Agriculture: Roadside and non-roadside sales <sup>10</sup>	P	P		P					C	
Airport or airstrip: Agriculture <sup>11 12</sup>	C	C								
Airport or airstrip: General <sup>11</sup>						C				
Alcohol production and direct sales: Brewery, distillery, and winery <sup>13</sup>		C		P	P					
Animal: Kennel	C <sup>12</sup>	C	C	C						
Animal: Hospital/shelter				C						
Animal: Sales (Non-agriculture)				P						
Appliance: Repair				P	P					
Arboretum or botanical garden			C	P		P	P	C	P	
Beauty shop, salon, and barbershop				P						
Boat: Sales, rental, supply, and storage				P	P					
Building and construction material sales: Lumber yard, etc.				C	P	P				
Business services: Finance, insurance, legal, real estate, etc.				P						
Cemetery						C				
Church or place of worship		C	C	P						
Community and/or recreation center		C	C	P						
Corrections: Prisons, jails, juvenile detention centers, etc. <sup>11</sup>						C				
Dry cleaning				C	C					
Education: Post-secondary (Academy, professional, technical, college, and university)			C	P	P					
Education: Secondary (K – 12)			P	P						
Equestrian stable or riding school	C <sup>12</sup>	C	C					C	C	
Fire/emergency medical services and police/law enforcement				P		P				
Funeral home				C						
Gas station <sup>14</sup> (May or may not include accompanying retail convenience store)			C	P	P					
Government administration and service: Executive, legislative, judicial, regulatory, outreach, postal, and library			P	P		P				
Greenhouse and landscaping	C <sup>12</sup>	C	C	P	P				P/C	
Health and Medical: Dentistry, chiropractic, optometry, orthodontics, etc.				P						

USE TYPE	ZONING DISTRICT									
2. COMMERCIAL, CIVIC, OR GOVERNMENTAL <sup>8</sup>	A-E <sup>2</sup> and A-CE <sup>2</sup>	A-G <sup>2</sup>	R-R	C-L	I-L	SU	NR-OS	EC-L <sup>3 4</sup>	EC-H <sup>3</sup>	HC <sup>5</sup>
Medical: Clinic, hospital, and outpatient and mental health facility			C 15	P						
Hunting club/game farm	C <sup>12</sup>	C				C		C	C	
Laboratory					C					
Laundromat				P						
Lodging: Hotel, motel, and resort				P						
Lodging: Bed and breakfast	C <sup>12</sup>	C	C	P						
Mass transit or terminal facility: Bus, truck, or rail				P		C				
Motor Vehicle: Race track <sup>28</sup>						C				
Motor Vehicle: Repair (Routine maintenance to include upholstery)				P	C					
Motor Vehicle: Repair (Non-routine maintenance)					C					
Motor Vehicle: Sales and rental				P	P					
Motor Vehicle: Washing				P	P					
Museum and/or cultural center	C <sup>16</sup>	C	C	P						
Nursery or daycare center			C	P						
Parking lot (Not serving a designated building)				P	P	C				
Pet Cemetery										
Printing or publishing					P					
Recreation: Archery shooting range <sup>17</sup>	C <sup>12</sup>	C						C	C	
Recreation: Arenas and convention centers				P		C				
Recreation: Conservation (Hunting, fishing, hiking, etc.)	p <sup>12</sup>	P	P				P	P	P	
Recreation: Golf course/driving range, miniature golf, or campground				P			C	C	C	
Recreation: Gun shooting range <sup>17</sup>	C <sup>12</sup>	C						C	C	
Recreation: Gymnasiums, ice-skating rinks, and swimming pools				P			C			
Recreation: Fitness facility				P						
Restaurant, café, or coffee shop				P						
Retail store/shop: Appliance, automobile supply, beverage clothing, drug, department, discount, furniture, gift, hardware, sporting goods, tobacco, variety, etc.				P						
Road building, maintenance, or machinery facility	C <sup>16</sup>	C				C			C	
Service club, fraternal organization, and business/professional association		C	C	P						
Studio and/or display venue – Art, interior decorating, photographic, music, dance, etc.				P						
Tavern				C						
Theater: Performing arts				P						

USE TYPE	ZONING DISTRICT									
2. COMMERCIAL, CIVIC, OR GOVERNMENTAL <sup>8</sup>	A-E <sup>2</sup> and A-CE <sup>2</sup>	A-G <sup>2</sup>	R-R	C-L	I-L	SU	NR-OS	EC-L <sup>3 4</sup>	EC-H <sup>3</sup>	HC <sup>5</sup>
Theater: Motion picture				P						
Trade shops: Cabinet, plumbing, upholstery, electrical, etc.				C	P					
Veterinary	C <sup>12</sup>	C		C						
Water supply storage: Tanks and towers <sup>11 18</sup>			C	P	P	C			C	
Wastewater/Sewage treatment facility <sup>11 18</sup>				C	C	C		C	C	
Waste: Landfill or recycling facility <sup>11</sup>						C				
Wholesale merchandise				C						

USE TYPE	ZONING DISTRICT									
3. INDUSTRIAL, MANUFACTURING, OR OTHER <sup>8</sup>	A-E <sup>2</sup> and A-CE <sup>2</sup>	A-G <sup>2</sup>	R-R	C-L	I-L	SU	NR-OS	EC-L <sup>3 4</sup>	EC-H <sup>3</sup>	HC <sup>5</sup>
Automobile: Salvage						C				
Bakery: Large-scale					P					
Contractor: Office, shop, or yard					C	P				
Communication transmission line, tower, or facility <sup>11</sup>	C <sup>19</sup>	C	C	C	C	C	C	C	C	C
Dairy processing: Cheese, milk, cream, etc. <sup>20</sup>	C	C			P					
Drain or drainage ditch	C <sup>19</sup>	C						P	P	
Fabrication or component assembly					P					
Food distribution or locker					P					
Food processing: General					P					
Food processing: Raw agricultural commodities	C	C								
Fuel production: Agriculture (Ethanol, bio-diesel, pellet, etc.)	C	C								
Manure digester	C	C							C	
Meat slaughterhouse	C	C			C					
Metal work: Blacksmith, sheet metal, and welding					C					
Mining: General						C				
Mining: Non-metallic (Sand and gravel) <sup>21</sup>	C	C				C				
Open space	P	P	P	P	P	P	P	P	P	P
Outdoor furnace <sup>22</sup>	C	C			C	C		C	C	
Packaging				C						
Power transmission line or tower <sup>11</sup>	C <sup>19</sup>	C	C	C	C	C	C	C	C	C
Power generating facility: Non-water, non-solar, or non-wind (Coal, natural gas, wood, etc.) <sup>11</sup>	C <sup>19</sup>	C			C	C				
Power generating facility: Solar <sup>11 23</sup>	C <sup>19</sup>	C	C	C	C	C	C	C	C	C
Power generating facility: Water <sup>11</sup>	C <sup>19</sup>	C		C	C	C	C	C	C	
Power generating facility: Wind turbine <sup>11 23 24</sup>	C <sup>19</sup>	C	C	C	C	C	C	C	C	C
Pipeline: Oil, natural gas, petroleum, etc. <sup>11</sup>	C <sup>19</sup>	C			C	C		C	C	
Rail: Line or freight facility <sup>11</sup>	C <sup>19</sup>	C			C	C			C	
Road/Street <sup>11</sup>	C <sup>19</sup>	C	C	C	C	C	C	C	C	C
Sale: Wholesale Chemical, gas, petroleum, etc.					C					
Sludge spreading, disposal, and reduction	C	C						C	C	
Storage: Raw agricultural commodities	P	P								
Storage: Chemical, gas, petroleum, etc.					C					
Storage: Individual units		C		C						
Storage: Warehouse					P					



USE TYPE	ZONING DISTRICT									
<b>3. INDUSTRIAL, MANUFACTURING, OR OTHER <sup>8</sup></b>	A-E <sup>2</sup> and A-CE <sup>2</sup>	A-G <sup>2</sup>	R-R	C-L	I-L	SU	NR-OS	EC-L <sup>3 4</sup>	EC-H <sup>3</sup>	HC <sup>5</sup>
Wood processing: Agriculture (Product directly from farms)	C	C								
Wood processing: General	C	C			P					

USE TYPE	ZONING DISTRICT									
<b>4. RESIDENTIAL</b>	A-E <sup>2</sup> and A-CE <sup>2</sup>	A-G <sup>2</sup>	R-R	C-L	I-L	SU	NR-OS	EC-L <sup>3 4</sup>	EC-H <sup>3</sup>	HC <sup>5</sup>
Community living arrangement: Less than 8 people <sup>25</sup>			P							
Community living arrangement: Greater than 9 people <sup>25</sup>			C							
Home occupation/home office <sup>26</sup>	p <sup>12</sup>	P	P						P/C	
Residence: Farm: Multi-family										
Residence: Farm: Single-family	P	P							C	
Residence: Farm: Two-family	P	P							C	
Residence: Non-farm: Multi-family										
Residence: Non-farm: Single-family			P	P <sup>27</sup>	P <sup>27</sup>				C	
Residence: Non-farm: Two-family			p <sup>15</sup>							
Mobile home park						C				
Nursing, retirement, or convalescent home			p <sup>15</sup>	P						

- 1 Any building or other structure housing livestock shall not be located within one hundred feet (100) of any lot in the R-R or C-L zoning districts, unless said lot and the lot on which the building or other structure is located are under the common ownership.
- 2 Semi-trailers, trailers, or portable pre-manufactured structures utilized to store non-flammable agricultural items, excluding animals, are allowed provided the wheels, axles, signs, names, and labels are all removed and said trailer or structure is painted to blend in with the dominant colors of associated farm buildings.
- 3 All permitted and conditional uses identified in the EC-L or EC-H zoning districts shall be allowed in said districts only if similarly allowed as a permitted or conditional use in the underlying zoning district.
- 4 Buildings are not allowed, unless an implied component of the permitted or conditional use.
- 5
  - (1) Permitted and conditional uses shall be allowed in the HC zoning district only if similarly allowed as a permitted or conditional use in the underlying zoning district;
  - (2) Continuation of an existing allowable use shall be a permitted use in the HC zoning district;
  - (3) The following uses, (A) – (D), shall be conditional uses in the HC zoning district and shall require a conditional use permit approved by the Commission, in accordance with Sec. 4-3 (6) of this Ordinance:
    - (A) Change or expansion of an existing allowable use;
    - (B) Construction or location of new buildings;
    - (C) Building alteration or demolition;
    - (D) Any use requiring a building permit, in accordance with Sec. 4-3 (2) of this Ordinance;
- 6 Beekeeping shall be subject to all of the following, (1) – (6):
  - (1) Only honey bees shall be kept and maintained;
  - (1) Hives shall not exceed twenty (20) cubic feet in volume;
  - (2) No more than six (6) hives shall be kept on a lot;
  - (3) Hives shall not be located within ten (10) feet of a lot under different ownership than that on which the hive is located, nor within twenty-five (25) feet of any principal building on a lot under different ownership than that on which the hive is located;
  - (4) A water supply shall be located in close proximity to hives at all times;
  - (5) Any portion of a lot line under different ownership than that on which the hive is located, and within twenty five (25) feet of said hive, shall be shielded by a flyway barrier at least six (6) feet in height as provided by the hive owner, with said barrier to effectively direct bees to fly up and over the barrier when flying in direction of the barrier, consisting of a wall, fence, dense vegetation, or combination thereof and positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the line of the lot to be so shielded. The barrier shall comply with any applicable fence regulations, per Sec. 3-2 (10) (A) (1) of this Ordinance;
- 7
  - (1) A livestock facility existing prior to May 1, 2006, or a facility that has already been approved by the Town, does not require a CUP except if the facility is to be subject to expansion, with the number of animal units kept at the facility to exceed all of the following, (A) and (B), in which case a CUP shall be required:

- (A) The applicable size threshold for a conditional use permit established in the zoning district where the facility is located;
  - (B) The maximum number previously approved or if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006 or on the effective date of the permit requirement, whichever date is later;
- (2) Building setback lines for a large livestock facility shall be as stated in the following, (A) and (D):
- (A) Livestock structure (Building setback lines as identified in (a) and (b) shall not prevent the use or expansion of a livestock structure that was located within the setback area prior to May 1, 2006 except that a structure may not be expanded closer to the property line.):
    - (a) Fewer than one thousand (1,000) livestock animal units: One hundred (100) feet from a property line and any public road right of way;
    - (b) Greater than one thousand (1,000) livestock animal units: Two hundred (200) feet from a property line and one hundred fifty (150) feet from any public road right of way;
  - (B) Waste storage structure: Three hundred fifty (350) feet from a property line and any public road right of way. A single new waste storage structure may be constructed closer to a property line or public road right of way if said structure meets all of the following (a) – (d) (Building setback lines identified in (a. – d. shall not apply to existing waste storage structures, except that an existing structure within three hundred fifty (350) feet of a property line or public road right of way may not expand toward said property line or road right of way.):
    - (a) Located on the same lot as a waste storage structure in existence before May 1, 2006;
    - (b) No larger than the existing structure;
    - (c) No further than fifty (50) feet from the existing structure;
    - (d) No closer to a property line or public road right of way than the existing structure;
  - (C) Shoreland, wetlands, and floodplain: In accordance with *Chapter 4 – Subchapter 1 – Part 2 and 4, Zoning, Code of Ordinances, Rock County*;
  - (D) Wells. All wells located within a livestock facility shall comply with Sec. NR 811 and 812, Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Sec. NR 811 and 812 regardless of whether the livestock facility operator owns the land on 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.
- (3) Any transfer of ownership of a livestock facility shall require the new owner of said facility to provide to the Town pertinent information, including but not limited to name, address, and date of ownership transfer, within sixty (60) days of said transfer, as recorded with the Rock County Register of Deeds.
- <sup>8</sup> (1) All commercial or industrial uses as identified by the Town in accordance with Appendix A, (7) of this Ordinance require submittal of a lighting and illumination plan, specifications for all proposed fixtures, and photometric plan or other plans delineating exterior luminance levels that evidence compliance with the following standards and requirements, (A) – (L):

- (A) All exterior lighting fixtures shall be dark sky compliant or full cut-off fixtures as defined by the Illuminating Engineering Society of North America (hereafter "IESNA"). The Zoning Administrator or Building Inspector may modify this requirement for security lighting in areas where the exterior lights are not visible from a residential area or public street;
  - (B) All exterior lighting shall be designed and fixtures selected to prevent glare;
  - (C) All exterior lighting shall be designed to avoid competition with illumination on adjacent or proximate properties;
  - (D) Illumination levels shall be appropriate for the intended area, use, building, or other structure to be illuminated and should generally follow the guidelines and recommendations of the IESNA;
  - (E) Illumination of signs, architecture, landscaping, or site amenities, or other specialty illumination of any kind, shall be designed consistent with the intent and purpose of this Ordinance in accordance with Sec. 1-3 herein;
  - (F) Illumination shall not exceed an average illumination level of twenty (20) footcandles for the surface to be illuminated unless approved otherwise by the Commission;
  - (G) The illumination uniformity ratio (the ratio of the average illumination to the minimum illumination) for the surface to be illuminated shall not exceed four to one (4:1);
  - (C) The illumination level at any lot line shall not exceed one half (0.5) footcandle above the ambient lighting conditions on a cloudless night;
  - (D) Exterior lighting fixtures shall not be mounted or oriented in such a manner that the lighting element is visible from any residence located in the Residential-Rural Density (R-R) zoning district;
  - (E) The maximum exterior lighting fixture mounting height, measured from the illuminated surface to the bottom of the light fixture, shall be as stated in the following, (a) – (d):
    - (a) Parking lot light fixtures in lots containing fifty (50) or fewer stalls: Twenty three (23) feet;
    - (b) Parking lot light fixtures in lots containing more than fifty (50) stalls: Thirty three (33) feet;
    - (c) Building or security lighting: Fourteen (14) feet;
    - (d) Any other site lighting fixture: Eighteen (18) feet or as determined appropriate and consistent with the purpose and intent of this Sec. by the Zoning Administrator or Building Inspector;
  - (K) Only building-mounted security lighting and up to twenty-five (25%) of all other exterior lighting fixtures may remain illuminated if the use for which the lighting was intended is not in operation;
  - (L) The use of laser source light or any similar high-intensity light for outdoor advertising or entertainment, when projected above the horizontal, and the operation of searchlights for advertising purposes, are prohibited;
- (2) Alternatives to the aforementioned lighting and illumination standards and requirements, <sup>8</sup>(1) (A) – (L), may be proposed by any person to incorporate the use of a particular architectural style or theme, or to incorporate innovative or unique lighting and illumination techniques, with such alternatives presented to the Town with supportive evidence sufficient to determine that the proposal is consistent with the purpose and intent of this Sec., with approval of said alternatives at the discretion of the Town.

- (3) Any person may submit to the Town, on a form prepared by the Town, a temporary request for exemption from the aforementioned lighting and illumination standards and requirements, <sup>8</sup> (1) (A) – (L), with said request to contain all of the following, (A) – (F):
- (A) Specific Ordinance Sec. exemption(s) requested and duration of exemption(s);
  - (B) Proposed location of the proposed light fixture(s);
  - (C) Purpose of proposed lighting;
  - (D) Information for each luminaire and lamp combination;
  - (E) Previous temporary exemptions, if any, and addresses of premises thereunder;
  - (F) Any other relevant information deemed necessary by the Town to make a comprehensive evaluation of the exemption request;
- (4) If a light and illumination exemption request is approved, the exemption shall be valid for no more than thirty (30) days from the date of issuance of the approval by the Town. The approval shall be renewable upon further written request, at the discretion of the Town, for a maximum of one (1) additional thirty (30) day period.

- <sup>9</sup> The First Amendment of the United States Constitution and other provisions therein, as interpreted by the United States Supreme Court and other courts, require that adult entertainment uses are entitled to certain protections including the opportunity to locate in the Town.

In accordance with the purpose and intent of this Ordinance as stated in Sec. 1-3 herein, the Town seeks to allow adult entertainment uses the opportunity to locate in the Town while concurrently minimizing and controlling secondary effects of said uses. Secondary effects of said uses may include an increased risk of prostitution, high-risk sexual behavior, crime, and other deleterious effects upon existing adjacent and proximate commercial and residential land uses, including decreased property values, all in accordance with studies conducted in Phoenix, AZ, Garden Grove, CA, Los Angeles, CA, Whittier, CA, Indianapolis, IN, Minneapolis, MN, St. Paul, MN, Cleveland, OH, Oklahoma City, OK, Amarillo, TX, Austin, TX, Beaumont, TX, Houston, TX, Seattle, WA and the findings incorporated in *City of Renton v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Colman A. Young v. American Mini-Theaters, Inc.*, 427 U.S. 50 (1976). As such, the Town shall minimize and control potential secondary effects of adult entertainment uses by regulating the location of said uses in accordance with the following, (A) – (C):

- (A) Any building housing an adult entertainment use shall be located at least one thousand (1,000) feet from all of the following, (a) – (e):
  - (a) Any lot within the R-R zoning district;
  - (b) Any lot on which a public park is located;
  - (c) Any residence, church/place of worship, nursery or daycare center, secondary (K – 12<sup>th</sup> grade) school, or community and/or recreation center;
  - (d) Any building housing an establishment holding an alcohol beverage license issued by the Town or so required to hold said license;
  - (e) Any other building housing an adult entertainment use;
- (B) Distances shall be measured in a straight line from a building housing an adult entertainment use to any lot line or building identified in <sup>9</sup> (A) (a) – (e) and shall be calculated from the farthest point said lot lines or buildings extend in the direction of the measurement, including overhanging roofs or similar projections.

Distances from adult entertainment uses located in conjunction with other buildings, such as in a shopping center, and clearly separate from other establishments shall be measured from the boundaries of the area occupied by the adult entertainment use. Distances from adult entertainment uses located above ground level in a multi-story building and clearly separate from other establishments within the building shall be measured from the ground floor public entrance/exit nearest the adult entertainment uses, excluding emergency exits.

(C) Any adult entertainment use so established in legal conformance with this Ordinance may continue in its legal conforming use if any lot, building, or use identified in <sup>9</sup> (A) (a) – (e) is established, subsequent to the adult entertainment use, within one thousand (1,000) feet of said adult entertainment use. This provision applies only to renewal of an existing adult entertainment CUP and shall not be applicable to any new adult entertainment CUP application submitted to the Town, subsequent to non-renewal or revocation of an adult entertainment CUP by the Town.

- <sup>10</sup> Products for sale must be produced on the premises and not require outside processing before they are offered for sale. Two (2) unlighted signs not larger than thirty-two (32) square feet each, advertising such sale, are allowed.
- <sup>11</sup> The use shall only be allowed as a permitted use if required or authorized under state or federal law to be located in a specific place within the applicable zoning district, preempting the prohibition or requirement of a conditional use permit for said use.
- <sup>12</sup> Allowed if meeting the definition of *agricultural accessory use* as defined in Sec. 1-7 of this Ordinance.
- <sup>13</sup> Wineries shall be allowed only if issued a Class B license, in accordance with Sec. 125.51 (3) (am), Wisconsin Statutes, for the consumption of wine by the glass or an open container on the premises, and for the sale of wine in the original package or container to be consumed off the premises.
- <sup>14</sup> All gasoline pumps, storage tanks, and accessory equipment shall be located at least one hundred (100) feet from any existing or proposed road/street right of way.
- <sup>15</sup> Allowed if located on a collector or arterial street.
- <sup>16</sup> Allowed in accordance with Sec. 91.46 (5), Wisconsin Statutes.
- <sup>17</sup> Buildings are not allowed.
- <sup>18</sup> An eight (8) foot high fence is required if the utility does not require authorization under Sec. 196.491, Wisconsin Statutes.
- <sup>19</sup> Allowed in accordance with Sec. 91.46 (4), Wisconsin Statutes.
- <sup>20</sup> Not to be located within five hundred (500) feet of any residence.
- <sup>21</sup> The following, (1) – (5), are standards and requirements applicable to all non-metallic mining uses:
  - (1) Chain link or similar fencing no less than six (6) feet high shall be placed around the entire perimeter of any non-metallic mining site within one-half mile (1/2) of any lot in the R-R zoning district;
  - (2) No dumping of waste products or by-products shall be allowed anywhere on the non-metallic mining site;
  - (3) A Restoration Plan shall be developed by the mining operator or agent and submitted to and approved by the Commission;

- (4) Any non-metallic mining use shall be in compliance with Sub-chapter 1, Sec. 295, Wisconsin Statutes, and Chapter 4 – Subchapter 2 – Part 10 – Non-Metallic Mining Reclamation, Code of Ordinances, Rock County;
- (5) All standards and requirements identified in Sec. 4-3 (6) (B) (2) (a) h. of this Ordinance.
- 22 Construction, installation, use, or maintenance of an outdoor furnace shall be in compliance with manufacturer specifications and comply with all applicable state, federal and local laws, and all of the following, (1) – (3):
- (1) Located a minimum of forty (40) feet from the building or other structure which the furnace services and a minimum of four hundred (400) feet from any residential building on any lot other than a lot on which the outdoor furnace is located;
- (2) Use wood, wood pellets, or corn fuel only;
- (3) Prohibited from burning any of the following:
- a. Rubbish or garbage, including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes;
  - b. Waste oil or other oily wastes;
  - c. Asphalt and products containing asphalt;
  - d. Treated or painted wood, including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives;
  - e. Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers;
  - f. Rubber, including tires and synthetic rubber-like products;
  - g. Newspaper, corrugated cardboard, container board, officer paper, and other materials that must be recycled in accordance with Sec. 287.07, Wisconsin Statutes;
- 23 In accordance with Sec. 236.292, 700.41, and 844.22, Wisconsin Statutes.
- 24 A lot one (1) acre or larger in size shall be required to locate a wind turbine, with said turbine not to be located in or on an environmentally sensitive area as defined in Sections 3-3 (9) (B) and 3-3 (10) (B) of this Ordinance. A wind turbine over sixty (60) feet in height and meeting all applicable provisions of this Ordinance may be prohibited upon a finding by the Town that the turbine height is wholly out of proportion with prevailing heights of adjacent and proximate buildings and other structures, and said turbine would consequently be seriously disruptive of immediate, adjacent, or proximate aesthetic and character.
- A wind turbine shall be setback from all roads, lot lines, and other applicable boundaries or infrastructure in accordance with Public Service Commission (PSC) regulations enacted pursuant to Sec. 196.378, Wisconsin Statutes;
- 25 A community living arrangement, in accordance with Sec. 60.63, Wisconsin Statutes, may not be established within two-thousand five hundred (2,500) feet of any other such facility, and the design and landscaping of the facility shall be compatible with adjacent and proximate lands. Two (2) community living arrangements may be adjacent if authorized by the Commission and if both comprise essential components of a single program. Community living arrangements shall be allowed without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed twenty-five (25) people or one percent (1%) of the Town's population, whichever is greater.

Any community living arrangement housing 16 or more persons may be allowed at the discretion of the Town, per Sec. 60.63, Wisconsin Statutes.

- <sup>26</sup> If a use in any zoning district other than the A-E zoning district does not meet the definition of a home occupation as set forth in Sec. 1-7 of this Ordinance, the Commission may approve such home occupation as a conditional use, subject to all of the following, (1) and (2):
- (1) The type and number of equipment or machinery used in connection with the proposed use may be restricted by the Commission;
  - (2) Sale or transfer of the property on which the use is located or expansion of the use shall cause any conditional use permit granted thereon to become immediately null and void;
- <sup>27</sup> Single-family residences are allowed only for the commercial/business or industrial use owner, proprietor, commercial tenant, employee, or caretaker, and are to be located in the same building as the commercial/business or industrial use.
- <sup>28</sup> Not to include landowner or immediate family. Not to include motor vehicles defined in Section 1-7 that are being used for agricultural purposes.



**SEC 6-2. Appendix B: Criteria for Designation of Town of Porter Lands in the Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise (A-CE) Zoning Districts**

6-2(1) **Agricultural-Exclusive (A-E) Zoning District:** Lands in the Town of Porter (hereafter “Town”) Agricultural-Exclusive (A-E) Zoning District are those meeting all of the following criteria:

- (A) A primary use of agriculture, per *State of Wisconsin Statute Chapter 91 – Farmland Preservation* (hereafter “Statute”), or a current primary use other than agriculture but consistent with those primary uses allowable in Farmland Preservation Areas per Statute, and not identified for a primary use other than the aforementioned, per the *Town of Porter Comprehensive Plan*, within 15 years of the date of adoption of the *Rock County Agriculture Plan*;
- (B) Minimum base farm size of greater than 5 acres;
- (C) Land Use Suitability Evaluation (LUSE) Score of 5.0 or greater, in accordance with *Appendix C: Town of Porter Land Use Suitability Evaluation (LUSE) System and Land Use Suitability Evaluation (LUSE) Map*, as contained herein;

[Note: Select other tax parcels with a LUSE score of less than 5.0 that have traditionally received the State of Wisconsin Farmland Preservation Tax Credit are also designated in the Town’s A-E zoning district.]

6-2(2) **Agricultural-General (A-G) Zoning District:** Lands in the Town’s Agricultural-General (A-G) Zoning District are those meeting all of the following criteria:

- (A) A principal use allowable as a permitted or conditional use in the Agricultural-General (A-G) zoning district, as identified in *Appendix A – Town of Porter Zoning Districts – Permitted and Conditional Uses* herein;
- (B) Minimum base farm size of 5 acres or less, or minimum base farm size of greater than 5 acres and a Land Use Suitability Evaluation (LUSE) Score of 4.9 or less, in accordance with *Appendix C: Town of Porter Land Use Suitability Evaluation (LUSE) System and Land Use Suitability Evaluation (LUSE) Map*, as contained herein;

6-2(3) **Agricultural-Community and Enterprise (A-CE) - Overlay Zoning District:** Lands in the Town’s Agricultural-Community and Enterprise (A-CE) Zoning District are those meeting all of the following criteria:

- (A) A primary use of agriculture, per *State of Wisconsin Statute Chapter 91 – Farmland Preservation (Statute)*, or a current primary use other than agriculture but consistent with those primary uses allowable in Farmland Preservation Areas per Statute, and not identified for a primary use other than the aforementioned, per the *Town of Porter Comprehensive Plan*, within 15 years of the date of adoption of the *Rock County Agriculture Plan*;
- (B) Minimum base farm size of greater than 5 acres;
- (C) Land Use Suitability Evaluation (LUSE) Score of 7.2 or greater, in accordance with *Appendix C: Town of Porter Land Use Suitability Evaluation (LUSE) System and Land Use Suitability Evaluation (LUSE) Map*, as contained herein;

**SEC 6-3. APPENDIX C: TOWN OF PORTER LAND USE SUITABILITY EVALUATION (LUSE) SYSTEM AND LAND USE SUITABILITY EVALUATION (LUSE) MAP**

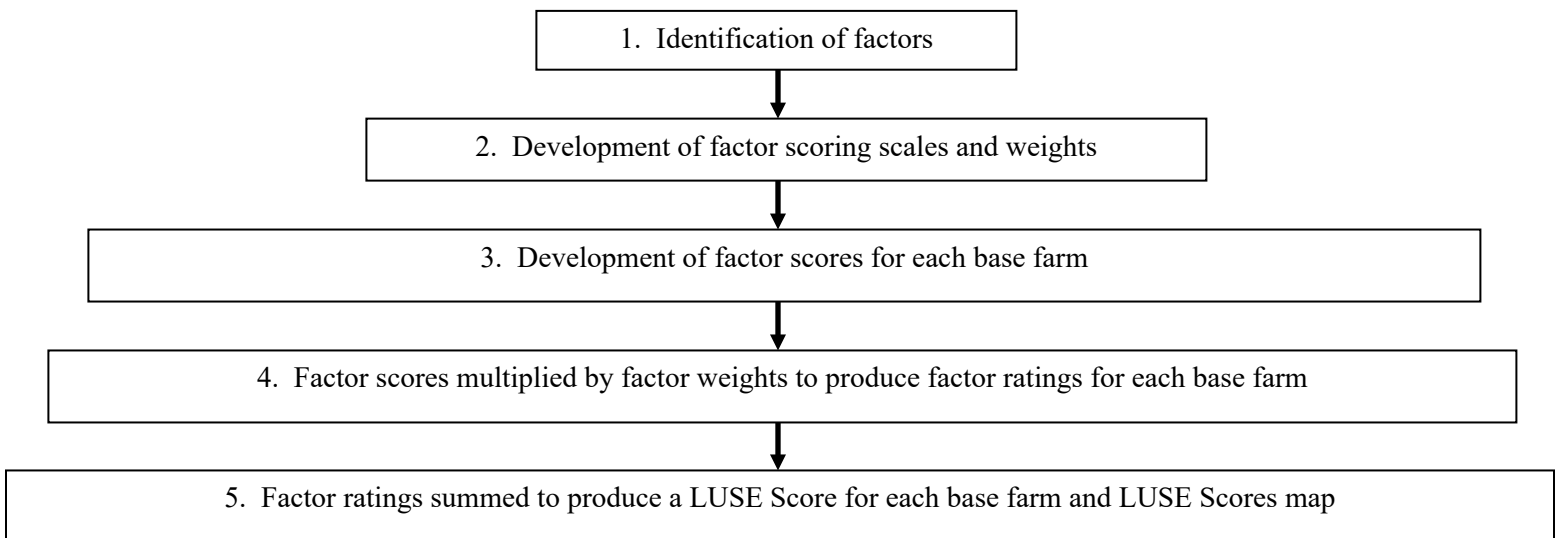
The Town of Porter (hereafter “Town”) developed a Land Use Suitability Evaluation (LUSE) System to identify lands suitable for designation in the Town’s Agricultural-Exclusive (A-E), Agricultural-General (A-G), and Agricultural-Community and Enterprise – Overlay (A-CE) zoning districts. The LUSE System provides a comprehensive synthesis of vital agricultural land use information, ensuring objectivity and consistency in agricultural land use decision-making.

The LUSE system developed a LUSE score (0-10) for all base farms in the Town, evaluating suitability for agricultural use. A higher base farm LUSE score indicates lands more suitable for agricultural use. A base farm’s LESA score consists of two land characteristics categories, Soil and Socio-Economic and Environmental, comprised of various factors within multiple groups. Factors contain both scoring scales, assessing the characteristics of the base farm relative to the factor, and weights, reflecting the relative importance of the factor in comparison to other factors. Factor scoring scales are developed on a scale of 0-10, with higher factor scores indicating lands more suitable for agricultural use. Factor weights combine to equal 1, with higher weights indicating a factor more important in determining agricultural suitability. A base farm was given a factor score for each factor. Each factor score is then multiplied by the factor weights to produce a factor rating. Factor ratings are then summed to produce a LUSE score for the base farm.

The Soil Characteristics component of the LUSE system consists of one group, Soil, and one factor, Suitability. The Socio-Economic and Environmental Characteristics component of the LUSE system consists of three groups, Agriculture, Development, and Natural Resources, with eight factors within these three groups.

Figure I identifies the process utilized to develop LUSE Scores for base farms in the Town.

**Figure I  
Land Use Suitability Evaluation (LUSE) Score Development Process**



The following I. and II, identifies the Town of Porter Land Use Suitability Evaluation (LUSE) System:

**I. SOIL CHARACTERISTICS**

**1. Soil Group**

**a. Soil Suitability Factor**

Soil Type	Score (0-10)	Weight
Any present in the Town	0-10	.45

*\*Soil suitability factor scores were developed utilizing NRCS land evaluation scores for Town of Porter soil types, normalized to a 0-10 scale.*

**II. SOCIO-ECONOMIC AND ENVIRONMENTAL CHARACTERISTICS**

**1. Agriculture Group**

**a. Surrounding Use Compatibility (Land Use Within 0.5 Miles) Factor**

Surrounding Use Compatibility (Land Use Within 0.5 Miles)	Score (0-10)	Weight
Agricultural, Open Space, and Vacant	10	.14
Recreation, Mining and Logging, Transportation, and Low-Density Residential	5	
High-Density Residential and All Other Enterprise Uses (Commercial, Industrial, etc.) and Other Land Uses Not Listed Above	0	

**b. Use (Percent of Site as Workland) Factor**

Use (Percent of Site as Workland)	Score (0-10)	Weight
90% to 100%	10	.06
80% to 89%	7	
70% to 79%	4	
69% or less	0	

**c. Field Size Factor**

Field Size (Acres)	Score (0-10)	Weight
60 or greater	10	.05
40 to 59	7	
20 to 39	4	
19 or less	0	

**2. Development Group**

**a. Distance From Existing Sewer Service Area Boundaries and/or Higher-Density Rural Residential Clusters Factor**

Distance (Miles)	Score (0-10)	Weight
.75 or greater	10	.05
.50 to .74	7	
.25 to .49	4	
.24 or less	0	

**b. Distance From Other Protected Lands (10 Acres Or Greater) and/or Large Livestock Operations (400 Head of Livestock) Factor**

Distance (Miles)	Score (0-10)	Weight
.49 or less	10	.09
.50 to .74	7	
.75 to .99	4	
1 mile or greater	0	

**c. Distance From Major Transportation Corridors Factor**

Distance (Miles)	Score (0-10)	Weight
0.5 miles or more to Minor/Major Collector or Minor Arterial	10	.03
0.49 miles or less to Minor Collector	7	
0.49 miles or less to Major Collector	4	
0.49 miles or less to Minor Arterial	0	

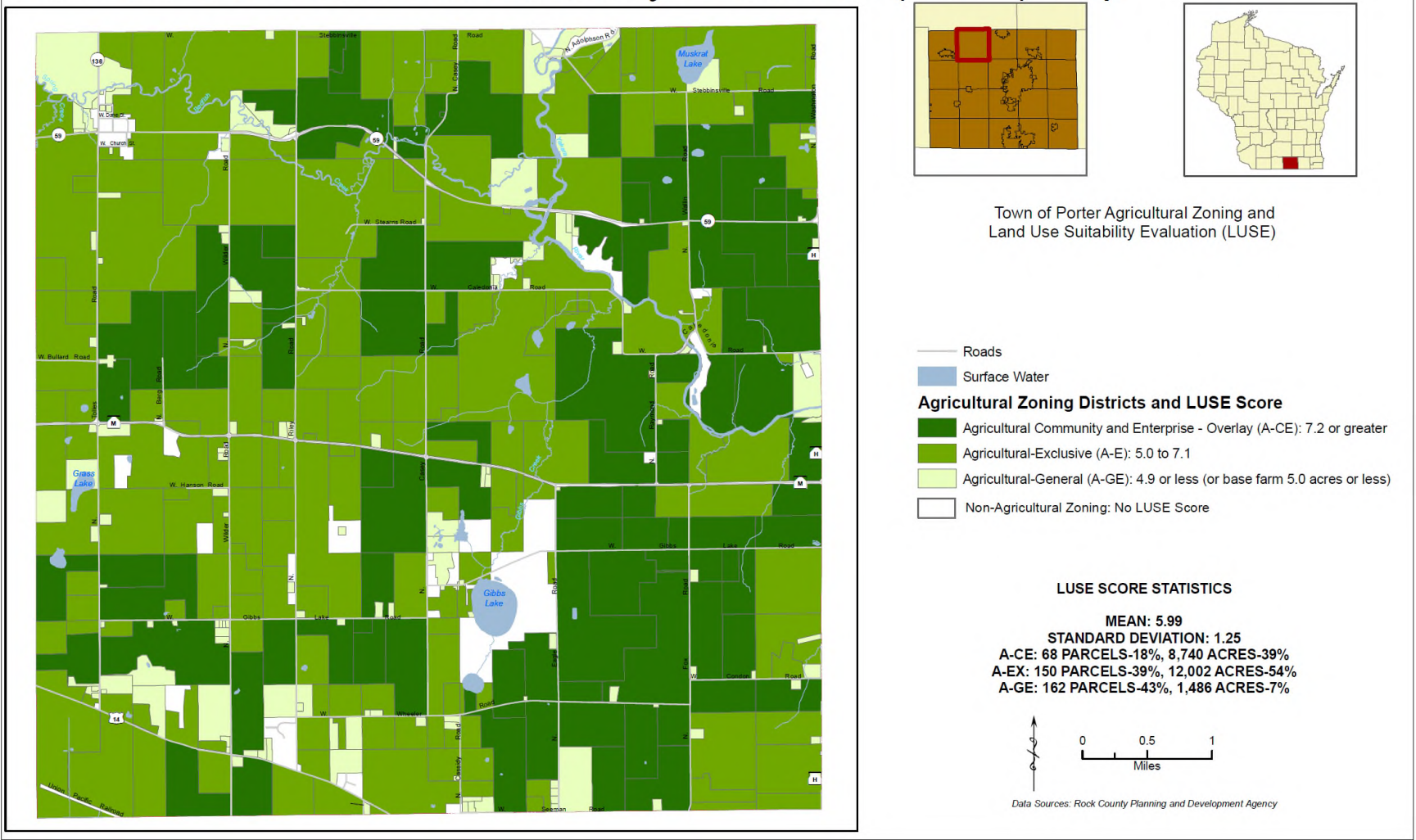
**3. Natural Resource Group**

**a. Percent of Parcel Coverage by Environmentally Sensitive Areas and Woodlands**

Percent of Parcel Coverage by Environmentally Sensitive Areas and Woodlands	Score (0-10)	Weight
15% to 25%	10	.13
10% to 14%	7	
5% to 9%	4	
4% or less or 26% or greater	0	

**Figure II**  
**Land Use Suitability Evaluation (LUSE) Map**

# Town of Porter Land Use Suitability Evaluation (LUSE) Map



SEC 6-4. APPENDIX D: LAND DIVISION AND DEVELOPMENT ACTIVITIES MEMORANDUM OF AGREEMENT (MOA)

Town of Porter and Rock County Planning, Economic and Community Development Agency



Rock County Planning, Economic & Community Development Agency

51 S. Main St.
Janesville, WI 53545
Phone: (608) 757-5587
Fax: (608) 757-5586
Web: www.co.rock.wi.us

LAND DIVISION AND DEVELOPMENT ACTIVITIES MEMORANDUM OF AGREEMENT (MOA) WITH THE TOWN OF PORTER

Article 1. PARTIES AND EFFECTIVE DATE. This Memorandum of Agreement (MOA) between the Rock County Planning, Economic & Community Development Agency ("Agency") and the Town of Porter ("Town") shall be effective April 20, 2012 to December 31, 2016, unless terminated or extended as provided herein.

Article 2. APPLICABLE LAW. This MOA shall be governed under the laws of the State of Wisconsin and venue for any legal action to enforce the terms of the agreement shall be in Rock County Circuit Court.

Article 3. LEGAL RELATIONS AND INDEMNIFICATION. While this MOA represents a cooperative effort by the parties to serve the interests of each party and of their constituents, the Town shall retain control over and responsibility for all policy determinations and discretionary judgments made in the adoption of the products and services identified in Article 4 of this MOA. Consequently, the Town shall indemnify and hold harmless the Agency and all of its officers, agents, and employees from all suits, actions, or claims of any character brought for or on account of any injuries or damages received by any persons or property resulting from utilization of the products and services identified in Article 4; however, the provisions of this paragraph shall not apply to liabilities, losses, charges, costs, or expenses directly caused by the negligence or wrongful acts of the Agency, its employees or officers.

All persons acting on behalf of either party with regard to the formation of or discharge of responsibilities under this MOA is acknowledged to have always been and shall, at all future times, be deemed to remain an officer, agent or employee of the party on whose behalf he or she has first been identified in writing as authorized so to act.

Article 4. PRODUCTS AND SERVICES. The Agency shall provide to the Town the products and services as enumerated in 4.1., 4.2., 4.3., 4.4., and 4.5. of this MOA (All terms utilized in 4.1., 4.2., 4.3., 4.4., and 4.5. shall have the definition as stated in Sec. 38-7., Land Division and Development, Code of Ordinances, County of Rock), to include all tasks and duties required. All products shall become the property of the Town and may be copyrighted in its name, but shall be subject to Sec. 19.21 Wisconsin Statutes, et seq. The Agency reserves a royalty-free, non-exclusive and irrevocable license to reproduce, publish, otherwise use, and to authorize others to use said products for government purposes. A notation indicating the preparation of all products, as identified in this Article, by the Agency shall be included on the products and all reproductions thereof.

4.1. ADJACENT LAND SALE OR TRANSFER

The Agency shall administer and enforce adjacent land sale or transfer requirements in the Town, as identified in 4.1. (1), (2), and (3) herein.

ROCK COUNTY

MEMORANDUM OF AGREEMENT

(1) Application submission requirements. An applicant shall submit an application for preliminary adjacent land sale or transfer to the Administrator. Application information and forms are available at the offices of the Town and Administrator and on the Town and Rock County websites. The application shall require an application form and fee, and a preliminary adjacent land sale or transfer CSM prepared and submitted in accordance with the Ordinance and Sec. 236.34 Wisconsin Statutes. The CSM shall be required for the purpose of verifying that additional lots are not thereby created and the lots resulting there from are not reduced below the minimum size and dimension required by law. The Administrator may waive the requirement for a CSM if all of the following conditions are met:

- (a) The new lot line has been staked by a land surveyor;
- (b) A POS, containing a deed restriction, is filed with the applicable deed in the Rock County Register of Deeds Office with said restriction permanently prohibiting the grantee and all successors in interest from conveying the sold or transferred land separately from the adjacent lot owned by the grantee;
- (c) The applicant provides to the Rock County Treasurer a POS approved by the Administrator, along with the following text:  
 "Rock County Treasurer,  
 I hereby certify that the property taxes on the parent lot are current and have been paid as \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Rock County Treasurer;

(2) Review and action. The application for preliminary adjacent land sale or transfer shall be reviewed, with actions taken, in accordance with Sec. 38-12. (3), (4), (5), and (6) of the Ordinance. The Administrator shall then take action and approve, or deny with findings, the application. If the application is denied, the applicant shall be notified in accordance with Sec. 38-12. (7) of the Ordinance. If the application is approved, a final adjacent land sale or transfer POS or CSM shall be prepared and submitted by the applicant to the Administrator in accordance with this Ordinance and Sec. 236.34 Wisconsin Statutes, if applicable. The final adjacent land sale or transfer shall be reviewed, with actions taken, in accordance with applicable components of Sec. 38-13. (2), (4), and (5) of the Ordinance.

(3) Recordation. The final adjacent land sale or transfer CSM approved by the Administrator shall be recorded by the applicant with the Rock County Register of Deeds within six (6) months of Administrator approval, or a final adjacent land sale or transfer POS approved by the Administrator shall be filed with the Rock County Surveyor within the aforementioned time period.

**4.2. LOT COMBINATION**

The Agency shall administer and enforce lot combination requirements in the Town, as identified in 4.2. (1), (2), and (3) herein.

(1) Application submission requirements. An applicant shall submit an application for preliminary lot combination to the Administrator. Application information and forms are available at the offices of the Town and Administrator and on the Town and Rock County websites. The application shall require an application form and fee, and a preliminary lot combination CSM prepared and submitted in accordance with the Ordinance and Sec. 236.34 Wisconsin Statutes. The lots subject to combination shall be contiguous at more than a corner and under identical ownership in accordance with Rock County Tax Records.

ROCK COUNTY

MEMORANDUM OF AGREEMENT

- (2) Review and action. The application for preliminary lot combination shall be reviewed, with actions taken, in accordance with Sec. 38-12. (3), (4), (5), and (6) of the Ordinance. The Administrator shall then take action and approve, or deny with findings, the application. If the application is denied, the applicant shall be notified in accordance with Sec. 38-12. (7) of the Ordinance. If the application is approved, a final lot combination CSM shall be prepared and submitted by the applicant to the Administrator in accordance with the Ordinance and Sec. 236.34 Wisconsin Statutes, if applicable. The final lot combination shall be reviewed, with actions taken, in accordance with applicable components of Sec. 38-13. (2), (4), and (5) of the Ordinance.
- (3) Recordation. The lot combination final CSM shall be recorded by the applicant with the Rock County Register of Deeds within six (6) months of the action of Administrator approval and in accordance with Sec. 236.34 (2) Wisconsin Statutes.

#### 4.3. PUBLIC IMPROVEMENT DESIGN AND CONSTRUCTION

The Agency shall administer and enforce public improvement design and construction requirements in the Town throughout the land division and development process, as identified in 4.3. (1) – (8) herein.

- (1) Blocks. Block length shall not exceed one thousand five hundred (1,500) feet nor be less than four hundred (400) feet, except as the Town deems necessary to secure the efficient use of land or desired features of street layout. Block width shall be wide enough to allow two tiers of lots of sufficient depth to provide an adequate building envelope on each lot. The Town may approve block widths consisting of a single tier of lots when said lots front a major street or when topography or size prevents two tiers. If a single tier block is approved by the Town, an adequate area to screen and buffer differing land uses shall be provided and vehicular access from an abutting major street prohibited.

A pedestrian way may be required by the Town near the center of a block, and entirely across those blocks which exceed nine hundred (900) feet in length, to connect dead-end streets or to provide access to parks, schools, shopping areas, or other similar facilities. If a pedestrian way is required, a minimum ten (10) foot right-of-way shall be set aside with an eight (8) foot pavement (or other cover type as approved by the Town) width, at a grade not steeper than fifteen percent (15%), unless steps of adequate design are approved by the Town. A note shall be placed on the Sub-division Plat stating by whom such pedestrian way shall be maintained.

- (2) Streets. All streets shall meet applicable jurisdictional construction standards and regulations. All streets shall be designed to appropriately coordinate with and relate to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, the natural landscape, street systems, dedicated rights-of-way, population densities, special vehicular traffic generators such as commercial, business, and industrial districts, institutional facilities, and other social gathering areas. In areas to be utilized predominately for non-residential uses, streets shall be planned in coordination with building groupings, rail facilities, alleys, and truck loading and maneuvering areas, and pedestrian ways and parking areas shall be adequately provided and located so as to minimize conflict between various types of traffic. Streets shall normally intersect, as nearly as possible, at right angles and shall avoid a combination of steep grades and curves. Streets shall be arranged to provide access to lots and building and accessory building sites at or above street grade. Street design in a major land division (sub-division) shall provide for the continuation of existing streets in adjacent areas at the same or greater width as said existing streets, unless the Town deems such continuation undesirable for reasons of topography or design.



All streets shall be public unless the Town, prior to approval of the application for preliminary land division, agrees to the use of private streets. Private streets will be considered by the Town only in those instances where an association or other legal entity is established by covenant with capability and responsibility for maintenance of said streets.

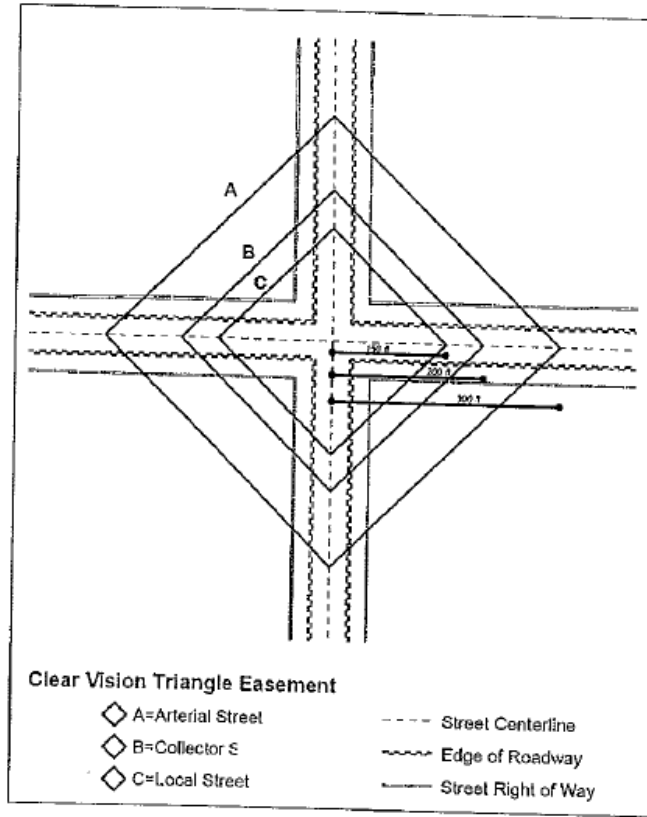
- (a) Street width shall be as delineated in Figure I:

Figure I: Street Width

	Arterial Street	Collector Street	Local Street
Full Width	100 feet	80 feet	66 feet
Half Width	50 feet	40 feet	33 feet

- (b) Street gradient shall not exceed nine percent (9%), nor eleven percent (11%), with approval of the Town, in areas of extreme topography. Gradient shall not exceed one point four percent (1.4%) for a minimum distance of fifty (50) feet from the intersection of street centerlines. Streets may be constructed diagonally across contours in areas of extreme topography and shall traverse the slope with minimum street grade, driveway grade, and earth movement.
- (c) Cul-de-sac use shall not be encouraged, and if utilized, cul-de-sacs shall not be longer than six hundred (600) feet unless approved by the Town and shall terminate in a circular open space having a diameter at the outside of the right-of-way of at least one hundred forty (140) feet. Temporary cul-de-sacs may be permitted by the Town, to be constructed to the lot line and provided with a temporary circular or "T" shaped turnaround.
- (d) Frontage or access streets shall be required in those instances where a major land division (sub-division) abuts or contains an existing or proposed arterial street on which traffic volume and vehicular speeds warrant special safety precautions to ensure no lots front arterial streets.
- (e) A street approximately parallel to a rail line, expressway, freeway, or parkway right-of-way shall be required if the land division adjoins such facility for a considerable distance, with consideration given to the distance required for approach grades to future grade separations.
- (f) A clear vision triangle ("triangle"), in each quadrant of every public street or rail line intersection, shall be maintained, bounded by the street centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated in Figure II as contained herein, with the exception that a triangle shall be maintained for twenty five (25) feet from the right-of-way for any intersection in a Sub-division Plat. The triangle shall be cleared of all vegetation less than six (6) inches in diameter. Vegetation greater than six (6) inches in diameter may remain in the triangle at the discretion of the Town. Any vegetation remaining in the triangle shall require trimming up to eight (8) feet above the ground.
- (g) Grading, base course, surface course, marking and signing, landscaping, and stormwater management shall be in accordance with *Article II – Stormwater Management, Chapter 16 – Environment, Code of Ordinances, Rock County* and all other applicable Rock County ordinances, with all costs related to these activities borne by the applicant. The applicant shall come to terms with the Town on a method of financing to assure surface course is applied to the street. Surface course is to be applied approximately twelve (12) months after the base course is constructed. Financing and timing for application of surface course shall be a condition of approval of the application for preliminary land division.

Figure II: Clear Vision Triangle



- (h) Bridges of primary benefit to the applicant shall be constructed at the expense of the applicant without reimbursement from the Town. Cost sharing for construction of bridges not of primary benefit to the applicant can be fixed by special agreement between the State, County or Town and the applicant as a condition of approval of the application for preliminary land division. Said costs shall be charged by the County or Town to the applicant pro-rata as the acreage of the land developed so served.
- (3) Town public improvement plan. All public improvements shall be designed, constructed, and maintained by the applicant in accordance with 4.3. (1) and (2) herein and a Town public improvement plan. The Town public improvement plan shall be submitted by the applicant to the Administrator in accordance with 38-13. (1) (b) of the Ordinance. The Administrator shall review the plan and either approve the plan or provide the applicant with required modifications. The plan shall contain all of the following:
  - (a) Elevation profiles of the centerline of all existing and proposed streets;
  - (b) Elevation profile of the centerline of all existing streets that intersect with a proposed street, within six hundred (600) feet of said intersection;
  - (c) Approximate radii of all curves, lengths of tangents, and central angles on all existing streets;
  - (d) Cross-sections of all proposed streets at one hundred (100) foot stations superimposed on existing topography (the Town may require cross-sections every fifty (50) feet in areas in excess of nine percent (9%) slope), and the location and cross-section of street pavements including drainageway easements, right-of-ways, and street signs;

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- (e) Location, dimension, and invert elevations of existing and proposed sanitary sewers, stormwater drainageways, drainage control facilities, and fire hydrants, identification of connections to any existing or proposed utility, and the location and size of all water, gas, or other underground utilities or structures;
- (f) Location, dimension, and name (if applicable) of all streets and improvements designated for public dedication, and all necessary utilities;
- (g) Any other special requirements deemed necessary by the Town to ensure the land division is in compliance with the Town comprehensive plan, *Rock County Comprehensive Plan*, or any similar successive and other relevant plan or document, and any applicable construction standard and regulation;
- (h) Notation of approval on the cover page as follows:

Landowner	Date
Administrator	Date

- (4) Financial guarantee. A written financial guarantee in a sum sufficient to pay the cost of construction of all public improvements shall be provided by the applicant to the Town, for all improvements as stated in the Town public improvement plan not constructed at the time of Administrator approval of the final land division, complying with all conditions of approval of the application for preliminary land division and assuring the construction and performance of all necessary improvements. Said financial guarantee shall take one of the following forms:
  - (a) An insurance contract from a bonding agency;
  - (b) An irrevocable letter of credit from a recognized financial institution;
  - (c) An escrow account in a recognized financial institution;

The monetary amount of said guarantee shall be limited to the cost of the current phase of improvement construction, in accordance with Sec. 236.13 (2) (a), Wisconsin Statutes.

- (5) Inspection. The Administrator shall provide for inspection of public improvements during construction to ensure completion satisfactory to the Town. If the Administrator finds the improvements have not been constructed in accordance with the Town public improvement plan, the applicant shall be responsible for taking corrective measures to ensure said improvements are constructed to the satisfaction of the Administrator or Town and in accordance with said plan.
- (6) Maintenance. The applicant shall be required to maintain all public improvements and services associated with ensuring the adequate performance of all said improvements until acceptance of improvements by the applicable general or special purpose district, or homeowners association, including but not limited to snow removal on streets. The applicable special or general purpose district may on notice plow streets or affect emergency repairs and charge same to applicant. Utility entities shall be responsible for accurate replacement of all lot corners and monuments destroyed while installing utilities, within a reasonable time period after installation.
- (7) Timeline. Public improvements shall be constructed by the applicant within twelve (12) months of the action of Administrator approval of the final land division, in accordance with

Sec. 38-13. (5) of the Ordinance. Extensions to the aforementioned timeline may be applied for by the applicant prior to expiration of said timeline and granted by the Town upon findings that delays are beyond the control of the applicant and that no material change in standards or conditions of the final land division has occurred or is reasonably expected to occur.

**4.4. ENVIRONMENTALLY SENSITIVE AREAS, CULTURAL RESOURCES, PRODUCTIVE AGRICULTURAL SOILS, AND WOODLANDS PROTECTION AND PRESERVATION**

Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils and woodlands (collectively “Resources”) shall be protected and preserved throughout the land division and development process, and land division and development shall not occur in a manner which significantly degrades or depletes any Resources, or compromises their function or integrity, in accordance with Sec. 38-9. (3) and (4) of the Ordinance, Town comprehensive plans and zoning ordinances, *Chapter 44 – Zoning, Code of Ordinances, Rock County*, the *Rock County Comprehensive Plan*, or any similar successive ordinances, plans, or documents. The Agency shall administer and enforce standards and requirements for protecting and preserving Resources in the Town throughout the land division and development process, as identified in 4.4. (1), (2), and/or (3) herein.

- (1) Town residential building site plan. Any lot subject to a land division, or on which a residential building is proposed for construction or location, shall require a Town building site plan identifying all of the following (if applicable): construction activities and products, approximate location and dimension of lot lines, building setback lines, building/accessory building, driveway, and bounding streets, building/accessory building use, bounding streets name and type, identification and approximate location of Environmentally Sensitive Areas (“ESA”), cultural resources, productive agricultural soils, and woodlands, and a building envelope not to include any front, rear, or side yards, ESA, cultural resources, and required POWTS area and open space in accordance with Sec. 38-16. (2) (a) of the Ordinance. The plan shall be required either as a condition of approval of an application for preliminary land division, or at the time of Town building permit or Town Building Site Permit (“Town BSP”) application, in accordance with 4.5. herein.

Residential building setback lines as identified on a Town building site plan shall be in accordance with the following:

- (a) Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater, for all lots. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way for those lots without access to a connection to a public sanitary sewer system and twenty five (25) feet from the right-of-way for those lots with access to a connection to said system.
- (b) Rear yard building setback lines shall be twenty five (25) feet from the rear lot line on all lots not abutting a surface water feature. Rear yard building setback lines on all lots abutting a surface water feature shall be seventy five (75) feet from the ordinary median high-water mark of said feature.
- (c) Side yard building setback lines shall be fifteen (15) feet from the side lot line on lots without access to a connection to a public sanitary sewer system and eight (8) feet from the side lot line, with a minimum of twenty (20) feet between buildings, on lots with access to a connection to said system.

- (d) Residential building setback lines less than those stated in (a), (b), and (c) of this Sec. may be permitted by the Town in cases of unusual topography or landscape conditions, existing patterns of lesser building setback lines on nearby properties, varying alignment of streets, or in accordance with Town zoning ordinances.
  - (e) Residential building setback lines, as stated in (b), (c), and (d) of this Sec. shall apply to all flag lots, applied exclusively on the "flag" of the lot. Front yard building setback lines shall apply to flag lots in the following manner. Front yard building setback lines from arterial and collector streets shall be one hundred and fifteen (115) feet from the street centerline or seventy five (75) feet from the right-of-way, whichever is greater, and twenty-five (25) feet from the front lot line of the "flag", for all flag lots. Front yard building setback lines from local streets shall be fifty (50) feet from the right-of-way and twenty five (25) from the front lot line of the "flag" for flag lots without access to a connection to a public sanitary sewer system, and twenty five (25) feet from the right-of-way and twenty five (25) feet from the front lot line of the "flag" for flag lots with access to a connection to said system.
- (2) Note on final land division or deed restriction. Any lot subject to a land division, or on which a residential building is proposed for construction or location, thirty five (35) acres or smaller and containing specified Resources, shall require either a note on the final land division POS, CSM, or Sub-division Plat, or a deed restriction, identifying specified Resources and prohibiting building and accessory building sites, and earth-disturbing activity that would significantly degrade or deplete or compromise the function or integrity of said Resources as identified therein. The note shall be required as a condition of approval of an application for preliminary land division, or the deed restriction shall be filed with the applicable deed in the Rock County Register of Deeds Office with said restriction required at the time of Town BSP issuance, in accordance with **4.5.** herein.
- (3) Conservation easement. Any lot subject to a land division, or on which a building or accessory building is proposed for construction or location, thirty five (35) acres or smaller and containing specified Resources, shall require a conservation easement. The conservation easement shall be required either as a condition of approval of an application for preliminary land division, or at the time of Town BSP issuance, in accordance with **4.5.** herein, and shall be recorded with the Rock County Register of Deeds. Said easement shall:
- (a) Identify the land area subject to the easement and prohibit building and accessory building sites, and earth-disturbing activity detrimental to the intent and purpose of the easement, in/on any specified Resources as identified therein;
  - (b) Designate the owner of the lot subject to the easement as grantor therein and either Rock County, the Town, or some combination thereof, as grantee therein;
  - (c) Contain any additional information deemed appropriate by the Town, Agency, or Rock County Corporation Counsel;

#### **4.5. TOWN BUILDING SITE PERMIT**

The Agency shall administer and enforce requirements for application and issuance of a Town Building Site Permit ("Town BSP") in the Town, as identified in **4.5. (1) – (6)** herein.

- (1) Application submission requirements. A Town Building Site Permit ("Town BSP") shall be required if a residential building is proposed for construction or location on a lot. Application information and forms are available at the offices of the Town and Administrator, and on the Town and Rock County websites. The application shall require an application form and fee and a Town Building Site Plan prepared in accordance with **4.4. (1)** herein.

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- (2) Administrator review. The Administrator shall review an application for a Town BSP for compliance with the Ordinance. The review shall be undertaken in accordance with Sec. 38-12. (3) of the Ordinance and completed by the Administrator within ten (10) business days of receipt of the application by the Administrator.
- (3) Administrator action. After review, the Administrator shall take action and approve or deny with findings the application for a Town BSP within ten (10) business days of receipt of the application by the Administrator and shall notify the applicant of same within the aforementioned time period. If the applicant is not notified by the Administrator within the aforementioned time period, the application shall be deemed approved by the Administrator.
- (4) Approval and issuance. If the Administrator approves the application for a Town BSP, a Town BSP shall be issued to the applicant within ten (10) business days of receipt of an application by the Administrator. Said Town BSP shall contain the Town building site plan in accordance with 4.4. (1) herein, with all construction activities and products to be completed to specifications contained therein within twelve (12) months of issuance of the Town BSP to the applicant by the Administrator. Approval and issuance of a Town BSP shall be subject to the following conditions:
  - (a) Residential building and earth-disturbing activity sites as identified in the Town residential building site plan shall not be in/on any specified Resources and either a deed restriction in accordance with 4.4. (2) herein, or a conservation easement in accordance with 4.3. (3) herein, shall be placed on the lot;
  - (b) Erosion control measures are in place on the lot in accordance with a stormwater management and erosion control plan;
  - (c) The Rock County Health Department has issued a sanitary permit for the lot or a connection to a public sanitary sewer system has been approved for the lot;
  - (d) The Rock County Public Works Department or applicable Town has issued a driveway/access control permit for the lot;
  - (e) The lot has been reviewed and approved by the Town and Administrator in accordance the Ordinance, or is otherwise permitted by law to be sold or used as a building site and containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations;
  - (f) Residential building sites, as identified in the Town building site plan, less than ten (10) feet from any building setback line, in accordance with 4.4 (1) (a), (b), (c), (d), and (e) herein, shall require a foundation survey, provided by the applicant to the Administrator. The foundation survey shall identify lot lines, building setback lines, and a building and/or accessory building's existing foundation or footings, and the distance from the lot lines to said foundation or footings, and floodplain. The foundation survey shall be submitted to the Administrator within thirty (30) days of construction of the foundation or footings. This aforementioned timeline may be extended in cases of extenuating circumstances at the discretion of the Administrator and upon submittal of a written extension request from the applicant to the Administrator;
- (5) Completion. The applicant's Town BSP obligations shall be fulfilled only if all of the following conditions have been met within twelve (12) months of issuance of the Town BSP:
  - (a) Construction of the residential building is substantially completed;

- (b) All stormwater management, erosion control, landscaping, and final grading activities over which the Town and Rock County have review authority, in accordance with any applicable ordinances, statutes, regulations, and plans, are completed;
- (6) Extension. If (5) (a) and (b) of this Sec. are not completed within twelve (12) months of issuance of the Town BSP to the applicant by the Administrator, a Town BSP extension shall be required if the applicant wishes to complete (5) (a) and (b). The applicant shall request a Town BSP extension from the Town and the Town shall issue said extension only if all of the following conditions have been met:
  - (a) Applicant requests the Town BSP extension prior to twelve (12) months from the date the Town BSP was issued;
  - (b) Applicant provides to the Town reasonable information regarding the need for the Town BSP extension, demonstrating that events leading to the extension request are beyond the control of the applicant and that no material change in the Town building site plan has or is reasonably expected to occur during the duration of the extension;
  - (c) The Town reviews the information per (b) of this Sub-sec., finds the information sufficient, and approves the Town BSP extension at a public meeting;

A Town BSP extension may not exceed twelve (12) months, unless the Town approves an additional extension on a month-to-month basis, at the request of the applicant.

**4.6. TOWN BOARD OF ADJUSTMENT AND VARIANCES AND APPEALS**

Any individual or party aggrieved by administration and enforcement of any provision of 4.1., 4.2., 4.3., 4.4., and 4.5. of this MOA may apply to the Town Board of Adjustment (BOA) for a variance to or appeal of said provisions, in accordance with Town BOA procedure.

**Article 5. PRODUCT AND SERVICE PERFORMANCE.** All products and services identified in Article 4., to include all tasks and duties required, shall be performed by the Agency within the timeframe identified in Article 1.

**Article 6. PERFORMANCE STANDARDS.** The Agency shall perform all tasks and duties, and deliver all products and services, as identified in Article 4. herein, pursuant to the standards established by County, State, and Federal ordinances, statutes and administrative rules.

**Article 7. ENTIRE AGREEMENT.** The terms and conditions contained in this MOA, and such attachments and/or appendices as may be expressly incorporated, constitute the entire agreement between the parties. Any provision of the Ordinance necessary to fulfill said terms and conditions shall also be applicable to this MOA

**Article 8. NON - DISCRIMINATION.** The parties shall not discriminate against any employee or applicant for employment or services because of race, color, religion, sex, national origin, age or physical or mental handicap in regard to any position or service for which qualified.

**Article 9. MEMORANDUM OF AGREEMENT (MOA) ADMINISTRATION.** The Agency’s MOA Administrator is Colin Byrnes, Acting Director, Rock County Planning, Economic & Community Development Agency, whose principal business address is 51 S. Main Street, Janesville, WI 53545. The telephone number of the Agency’s MOA Administrator is (608) 757-5587. In the event its MOA Administrator is unable to administer this MOA, the Agency shall designate a new MOA Administrator.

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The Town's MOA Administrator shall be the Town Board Chair. On the effective date of this MOA, the Town's MOA administrator is David Viney, whose principal business address is Wilder Road and W. County Road M, Edgerton, WI 53534. The telephone number of the Town's MOA Administrator is (608) 884-6127. In the event its MOA Administrator is unable to administer this MOA, the Town shall designate a new MOA Administrator.

Article 10. **PAYMENT.** The Agency shall provide the products and services identified in Article 4. to the Town at no monetary cost. Any applicant, in accordance with the Ordinance or 4.1., 4.2., 4.3., 4.4., 4.5., or 4.6. of this MOA, shall be subject to applicable fees payable to the Agency in accordance with Sec. 38-30. of the Ordinance.

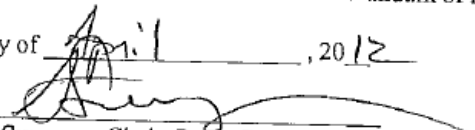
Article 11. **EXTENSION OR MODIFICATION.** Either party may request an extension or modification of this MOA. Any extension or modification of the terms of this MOA shall be in writing, in the form of an Addendum to this MOA, and approved by both the Town and the County in the same manner as this Contract was approved. If any provision of the Ordinance is amended or revised, said provision amendment or revision shall be incorporated herein only if approved by both the Town and the County in the same manner as this Contract was approved.

Article 12. **TERMINATION.** Either party shall have the right to terminate this MOA at any time, at that party's sole discretion, with the party terminating the MOA required to provide written notice of termination to the other party by Certified Mail, Return Receipt Requested.

Article 13. **COMPLIANCE WITH LAWS.** The parties agree to comply with all applicable Federal, State and local codes, regulations, standards, ordinances, and other laws.

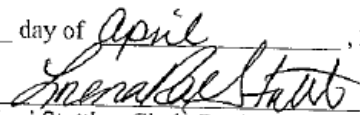
IN WITNESS WHEREOF, the parties have executed this Memorandum of Agreement (MOA).

DATED this 16 day of April, 2012

  
Alan Sweeney, Chair, Rock County Planning and Development Committee

ATTEST:

DATED this 17 day of April, 2012

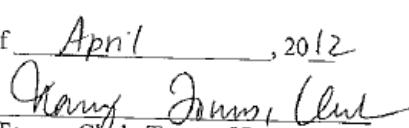
  
Lori Stottler, Clerk, Rock County

DATED this 16 day of April, 2012

  
David Viney, Chair, Town of Porter

ATTEST:

DATED this 16 day of April, 2012

  
Nancy Towns, Clerk, Town of Porter